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Tuesday
July 6, 1982

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Environmental Protection Agency

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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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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. 82-325]

Mediterranean Fruit Fly

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document amends the Mediterranean fruit fly quarantine and regulations which quarantine California and impose restrictions on the movement of regulated articles from regulated areas in California, by adding a portion of San Joaquin County to the list of regulated areas. This action is necessary as an emergency measure for the purpose of preventing the artificial spread of the Mediterranean fruit fly into noninfested areas of the United States. The effect of this action is to impose 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 the portion of San Joaquin County added to the list of regulated areas.

DATES: Effective date of amendment July 6, 1982. Written comments concerning this interim rule must be received on or before September 7, 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 8:00 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 interim rule would have an estimated annual effect on the economy of less than $100,000; 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 cause significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

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 for this rulemaking action.

Certification Under the Regulatory Flexibility Act

Dr. H. 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 a portion of San Joaquin County 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 approximately 30 small entities move such articles interstate from such portion of San Joaquin County. Further, the overall economic impact from this action is estimated to be less then $100,000.

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 without opportunity for a public comment period on this interim rule. Due to the possibility that the Mediterranean fruit fly could be spread artificially to noninfested areas of the United States, a situation exists requiring immediate action to better control the spread of this pest.

Further, 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 interim rule are impracticable and contrary to the public interest; and good cause is found for making this interim rule effective less than 30 days after publication of this document in the **Federal Register**. Comments are being solicited for 60 days after publication of this document, and a final document discussing comments received and any amendments required will be published in the **Federal Register** as soon as possible.

Background

The Mediterranean fruit fly, *Ceratitis capitata* Wiedemann, is one of the world's most destructive pests of numerous fruits and vegetables, especially citrus fruits. It can cause serious economic losses. Heavy infestations can cause complete loss of crops, and losses of 25 to 50 percent are not uncommon. Its short life cycle permits the rapid development of serious outbreaks.

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 on August 7, August 19, and September 2, 1981, and on June 1, June 17, and July 2, 1982 (46 FR 40203–40205, 42072–42073, 44144–44145; 47 FR 23682–23683, 26121–26122, and 28909–28911). The quarantine

and regulations are set forth 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. For the reasons explained below, it is necessary to amend the quarantine and regulations on an emergency basis by adding a portion of San Joaquin County to the list of regulated areas. Regulated areas are listed in § 301.78–3 of the quarantine and regulations (7 CFR 301.78–3).

Prior to the effective date of this document, all of San Mateo County and portions of Santa Clara and Santa Cruz Counties were designated as regulated areas. However, based on trapping surveys conducted by inspectors of the U.S. Department of Agriculture and State agencies of California, it has been determined that the Mediterranean fruit fly now occurs in a portion of San Joaquin County. Therefore, in order to prevent the further spread of the Mediterranean fruit fly, it is necessary as an emergency measure to amend § 301.78–3(c) of the quarantine and regulations (7 CFR 301.78–3(c)) to add to the list of regulated areas the following area in San Joaquin County in which the Mediterranean fruit fly now occurs:

San Joaquin County. That portion of San Joaquin County bounded by a line beginning where Interstate 5 intersects with the Calaveras River, then easterly along the Calaveras River to a point where it intersects with West Lane, then easterly along an imaginary line to the point where Cherryland Road intersects with Waterloo Road, then northeasterly along Waterloo Road to its intersection with Beyer Lane, then southerly along Beyer Lane to its intersection with the Stockton Terminal and Eastern Railroad, then easterly along said railroad to its intersection with Baldwin Lane, then southerly along Baldwin Lane to its intersection with State Highway 26, then easterly along State Highway 26 to its intersection with Alpine Road, then southerly along Alpine Road to its intersection with the Southern Pacific Railroad, then easterly along said railroad to a point lying due north of the junction of Farmington Road and Kaiser Road, then southerly along an imaginary line to the junction of Farmington Road and Kaiser Road, then southerly along Kaiser Road to the point where it ends, then southerly along an imaginary line to its intersection with Lone Tree Creek, then westerly along an imaginary line to the point where Union Road intersects with Lovelace Road, then westerly along Lovelace Road to its intersection with Airport Way (Durham Ferry Road), then westerly along an imaginary line to a point where Interstate 5 intersects with Manila Road, then westerly along Manila Road to its end, then westerly along an imaginary line to the beginning of Carlin Road, then westerly along Carlin Road to the point where Carlin Road intersects with Roberts Road, then northerly along Roberts Road to its intersection with Mueller Road, then due north along an imaginary line to its intersection with the San Joaquin River, then northerly and easterly along the San Joaquin River to its intersection with the Smith Canal, then easterly along the Smith Canal to its intersection with Interstate 5, then northerly along Interstate 5 to its intersection with the Calaveras River, the point of beginning.

List of Subjects in 7 CFR Part 301

Agricultural commodites, 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

San Joaquin County. That portion of San Joaquin County bounded by a line beginning where Interstate 5 intersects with the Calaveras River, then easterly along the Calaveras River to a point where it intersects with West Lane, then easterly along an imaginary line to the point where Cherryland Road intersects with Waterloo Road, then northeasterly along Waterloo Road to its intersection with Beyer Lane, then southerly along Beyer Lane to its intersection with the Stockton Terminal and Eastern Railroad, then easterly along said railroad to its intersection with Baldwin Lane, then southerly along Baldwin Lane to its intersection with State Highway 26, then easterly along State Highway 26 to its intersection with Alpine Road, then southerly along Alpine Road to its intersection with the Southern Pacific Railroad, then easterly along said railroad to a point lying due north of the junction of Farmington Road and Kaiser Road, then southerly along an imaginary line to the junction of Farmington Road and Kaiser Road, then southerly along Kaiser Road to the point where it ends, then southerly along an imaginary line to its intersection with Lone Tree Creek, then westerly along an imaginary line to the point where Union Road intersects with Lovelace Road, then westerly along Lovelace Road to its intersection with Airport Way (Durham Ferry Road), then westerly along an imaginary line to a point where Interstate 5 intersects with Manila Road, then westerly along Manila Road to its end, then westerly along an imaginary line to the beginning of Carlin Road, then westerly along Carlin Road to the point where Carlin Road intersects with Roberts Road, then northerly along Roberts Road to its intersection with Mueller Road, then due north along an imaginary line to its intersection with the San Joaquin River, then northerly and easterly along the San Joaquin River to its intersection with the Smith Canal, then easterly along the Smith Canal to its intersection with Interstate 5, then northerly along Interstate 5 to its intersection with the Calaveras River, the point of beginning.

San Mateo County. The entire county.

Santa Clara County. That portion of the county beginning at a point where Interstate 280 intersects the San Mateo-Santa Clara County line; then southeasterly along Interstate 280 to its intersection with El Monte Avenue; then northeasterly along said avenue to its intersection with Foothill Expressway; then southeasterly along said expressway to its intersection with Fremont Avenue; then east on Fremont Avenue to its intersection with Hollenbeck Avenue; then north on Hollenbeck Avenue to its intersection with El Camino Real; then southeasterly on El Camino Real to its intersection with Fair Oaks Avenue; then northerly on said avenue to its intersection with Central Expressway; then easterly on said expressway to its intersection with Lawrence Expressway; then northerly on Lawrence Expressway to its intersection with State Route 237; then due north from said intersection along an imaginary line to its intersection with the Alameda-Santa Clara County line; then westerly along said county line to the San Mateo-Santa Clara County line; then southerly along said county 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.

(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 30th day of June 1982.

Harvey L. Ford,

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

[FR Doc. 82-18176 Filed 7-2-82; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF ENERGY

10 CFR Parts 500 and 503

[Docket No. ERA-R-80-24]

Powerplant and Industrial Fuel Use Act of 1978; Cogeneration Exemption; Final Rules

AGENCY: Department of Energy.

ACTION: Final rules.

SUMMARY: The Department of Energy (DOE) is revising its final rules governing the cogeneration exemption under the Powerplant and Industrial Fuel Use Act of 1978 ("FUA" or "the Act") (46 FR 59872, 59914, December 7, 1982) ("final rules") by adopting in final form some of the rule modifications set forth in its Notice of Proposed Rulemaking (45 FR 53368, August 11, 1980) ("August 11 NOPR") to exclude from the definition of "electric generating unit," and hence from the definition of "electric powerplant," any cogeneration facility less than half of the *net* annual electric power generation of which is sold to or exchanged with an electric utility for resale. DOE is also adopting revisions to its eligibility criteria for the cogeneration exemption under § 503.37 of the final rules, first, to permit the oil and gas savings calculation to be made on the basis of a Regional Estimates Table or other reasonable estimate; second, to clarify its intention that in meeting the oil and natural gas savings requirement for the exemption, facilities that are non-jurisdictional under the Act may be included; and third, to clarify the basis upon which a petitioner may qualify under the public interest criterion. Finally, DOE is revising the definition of "Cogeneration facility" to broaden the number of facilities which can seek to qualify for the exemption.

EFFECTIVE DATE: The final rules adopted herein shall become effective on August 6, 1982. In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), the reporting or recordkeeping provisions included in § 503.47 of this final rule will be submitted for approval to the Office of Management and Budget (OMB). These provisions are not effective until OMB approval has been obtained.

FOR FURTHER INFORMATION CONTACT:

Constance L. Buckley, Fuels Conversion Division, Fuels Program, Economic Regulatory Administration, Forrestal Building, 1000 Independence Avenue SW., Room GA-093, RG-62, Washington, D.C. 20585, (202) 252-1774

Henry K. Garson, Office of the General Counsel, Department of Energy, Room 6B-178, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252-2967

Jack Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, Room 7120, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, (202) 633-8108.

SUPPLEMENTARY INFORMATION:

I. Background.
II. Comments.
III. Procedural Matters.

I. Background

On May 17, 1979, the Economic Regulatory Administration (ERA) of DOE published its interim rules for new facilities ((44 FR 28950) ("interim rules")). Sections 503.37 and 505.27 of the interim rules provided the requirements for obtaining a permanent cogeneration exemption from the prohibitions of Title II of FUA for, respectively, new powerplants and new major fuel burning installations (MFBI's). In its August 11 NOPR, ERA proposed to amend the foregoing provisions of the final rules so as to encourage cogeneration in those regions of the country where there is a potential for oil and gas savings, while ensuring that new alternate fuel fired capacity would not be deferred. The public comment period on the August 11 NOPR expired on November 7, 1980. To date, DOE has taken no further action on the August 11 NOPR.

In its final rules, DOE adopted the interim cogeneration exemption rules in final form, consolidating the powerplant and MFBI sections into § 503.37. Noting that it was "currently in the process of reviewing its cogeneration policies" (46 FR 59882 December 7, 1981), DOE simplified the procedures for obtaining the exemption but deferred action on substantive revisions recommended by the commenters.

In recognition of the important role cogeneration technologies can play in assisting the Nation to meet the energy goals of increased fuel efficiency and oil and natural gas savings, DOE is now finalizing several aspects of its August 11 NOPR concerning cogeneration. Consistent with the directive of the President's Task Force on Regulatory Relief, to "[R]educe the burdens of existing and future regulations * * * and insure well reasoned regulations * * *" (Executive Order No. 12291), these revisions will have the effect of minimizing unnecessary regulatory intervention in fuel use decisionmaking by private industry.

II. Comments

A. *Definition of Cogeneration Facility.* Under § 500.2 of DOE's final rule, a "cogeneration facility" must generate electricity that constitutes more than ten (10) percent and less than ninety (90) percent of the useful energy output of the facility. In response to comments received concerning this standard, DOE has concluded that the 10 percent minimum could exclude many energy-saving cogeneration facilities from eligibility for an exemption under the Act. Specific examples of both topping and bottoming cycle cogenerators have been described where it would not be possible to convert 10 percent of the thermal energy to electricity. Despite the fact that these configurations are less common, DOE believes that such systems should be able to take advantage of the cogeneration exemption, and is therefore adopting a 5 percent minimum electrical output test in lieu of the prior 10 percent minimum test.

B. *Definition of Electric Generating Unit.* Section 103(a)(7)(A) of FUA defines "powerplant," in part, as "any stationary electric generating unit, consisting of a boiler, a gas turbine, or a combined cycle unit, which produces electric power for purposes of sale or exchange * * *" Excluded from the definition of "electric generating unit" under section 102(a)(7)(B) of FUA, however, is any cogeneration facility, less than half of the annual electric power of which is sold or exchanged for resale, "as determined by the Secretary."

Under the foregoing definition, as interpreted in DOE's final rules, a cogenerator performing an essentially industrial function could be designated as a powerplant if more than 50 percent of its electrical output is sold or exchanged, even though such electrical output constitutes a small percentage of the total energy output of the facility. Designation as a powerplant would subject the facility to the Title II

prohibitions applicable to new powerplants, which, unlike the Title II prohibitions applicable to new MFBI's, prohibit oil and natural gas use both in boilers and non-boilers, and prohibit the construction of new powerplants without alternate fuel burning capability.

The August 11 NOPR stated that the foregoing definition of electric generating unit "might result in the designation of most new industrial cogenerators as powerplants and discourage persons planning new facilities from including cogeneration capacity due to the regulatory requirements of obtaining an exemption" (45 FR 53369). DOE proposed several alternatives for remedying this problem. Under one alternative, electricity sold by the cogenerator to the grid would be offset by purchases of electricity by the cogenerator for its own use. The resulting focus on the percentage of *net* electrical power which is sold or exchanged to persons other than the cogenerator would minimize the number of essentially industrial cogenerators falling within the definition of electric generating unit, thereby minimizing the number of industrial facilities which would be subject to the prohibitions applicable to new electric powerplants.

Comments received by DOE generally endorsed revision of the definition of electric generating unit. DOE has determined that adoption of the foregoing proposal will help encourage cogeneration in a manner consistent with the purposes of the Act, and with the President's directive, described *supra*, to minimize regulatory burdens. The definition of "electric generating unit" adopted herein therefore excludes any cogeneration facility, less than half of the net annual electric power generation of which is sold or exchanged for resale. Excluded from the phrase "net annual electric power generation" are sales or exchanges among owners of the cogenerator, *and* sales or exchanges to or with a utility for resale to the cogenerating supplier.

C. *Calculation of Oil and Gas Savings.* To qualify for a cogeneration exemption under § 503.37(a)(1), a petitioner under the current final rule must certify that it would consume less oil or natural gas with its cogeneration facility than without it. DOE has received many comments recommending that this test should encompass oil and gas savings which would be realized in facilities which are not subject to the prohibitions of the Act, as well as in those that are. DOE already explicitly authorizes oil and gas savings attributable to sub-jurisdictional units (under 100 MM Btu per hour heat input rate) to be included in the foregoing oil and gas savings calculation, but does not explicitly address the issue of the inclusion of other non-jurisdictional units, such as heaters, kilns and other fuel combustors. In response to the comments on this issue, DOE wishes to clarify at this time that it will permit a petitioner under § 503.37(a)(1) to calculate its oil and gas savings on the basis of *total* savings attributable to the proposed cogeneration facility, regardless of the status under FUA of the units in which such fuel may be burned.

Many commenters felt that the evidentiary requirement in § 503.37(b)(1)(iv) for a 10-year forecast of utility electrical generation which would be displaced by the proposed cogenerator was onerous and unwarranted. In the August 11 NOPR, DOE proposed to permit use of a Regional Estimates Table provided therein or other estimate of oil and gas savings by the petitioner in lieu of the 10-year forecast. Commenters endorsed this proposal. DOE is therefore adopting this revision to the evidentiary requirement to permit petitioners to employ the 10-year forecast, the Regional Estimates Table (reproduced herein), or any other estimate of oil and gas savings which might better reflect petitioner's specific situation.

D. *Public Interest Criterion.* In response to comments, DOE is revising § 503.37(a)(2) of its final rules to clarify that the conditions indicated therein, technical innovation and maintaining industry in urban areas, are exemplary only, and that other evidence may be presented to convince DOE that grant of the exemption would be in the public interest.

III. Procedural Matters

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

B. *Regulatory Flexibility Act.* DOE has determined that the rules adopted herein in final form will not negatively impact firms that are "small entities" within the meaning of the Regulatory Flexibility Act. Accordingly, DOE certifies that this rule is not likely to have a significant economic impact on a substantial number of small entities within the meaning of that Act. Therefore, DOE is not required to publish a final regulatory flexibility analysis under section 603 of that Act.

C. *Executive Order No. 12291.* DOE has determined that the rules adopted herein in final form are not major rules under Executive Order No. 12291, which requires the preparation of a Regulatory Impact Analysis for major regulations. These final rules will not be likely to result in an annual effect on the economy of $100 million or more. DOE foresees no major increase in costs of prices for consumers, industries, geographic regions, or Federal, State or local government agencies. DOE does not consider it likely that these rules will result in significant adverse effects on competition, employment, investment, or productivity. Therefore, no Regulatory Impact Analysis is required. These final rules were submitted to OMB for review at least 10 days prior to their publication.

List of Subjects in 10 CFR Parts 500 and 503

Business and industry; Electric powerplants; Energy conservation; Natural gas; Petroleum.

(Department of Energy Organization Act, Pub. L. 95–91, 91 Stat. 565 (42 U.S.C. 7101 *et seq.*), Powerplant and Industrial Fuel Use Act of 1978, Pub. L. 95–620, 92 Stat. 3289 (42 U.S.C. 8301 *et seq.*); E.O. 12009, FR 46267, September 15, 1977)

In consideration of the foregoing, Parts 500 and 503, Subchapter E, "Alternate Fuels" of Chapter II, Tile 10 of the Code of Federal Regulations, are amended as set forth below.

Issued in Washington, D.C. on June 25, 1982.

Rayburn Hanzlik,

Administrator, Economic Regulatory Administration.

PART 500—DEFINITIONS

For the reasons set out in the Preamble, Part 500 of Chapter II, Title 10 of the Code of Federal Regulations is amended by revising the definitions of "Cogeneration facility" and "Electric generating unit" in § 500.2, *General definitions,* to read as follows:

§ 500.2 General definitions.

* * * * *

"Cogeneration facility" means an electric powerplant or a major fuel burning installation that produces:

(1) Electric power; and

(2) Any other form of useful energy (such as steam, gas or heat) that is, or will be used, for industrial, commercial, or space heating purposes. In addition, for purposes of this definition, electricity

generated by the cogeneration facility must constitute more than five (5) percent and less than ninety (90) percent of the useful energy output of the facility.

* * * * *

"Electric generating unit" does not include:

(1) * * *

(2) Any cogeneration facility from which less than 50 percent of the net annual electric power generation is sold or exchanged for resale. Excluded from "net annual electric power generation" are sales or exchanges: (i) Among owners of the cogeneration facility; and (ii) To or with an electric utility for resale by the utility to the cogenerating supplier.

Note.—* * *

* * * * *

PART 503—NEW FACILITIES

Subpart D—Permanent Exemptions for New Facilities

For the reasons set out in the Preamble, Subpart D of Part 503 of Chapter II, Title 10 of the Code of Federal Regulations is amended by revising paragraphs (a)(2) and (b)(1)(iv) and adding a new paragraph (e) to § 503.37 (Cogeneration) as follows:

§ 503.37 Cogeneration.

(a) *Eligibility.* * * *

(1) * * *

(2) Demonstrating that:

(i) It would be in the public interest to grant an exemption to the cogeneration facility because of special circumstances such as technical innovation, maintaining industry in urban areas, or other reasons which convince DOE that granting of the exemption would be in the public interest; and

(ii) Use of mixtures is not feasible, as required under § 503.9 of these regulations.

(b) * * *

(1) * * *

(i) * * *

(ii) * * *

(iii) * * *

(iv) The petitioner may include the oil or gas that would be consumed by powerplants to generate electricity supplied to the grid to the extent that such electricity, if petitioner cogenerates, will no longer be supplied by the grid. The oil or gas portion must be based on:

(A) A 10-year forecast that includes new construction and retirement of plants within those 10 years;

(B) The Regional Estimates Table set out in paragraph (e) of this section; or

(C) Other estimates of oil and gas savings which better reflect petitioner's specific situation.

* * * * *

(e) *Regional estimates of oil and gas savings.* The following table provides regional estimates of the number of Btu's of oil/gas which may be expected to be saved per kilowatt hour (kWh) of electricity displaced by cogenerated electricity. These estimates may be used by a petitioner in calculating oil/gas savings pursuant to paragraph (b) of this section.

TABLE—REGIONAL ESTIMATES OF OIL/GAS SAVINGS ATTRIBUTABLE TO ELECTRICITY BACKED OFF THE GRID BY COGENERATION[1]

Region name		Oil/gas savings Btu/kWh
NPCC	New England, New York	7,200
MAAC	Pennsylvania, New Jersey, Maryland, Delaware, D.C.	4,700
SERC	Virginia, N. Carolina, S. Carolina, Georgia, Alabama, Tennessee, Eastern Mississippi, Florida panhandle.	300
Florida	Florida (except panhandle)	8,900
ECAR	Ohio, W. Virginia, Kentucky, Indiana, Southern Michigan.	100
MAIN	Illinois, Eastern Wisconsin, Eastern Missouri, Northern Michigan.	200
SPP	Western Mississippi, Arkansas, Northern Louisiana, Southern and Western Missouri, Kansas, Northern and Eastern Texas, Oklahoma, Eastern New Mexico.	7,000
ERCOT	Texas (except SPP areas)	9,900
MARCA	Eastern Montana, N. Dakota, Minnesota, Iowa, Nebraska, Western Wisconsin.	800
WSCC/East	Southern Idaho, Central Montana, Utah, Wyoming, Colorado, Western New Mexico, Arizona.	1,000
WSCC/West	California, Oregon, Washington, Nevada, Areas served by Bonneville Power Administration.	7,000

[1] Data are based upon expected utility capacity and oil/gas use in 1988 (*Preliminary Data on Incremental Utility Oil and Gas Consumption*, May, 1980).

Example: The proposed cogeneration project is located in Eastern Mississippi, and would displace one million kilowatt hours (kWh) from the grid each year. To determine oil/gas savings associated with electricity backed off the grid:

1. The above table identifies your region as "SERC."

2. The oil/gas savings for your region according to the table are 300 Btu/kWh.

3. The annual oil/gas savings attributable to electricity backed off the grid by your cogenerator is: 1,000,000 kWh × 300 Btu/kWh = 300,000,000 Btu.

[FR Doc. 82-18216 Filed 7-2-82; 8:45 am]

BILLING CODE 6450-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 125

[Revision 1, Amdt. 2]

Procurement Assistance; Eligibility Requirements for Certificate of Competency Applicants

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: This notice withdraws the amendment made to 13 CFR 125.5, regarding eligibility requirements for certificate of competency applicants for procurement assistance, on May 24, 1982, by the final rule published at 47 FR 22347–22349. That final rule was erroneously published in the **Federal Register** prior to approval by the Office of Management and Budget pursuant to the provisions of Executive Order 12291. Therefore, SBA is hereby withdrawing that rule at this time pending such review and approval, and restoring 13 CFR 125.5 to its status prior to May 24, 1982.

EFFECTIVE DATE: July 6, 1982.

FOR FURTHER INFORMATION CONTACT: Robert J. Moffitt, Director, Office of Industrial Assistance, 1441 L Street, N.W., Washington, D.C. 20416, (202) 653–7035.

List of Subjects in 13 CFR Part 125

Government contracts, Government procurement, Small businesses, Technical assistance, Certificates of competency.

PART 125—PROCUREMENT ASSISTANCE

Accordingly, 13 CFR 125.5 is revised to read as follows:

§ 125.5 Certificate of competency program.

The Certificate of Competency program is authorized under section 8(b)(7) (A), (B), and (C) of the Small Business Act. A Certificate of Competency (COC) is a written instrument issued by SBA to a Government contracting officer, certifying that a small concern (or group of such concerns) named therein possesess the responsibility and/or eligibility to perform a specific Government procurement (or sale) contract.

Issuance

(a) Government procurement officers, and officers engaged in the sale and disposal of Federal property, upon determining and documenting that a small business lacks certain elements of

responsibility, including but not limited to competency, capability, capacity, credit, integrity, perseverance, and tenacity, notify SBA of such determination. Award is withheld by the contracting officer for a period up to 15 working days following the date of receipt by SBA of notice of such determination (with appropriate documentation) in order to permit SBA to investigate the elements referred and certify as to the bidder's responsibility with respect to the elements referred.

(b) Upon receipt of this notification, SBA personnel then contact the company concerned to inform it of the impending decision, and to offer an opportunity to apply to SBA for a COC. A concern wishing to apply to SBA for a COC advises the SBA regional office for the geographic area within which the concern is located. Upon timely receipt of required documentation, a team of SBA personnel is sent to the firm to investigate the responsibility of the applicant as to the specific elements of responsibility referred to SBA and make recommendations to the Regional Administrator.

(c) If the Regional Administrator's decision is negative, the COC is denied and both the firm and procuring activity are notified. If the Regional Administrator's decision is affirmative and the procurement is less than $500,000, the Regional Administrator issues a COC. Contracting officers will be informed in advance of issuing. For procurements in excess of $500,000, if the Regional Administrator recommends issuance of the Certificate, the Associate Administrator for Procurement Assistance, SBA Central Office, causes a review to be made and either issues or denies the Certificate. If the Associate Administrator's decision is negative, the firm and procuring activity are so informed; if affirmative, a letter certifying the responsibility of the firm as to the elements of responsibility referred (the Certificate of Competency) is sent to the procuring activity and the applicant informed of such issuance by the regional office. By terms of the Small Business Act, as amended, the COC is conclusive as to responsibility. Contracting officers are directed to award a contract without requiring the firm to meet any other requirement with respect to responsibility.

(d) The notification to an unsuccessful applicant concern will briefly state the reason for denial and inform the applicant that a meeting may be requested with the appropriate SBA regional personnel to discuss the reasons for denial. Upon receipt of a request for such a meeting, the appropriate regional personnel will confer with the applicant and explain fully the reasons for SBA's action. However, such conference will be for the sole purpose of enabling the applicant to improve or correct deficiencies and will not constitute a basis for reopening the case in which the Certificate was denied.

(e) After a COC is awarded for capacity or credit and the contract is let to the applicant, SBA keeps a close watch on the progress. Monthly checks are made by SBA field personnel who report directly to the Central Office on the status of the contract. In this way SBA technical assistance is constantly available to the contractor.

(f) A small business concern shall not be eligible for a COC unless it performs a significant portion of the contract with its own facilities and personnel to assure SBA that the bidder is not simply an agent.

(g) A non-manufacturing concern which submits bids or offers in its own name on a set-aside procurement shall not be eligible for a COC unless the end items to be furnished under the contract will be manufactured by a small business concern in the United States. The product of a large business may only be supplied on a non-set-aside procurement and that product and the responsibility of the manufacturer must be acceptable to the procuring activity. The responsibility of the small non-manufacturer is certified, not the large manufacturer. In the event of a tie bid, preference shall be given to the concern supplying the product of a small business.

(h) A Government procurement officer documenting that a small concern is ineligible due to the provisions of section 35(a) of Title 41, U.S.C. (the Walsh-Healey Public Contracts Act) notifies SBA of such determination. SBA may certify the concern is eligible for the specific contract or concur with the finding of inelgibility and refer the matter to the Secretary of Labor for final disposition.

(i) SBA by law issues a certification on the basis that officers of the Government having procurement or property disposal powers are directed to accept such certification as conclusive, and shall let the contract to such concern without requiring it to meet any other requirement of responsibility or eligibility.

(Sec. 8(b)(7) of Small Business Act, as amended)

Dated: June 28, 1982.

James C. Sanders,

Administrator.

[FR Doc. 82-18093 Filed 7-2-82; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 82-NW-47-AD; Amdt. 39-4413]

Airworthiness Directives; British Aerospace Model HS/BH/DH 125 Airplanes Up To and Including Series 600

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Rescission of final rule.

SUMMARY: This amendment rescinds an existing Airworthiness Directive (AD), 82-08-08, which required a one-time inspection for clearance between the left hand engine fuel line and the flap control unit input lever on HS/BH/DH 125 airplanes. A previously published AD (81-06-06) addresses the same problem.

DATE: Effective date July 12, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Harold N. Wantiez, Foreign Aircraft Certification Branch, ANM-150S, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, Telephone (206) 767-2530. Mailing address: FAA Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: AD 82-08-08 required a one-time inspection for adequate clearance and relocation, as necessary, of the left hand engine fuel line on HS/BH/DH 125 airplanes in accordance with British Aerospace Aircraft Group 125 Service Bulletin No. 28-69, Revision 1, dated June 25, 1979. After the AD was published, it was learned that an existing AD, 81-06-06, also required the same service bulletin inspection. AD 82-08-08 is considered to be unnecessary and is accordingly rescinded.

Since this amendment relieves a restriction, it has no adverse economic impact, and imposes no additional burden on any person. Therefore, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by rescinding Airworthiness Directive 82-08-08 (Amendment 39-4366, 47 FR 16616, April 19, 1982).

This rescission becomes effective July 12, 1982.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The Federal Aviation Administration has determined that this document involves an amendment that is relieving in nature and does not impose any additional burden on any person. This amendment is not major under Executive Order 12291 (46 FR 13193; February 19, 1981) and not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Because its anticipated impact is so minimal, it does not warrant preparation of a regulatory evaluation. I certify that it will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act because it is relieving in nature and because it involves few, if any, small entities.

Issued in Seattle, Washington, on June 21, 1982.

Robert O. Brown,

Acting Director, Northwest Mountain Region.

[FR Doc. 82-18019 Filed 7-2-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-AGL-4]

Alteration of Control Zone; North Dakota

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal Action is to redescribe the Grand Forks Air Force Base, North Dakota, airport control zone by reference to the airport's geographical position in lieu of any reference to the Red River VOR.

The intended effect of this action is to ensure and maintain controlled airspace within the described control zone as necessary for aeronautical operations at Grand Forks, AFB, and to insure segregation of the aircraft using approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions.

EFFECTIVE DATE: September 2, 1982.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The Grand Forks AFB control zone description currently makes reference to the Red River VOR. The Air Force intends to decommission the VOR for economic and maintenance reasons. It is necessary to redescribe the control zone prior to initiating any action toward decommissioning the Red River VOR. The new description designates small portions of airspace east and west of the current north extension, and east and west of the current south extension, where the airspace will not be designated as controlled from the surface up to the base of the existing 700-foot transition area. The new description will also return a portion approximately 2 miles by 3½ miles of the current south extension to a non-controlled status where the floor of the designated airspace will be raised from the surface up to 700 feet above the surface.

Aeronautical maps and charts will reflect the defined areas which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

History

On page 19552 of the **Federal Register** dated May 6, 1982, the FAA proposed to amend § 71.171 of the Federal Aviation Regulations (14 CFR Part 71) so as to alter the control zone near Grand Forks, North Dakota (Grand Forks Air Force Base). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.171 of Part 71 of the Federal Aviation Regulations was published in Advisory Circular AC 70-3 dated January 29, 1982.

List of Subjects in 14 CFR Part 71

Control zones, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 GMT, September 2, 1982, as follows:

Grand Forks, North Dakota (Grand Forks Air Force Base)

Within a 5-mile radius of Grand Forks AFB Airport (Latitude 47°57'40" N., Longitude 97°24'03" W.); within 2.5 miles each side of the 003° bearing from the airport, extending from the 5-mile radius zone to 7 miles north of the airport; within 2.5 miles each side of the 175° bearing from the airport, extending from the 5-mile radius zone to 7 miles south of the airport.

(Secs. 307(a) and 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 is certified that this—(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 Des Plaines, Illinois, on June 22, 1982.

Paul K. Bohr,

Director, Great Lakes Region.

[FR Doc. 82-17984 Filed 7-2-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-ASW-23]

Alteration of Transition Area; Paragould, AR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will alter the transition area at Paragould, AR. The intended effect of the amendment is to provide adequate controlled airspace for aircraft executing a new instrument approach procedure to the Paragould Municipal Airport, AR. This amendment is necessary to provide controlled airspace for aircraft executing a new instrument approach procedure using a nondirectional radio beacon (NDB) located at latitude 36°01'48"N., longitude 90°35'49"W.

EFFECTIVE DATE: September 2, 1982.

FOR FURTHER INFORMATION CONTACT: James L. Owens, Airspace and Procedures Branch (ASW-536), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O.

Box 1689, Fort Worth, TX 76101, telephone (817) 624–4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

On May 17, 1982, a notice of proposed rulemaking was published in the **Federal Register** (47 FR 21080) stating that the Federal Aviation Administration proposed to alter the Paragould, AR, transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes, this amendment is that proposed in the notice.

List of Subjects in 14 CFR Part 71

Control zones, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart G of Part 71, § 71.181, of the Federal Aviation Regulations (14 CFR Part 71) as republished in Advisory Circular AC 70–3 dated January 29, 1982, is amended, effective 0901 G.m.t., September 2, 1982, as follows:

Paragould, AR Revised

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Paragould Municipal Airport, AR (latitude 36°03'41" N., longitude 90°30'41" W.), and within 2.5 miles each side of the 247° bearing from the Walcott NDB (latitude 36°01'48" N., longitude 90°35'49" W.) extending from the 5-mile radius to 11 miles southwest of the NDB, excluding the portion within the Jonesboro, AR, Control Zone.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

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 1103; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. It is certified that the rule will not have a significant economic impact on a substantial number of small entities as the anticipated impact is minimal.

Issued in Fort Worth, TX, on June 25, 1982.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 82-17991 Filed 7-2-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-AGL-49]

Alteration of Transition Area; Fairfield, Ill.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal Action is to designate additional controlled airspace determined necessary to encompass a new instrument procedure and to return some designated airspace to a non-controlled status due to the cancellation of an instrument procedure. Both procedures involve Fairfield Municipal Airport, Fairfield, Illinois.

EFFECTIVE DATE: September 2, 1982.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL–530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694–7360.

SUPPLEMENTARY INFORMATION: The additional airspace required will contain a new NDB Runway 9 approach procedure and will be within 4 miles each side of the 260° bearing from the Fairfield NDB facility extending from the 5-mile radius to 8½ miles west-southwest of the NDB. A prior NDB Runway 36 instrument procedure has been cancelled, and the airspace to be returned to a non-controlled status is within 3 miles each side of the 179° bearing from the Fairfield Airport extending from the 5-mile radius to 8 miles south of the airport.

In the area of the additional airspace, the floor of the controlled airspace will be lowered from 1,200 feet above the surface to 700 feet above the surface. The development of the new procedure requires that the FAA alter the designated airspace to insure that the procedure will be contained within the controlled airspace. The minimum descent altitudes for the NDB Runway 9 procedure may be established below the floor of the 700-foot controlled airspace.

In the area of the revoked airspace, the floor of the controlled airspace will be raised from 700 feet above the surface to 1,200 feet above the surface.

Aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

History

On page 19551 of the **Federal Register** dated May 6, 1982, the FAA proposed to amend § 71.181 of the Federal Aviation Regulations (14 CFR Part 71) so as to alter the transition area airspace near Fairfield, Illinois. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 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

Transition areas, Aviation safety.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me, Section 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., September 2, 1982, as follows:

Fairfield, Illinois

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Fairfield Municipal Airport (latitude 38°23'00" N., longitude 88°25'00" W.); and within 4 miles each side of the NDB facility 260° bearing, extending from the 5-mile radius to 8½ miles west-southwest of the NDB.

(Secs. 307(a) and 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 is certified that this—(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 naviation, 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 Des Plaines, Illinois, on June 22, 1982.

Paul K. Bohr,

Director, Great Lakes Region.

[FR Doc. 82-17981 Filed 7-2-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-AGL-47]

Alteration of Transition Area; Illinois

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal Action is to designate an additional amount of controlled airspace determined necessary to encompass an NDB Runway 22 instrument procedure for Casey Municipal Airport, Casey, Illinois. The additional airspace is within 3 miles each side of the 050° bearing from the airport extending from the 5-mile radius to 8 miles northeast.

The intended effect of this action is to insure segregation of the aircraft using approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions.

EFFECTIVE DATE: September 2, 1982.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The development of the procedure requires that the FAA alter the designated airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitudes for this procedure may be established below the floor of the 700-foot controlled airspace.

Aeronautical maps and charts will reflect the defined areas which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

History

On page 17304 of the **Federal Register** dated April 22, 1982, the FAA proposed to amend § 71.181 of the Federal Aviation Regulations (14 CFR Part 71) so as to alter the transition area airspace near Casey, Illinois. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was published in Advisory Circular AC 70-3 dated January 29, 1982.

List of Subjects in 14 CFR Part 71

Transition areas, Aviation safety.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 GMT, September 2, 1982, as follows:

Casey, Illinois

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Casey Municipal Airport (latitude 39°18'07" N., longitude 88°00'13" W.); within 3 miles each side of the 211° bearing from the airport extending from the 5-mile radius area to 8 miles southwest of the airport; and within 3 miles each side of the 050° bearing from the airport extending from the 5-mile radius area to 8 miles northeast of the airport.

(Secs. 307(a) and 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 Des Plaines, Illinois, on June 21, 1982.

Paul K. Bohr,

Director, Great Lakes Region.

[FR Doc. 82-17980 Filed 7-2-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-AGL-7]

Alteration of Transition Area, Portland, Ind.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate an additional amount of controlled airspace determined necessary to encompass an NDB Runway 9 instrument procedure for Steed Field Airport, Portland, Indiana. The additional airspace is within 3 miles each side of the 280° bearing from the airport extending from the 6-mile radius to 8.5 miles west of the airport.

The intended effect of this action is to insure segregation of the aircraft using approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions.

EFFECTIVE DATE: September 2, 1982.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The development of the proposed procedure requires that the FAA alter the designated airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitudes for this procedure may be established below the floor of the 700-foot controlled airspace.

Aeronautical maps and charts will reflect the defined areas which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

History

On page 17303 of the **Federal Register** dated April 22, 1982, the FAA proposed to amend Section 71.181 of the Federal Aviation Regulations (14 CFR Part 71) so as to alter the transition area airspace near Portland, Indiana. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 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

Transition areas, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 GMT, September 2, 1982, as follows:

Portland, Indiana

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Steed Field Airport (latitude 40°26'59" N., longitude 84°59'11" W.); and within 2 miles each side of the 100° bearing from Steed Field Airport, extending from the 6-mile

radius to 8 miles east of the airport; and within 3 miles each side of the 280° bearing from the Steed Field Airport, extending from the 6-mile radius to 8.5 miles west of the airport.

(Secs. 307(a) and 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 Des Plaines, Illinois, on June 11, 1982.

Paul K. Bohr,

Director, Great Lakes Region.

[FR Doc. 82-17990 Filed 7-2-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-AGL-10]

Designation of Transition Area, Indiana

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate controlled airspace near Jeffersonville, Indiana, to accommodate a new instrument approach into Clark County Airport, Jeffersonville, Indiana, established on the basis of a request from the Clark County Airport officials to provide that facility with instrument approach capability utilizing the Nabb, Indiana VORTAC.

The intended effect of this action is to insure segregation of the aircraft using approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions.

EFFECTIVE DATE: September 2, 1982.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinios 60018, telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedures requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimun descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace.

Aeronautical maps and charts will reflect the area of the instrument procedures, which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements. The Clark County Airport symbol will also be depicted at the same time.

History

On page 19552 of the **Federal Register** dated May 6, 1982, the FAA proposed to amend Section 71.181 of the Federal Aviation Regulations (14 CFR Part 71) so as to establish a 700-foot controlled airspace transition area near Jeffersonville, Indiana. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was published in Advisory Circular AC 70-3 dated January 29, 1982.

List of Subjects in 14 CFR Part 71

Transition areas, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Section 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 GMT, September 2, 1982, as follows:

Jeffersonville, Indiana

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Clark County Airport (latitude 38°21'57"N., longitude 85°44'18"W), excluding the portion designated as Louisville, Kentucky; and within 1.75 miles each side of the Nabb, Indiana, VORTAC 199 radial extending from the 6.5-mile radius to 7.5 miles northeast of Clark County Airport.

(Secs. 307(a) and 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 is certified that this—(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 Des Plaines, Illinois, on June 22, 1982.

Paul K. Bohr,

Director, Great Lakes Region.

[FR Doc. 82-17985 Filed 7-2-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-ACE-07]

Designation of Transition Area; Smith Center, Kansas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to designate a 700-foot transition area at Smith Center, Kansas, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Smith Center, Kansas, Municipal Airport, utilizing the Mankato VOR/DME as a navigational aid. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

EFFECTIVE DATE: September 2, 1982.

FOR FURTHER INFORMATION CONTACT: Don A. Peterson, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION: To enhance airport usage, a new instrument approach procedure to the Smith Center, Kansas, Municipal Airport is being established utilizing the Mankato VOR/DME as a navigational aid. The establishment of an instrument approach procedure based on this approach aid entails designation of a transition area at Smith Center, Kansas, at or above 700 feet above the ground (AGL) within which aircraft are provided air traffic control service. Transition areas are designed to contain

IFR operations in controlled airspace during portions of the terminal operation and while transiting between the terminal and enroute environment. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR). This action will change the airport status from VFR to IFR.

Discussion of Comments

On page 12808 of the **Federal Register** dated March 25, 1982, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Smith Center, Kansas. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t. September 2, 1982, by designating the following transition area:

Smith Center, Kansas

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Smith Center Municipal Airport (Latitude 39°45'41.5"N, Longitude 98°47'31.5"W).

(Secs. 307(a) and 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 sec. 11.69 of the Federal Aviation Regulations (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 Kansas City, Missouri, on June 23, 1982.

Murray E. Smith,

Director, Central Region.

[FR Doc. 82-18122 Filed 7-2-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-ASO-20]

Alteration of Control Zone; Jackson, Mississippi

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment alters the Jackson, Mississippi, Control Zone by revoking an arrival extension associated with Hawkins Field. A change in instrument approach procedures at Hawkins Field negates the need for the Control Zone extension.

DATES: Effective date: 0901 G.m.t., October 28, 1982. Comments must be received on or before October 1, 1982.

ADDRESSES: Send comments on the rule in triplicate to:

Federal Aviation Administration, Chief, Airspace and Procedures Branch, ASO-530, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320;

The official docket may be examined in the Office of the 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:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves revocation of an unneeded Control Zone extension at Hawkins Field 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 regulation. After the review, if the FAA finds that 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, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to alter the Jackson, Mississippi, Control Zone by revoking an unneeded arrival extension associated with Hawkins Field. The arrival extension was previously designated to provide controlled airspace for aircraft executing the VOR-A instrument approach procedure to Hawkins Field. Establishment of an Instrument Landing System to serve Hawkins Field negates the need for the VOR-A instrument approach procedure and associated arrival extension. Section 71.171 of Part 71 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 a need for a regulation to revoke the unneeded Control Zone extension. Since this amendment relieves a restriction and imposes no additional burden on any person, I find that notice or public procedure under 5 U.S.C. 553(b) is unnecessary and impracticable.

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Control zone.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (as amended) is further amended, effective 0901 G.m.t., October 28, 1982, as follows:

Jackson, Mississippi—Amended

By deleting the words "* * * within 2.5 miles each side of the Jackson VORTAC 194° radial, extending from the 5-mile radius zone to 1 mile south of the VORTAC * * *"

(Secs. 307(a) and 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 East Point, Georgia, on June 14, 1982.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 82-17994 Filed 7-2-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-ASO-9]

Alteration of Transition Area, Wadesboro, N.C.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction of final rule.

SUMMARY: This action corrects the description of the amended Wadesboro, North Carolina, transition area. The final rule published in the **Federal Register** (47 FR 23700) on Tuesday, June 1, 1982, altered the Wadesboro, North Carolina, transition area by adding an extension and reference to the Wadesboro NDB. When the transition area was redefined to incorporate the above changes, the geographical coordinates of the NDB were erroneously listed. The purpose of this amendment is to correct the defectively written description. Since this action is editorial in nature, further notice and public procedure are not necessary. The effective date of this correction coincides with the effectivity of the original amendment. To avoid confusion, the complete description, as corrected, is presented in the text of this corrective amendment.

EFFECTIVE DATE: 0901 G.m.t., September 2, 1982.

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.

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Transition area.

SUPPLEMENTARY INFORMATION:

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the amended description of the Wadesboro, North Carolina, transition area (14 CFR 71.181) published on June 1, 1982, (47 FR 23700) is revoked in its entirety and substituted for it, effective 0901 G.m.t., September 2, 1982, is a corrected description to read as follows:

Wadesboro, North Carolina—Revised

By deleting the words "* * * southwest of the VORTAC * * *" and substituting for them the words "* * * southwest of the VORTAC; within 3 miles each side of the 340° bearing from the Wadesboro RBN (Lat. 35°01'26"N., Long. 80°05'00"W.), extending from the 6.5-mile radius area to 8.5 miles north of the RBN * * *"

(Secs. 307(a) and 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 East Point, Georgia, on June 24, 1982.

Thomas H. Protiva,

Acting Director, Southern Region.

[FR Doc. 82-18123 Filed 7-2-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-AGL-5]

Designation of Transition Area, Ohio

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate controlled airspace near Beach City, Ohio, to accommodate a new instrument approach into Beach City Airport, established on the basis of a request from the Beach City Airport officials to provide that facility with instrument approach capability utilizing the Briggs, Ohio, VORTAC.

The intended effect of this action is to insure segregation of the aircraft using approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions.

EFFECTIVE DATE: September 2, 1982.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedures requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace.

Aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

History

On page 17305 of the **Federal Register** dated April 22, 1982, the FAA proposed to amend § 71.181 of the Federal Aviation Regulations (14 CFR Part 71) so as to establish a 700-foot controlled airspace transition area near Beach City, Ohio. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 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

Transition areas, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 GMT, September 2, 1982, as follows:

Beach City, Ohio

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Beach City Airport (latitude 40°38'47.5" N, longitude 81°33'20.3" W), excluding that portion which overlies the Akron, Ohio, transition area.

(Secs. 307(a) and 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 is certified that this—(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 Des Plaines, Illinois, on June 21, 1982.

Paul K. Bohr,

Director, Great Lakes Region.

[FR Doc. 82-17983 Filed 7-2-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-AGL-3]

Designation of Transition Area, Wisconsin

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate controlled airspace near Ladysmith, Wisconsin, to accommodate a new NDB Runway 32 instrument approach into Rusk County Airport, established on the basis of a request from the Rusk County Airport officials to provide that facility with instrument approach capability.

The intended effect of this action is to insure segregation of the aircraft using approach procedures in instrument weather conditions from other aircraft operating under visual weather conditons.

EFFECTIVE DATE: September 2, 1982.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1,200' above ground to 700' above ground. The development of the proposed instrument procedures requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace.

Aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

History

On page 19554 of the Federal Register dated May 6, 1982, the FAA proposed to amend § 71.181 of the Federal Aviation Regulations (14 CFR Part 71) so as to establish a 700-foot controlled airspace transition area near Ladysmith, Wisconsin. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was published in Advisory Circular AC 70-3 dated January 29, 1982.

List of Subjects in 14 CFR Part 71

Transition areas, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended effective 0901 GMT, September 2, 1982, as follows:

Ladysmith, Wisconsin

That airspace extending upward from 700 feet above the surface within a 6½ mile radius of the Rusk County Airport (latitude 45°29'57" N., Longitude 91°00'06" W.) at Ladysmith, Wisconsin, and extending 3 miles either side of the 151° bearing from the Ladysmith NDB, extending from 6½ miles to 8½ miles.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.C.S. 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 is certified that this—(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 Des Plaines, Illinois, on June 22, 1982.

Paul K. Bohr,

Director, Great Lakes Region.

[FR Doc. 82-17982 Filed 7-2-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 91

[Docket No. 21022A; Reg. Notice No. 91-100]

Emergency Air Traffic Regulations Issued Under Section 91.100 of the Federal Aviation Regulations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Update of emergency air traffic regulations.

SUMMARY: Section 91.100 of the Federal Aviation Regulations (FAR) (14 CFR 91.100) requires aircraft operators to comply with emergency air traffic regulations issued under that section and covered by Notices to Airmen (NOTAMs) that are also issued under that section. This documemt provides notice of regulations already adopted that were immediately effective under § 91.100, for which the FAA has also issued NOTAMs. It adds, to Notice 91-100, emergency regulations implementing Special Federal Aviation Regulation (SFAR) No. 44, as amended, that were necessary to respond to a shortage in air traffic control personnel.

EFFECTIVE DATE/TIME: As stated in each regulation listed.

ADDRESSES: Send comments on the listed regulations, in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 21022A, 800 Independence Avenue, SW., Washington, DC 20591. Comments may be examined in the Rules Docket, Room 915, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: B. Keith Potts, Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 426-3731.

SUPPLEMENTARY INFORMATION:

Comments Invited

The regulations issued under § 91.100 and listed herein are emergency final rules involving immediate air traffic requirements throughout the United States. The need for immediate regulatory response under § 91.100 is stated at 46 FR 16666, *et. seq.* In issuing

the regulations in this notice, the FAA has found that the conditions cited in § 91.100 exist or will exist and that the regulations are necessary in order to respond to those conditions in the public interest. Where necessary, these regulations may be supplemented or amended hourly, or even more frequently, as air traffic conditions change. Accordingly, good cause exists for making these regulations effective immediately, without prior notice and public procedure.

Comments are invited on any aspect of the listed regulations, individually or cumulatively, and on any aspect of the emergency air traffic control conditions they respond to. When § 91.100 was issued, the FAA noted that it was an emergency regulation under Executive Order 12291 and DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and had no cost impact in itself since it was only procedural. However, the FAA also stated (at 46 FR 16669) that the regulations distributed in accordance with § 91.100 will be evaluated individually, as appropriate, to determine whether they have cost impacts. To assist the FAA in determining, as soon as practicable after issuance, the cost impacts of the regulations issued under § 91.100, comments on economic impact are specifically invited.

Commenters wishing the FAA to acknowledge receipt of their comments in response to these rules must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 21022A." The postcard will be date/time stamped and returned to the commenter.

Effect of Publication

Publication, in the **Federal Register**, of emergency air traffic regulations issued under § 91.100 provides constructive legal notice of those regulations to all persons who may not have received the NOTAMs concerning those regulations or who otherwise may not have legal notice of the adoption of those regulations. This document provides this constructive legal notice of immediately effective emergency regulations that have already been adopted. Additional emergency rules will be published periodically if the need for their adoption continues.

Availability Prior to Publication: Preflight Requirement

Since there is a necessary time lag between the issuance of emergency air traffic regulations and NOTAMs under § 91.100 and the publication of these regulations in the **Federal Register**, and since these regulations and NOTAMs respond to emergency conditions that exist, or will exist, relating to the FAA's ability to operate the Air Traffic Control System, the NOTAMs concerning these regulations are available at operating air traffic facilities and Regional Air Traffic Division offices prior to **Federal Register** publication and as long as they remain effective. Under § 91.5 *Preflight Action* (14 CFR 91.5), each pilot in command is required to familiarize himself or herself with all available information concerning, each flight.

Air Traffic Controller Shortage: SFAR No. 44, as Amended

The air traffic regulations listed in this amendment to Notice 91–100 follow the adoption of SFAR No. 44, as amended, in response to an organized air traffic controller job action. The emergency aspects of that action are described at 46 FR 39997, *et seq.* As a result, air traffic control facilities have experienced staffing shortages that have reduced the level of air traffic that can be handled with the required levels of safety and efficiency. To ensure that these levels of safety and efficiency are fully maintained during this shortage of air traffic personnel, the emergency regulations listed in section 2 of this notice have been issued under § 91.100.

Regulatory Impact

The FAA has determined that the regulations listed in this notice are emergency regulations that are not major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to these regulations, since they were issued in response to existing or expected emergency conditions relative to FAA's ability to operate the Air Traffic Control System. It has been further determined that the listed regulations are emergency regulations under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If these regulations are later determined to be significant, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

List of Subjects in 14 CFR Part 91

Air traffic control, Airspace, Aviation safety.

Notice of Adoption

Accordingly, pursuant to the authority delegated to me by the Administrator in § 91.100 of the Federal Aviation Regulations (14 CFR 91.100; 46 FR 16666, March 13, 1981) and that cited below, the following emergency air traffic regulations have been adopted and covered by NOTAMS under that section.

(Secs. 307, 313(a), 601, 603, 902, 1110, and 1202, Federal Aviation Act of 1958, as amended (49 U.S.C. 1348, 1354(a), 1421, 1442, 1443, 1472, 1510, and 1522); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

In consideration of the foregoing, § 2 of Notice 91–100 is hereby amended by adding the following emergency regulations following the regulation numbered FDC No. 2/204.

Air Traffic Controller Shortage of 1981, and Related Emergency Conditions (SFAR–44, as Amended; Docket No. 21022A).

* * * * *

FDC 2/698 Emergency Flight Rules March 22, 1982. Flight Plan Filing—Augusta, Georgia/Masters Golf Tournament Reservation Rule effective March 22, 1982, 1720 G.m.t.

The Masters event is expected to cause approximately 1,000 IFR aircraft operations to be added to the Air Traffic Control (ATC) system. To accommodate this traffic without excessive arrival delays and excessive inconvenience to the public, increased ATC staffing and arrival reservations will be required.

Current rules issued under SFAR No. 44, as amended, do not provide the air traffic system with the flexibility to accommodate much of this added traffic. For example, only a departure reservation, regardless of destination, is required under the General Aviation Reservation Rule (GAR). This precludes ATC facilities from effectively managing an above normal and concentrated arrival demand for a specific destination.

Pilots proposing general aviation flight to the Augusta area will be excluded from the requirements of the GAR once they have obtained an IFR arrival reservation from the Central Flow Control Facility (CFCF). However, IFR departure reservation provisions under GAR will remain in effect for flights departing the Augusta area. Reservations for VFR flight will not be required; however, appropriately rated pilots should anticipate the possibility of instrument meteorological conditions and flights plan accordingly.

Accordingly, pursuant to SFAR No. 44, as amended, and FAR § 91.100, the

following rule is effective immediately to provide for the safe, orderly handling and movement of IFR traffic.

1. No person may operate a nonscheduled general aviation flight under IFR into the specified area between the hours of 0800 e.s.t. to 1200 e.s.t. during the period beginning April 6, 1982, and ending on April 12, 1982, without an IFR arrival reservation issued by the CFCF.

2. For the purpose of this rule, the specified area includes the airspace within a 30-nautical mile radius of Augusta, Georgia, and includes the following airports:

Thompson McDuffie County
Daniel
Bush
Aiken

3. Each person planning IFR flight into the specified area shall comply with paragraphs 4 through 6 of this rule in lieu of GAR requirements.

4. Arrival reservations must be obained from the CFCF (Telephone Number (202) 382–6868).

5. No person may contact the CFCF for the purpose of obtaining an IFR arrival reservation under this rule prior to 0900 e.s.t. on April 3, 1982.

6. Each person receiving an IFR arrival reservations number from the CFCF must include it in the remarks section of the appropriate IFR flight plan as filed with ATC.

FDC 2/735 Emergency Flight Rules April 26–May 2, 1982. Flight Plan Filing—Louisville, Kentucky/Kentucky Derby Reservation Rule effective March 26, 1982, 1705 G.m.t.

The Derby event is expected to cause approximately 500 IFR aircraft operations to be added to the Air Traffic Control (ATC) system. To accommodate this traffic without excessive arrival delays and inconvenience to the public, increased ATC staffing and arrival reservations will be required.

Current rules issued under SFAR No. 44, as amended, do not provide the air traffic system with the flexibility to accommodate much of this added traffic. For example, only a departure reservation, regardless of destination, is required under the General Aviation Reservation Rule (GAR). This precludes ATC facilities from effectively managing an above normal and concentrated arrival demand for a specific destination. Further, under the GAR, departure reservations cannot be obtained earlier than 24 hours prior to the estimated departure time. This provision does not facilitate accommodation planning.

Pilots proposing general aviation flight to the Louisville area will be excluded from the requirements of the GAR once they have obtained an IFR arrival reservation. Departure reservations for IFR flight from the Louisville area will be required and advance request and filing will be necessary.

Reservations for VFR flight will not be required; however, appropriately rated pilots should anticipate the possibility of instrument meteorological conditions and flight plan accordingly. Pilots who plan IFR return flights and obtain IFR departure reservations under this rule, have the advantage of being able to know their return departure date and time prior to leaving their "home" for the Louisville area.

Accordingly, pursuant to SFAR No. 44, as amended, and FAR § 91.100, the following rule is effective immediately to provide for the safe, orderly handling and movement of IFR traffic:

1. No person may operate a nonscheduled general aviation flight under IFR into or out of the specified area during the specified periods without an IFR arrival reservation issued by the Central Flow Control Facility (CFCF) or an IFR departure reservation issued by Louisville Flight Service Station (FSS).

2. For the purpose of this rule, the specified area includes the airspace within which a 30-nautical mile radius of the Standiford Airport, Louisville, Kentucky, and includes the Standiford and Bowman Airports.

3. For the purpose of this rule, the specified periods are as follows:

Arrivals—April 29, 1000 G.m.t., to May 2, 0100 G.m.t. Departures—May 1, 2200 to 0300 G.m.t.; May 2, 1100 to 0200 G.m.t.

4. Each person planning IFR flight under this rule shall comply with this rule in lieu of the GAR requirements.

5. Arrival reservations must be obtained from the CFCF (telephone number (202) 382–6866).

6. Departure reservations for flight from the specified area must be obtained from the Louisville FSS (telephone number (502) 451–5344) and flight plans must be filed with Louisville FSS no later than 4 hours prior to the proposed departure time.

7. No person may request a reservation under this rule prior to 1200 G.m.t. on April 26, 1982.

8. Each person receiving a reservation number must include it in the remarks section of the IFR flight plan as filed with ATC for the inbound and outbound flights, as appropriate.

FDC 2/862 Cancel FDC 2/698.

FDC 2/867 Emergency Flight Rules April 19, 1982. Flight Plan Filing—General Aviation Reservation Rule effective April 19, 1982, 0600 local time.

The IFR capacity of the enroute Air Traffic Control (ATC) system has increased and permits relaxation of the IFR Flight Plan Filing/General Aviation Reservation (GAR) Rule. Specifically, the Salt Lake and Seattle ARTCCs are now able to accommodate certain aircraft from FL 180 through FL 280 without requiring reservations under the GAR. Other operators will also benefit from this relaxation because there will be less demand for available reservations. Accordingly, pursuant to SFAR No. 44, as amended, and FAR § 91.100, the following regulation is effective in the 20 conterminous ARTCC areas to provide for the safe, orderly handling and movement of IFR traffic.

1. All aircraft operators planning a flight under IFR with a proposed departure/enroute pick-up time from 0600 LCL to 1959 LCL shall file a flight plan with and obtain a departure/enroute pick-up reservation from an FAA Flight Service Station (FSS) at least 30 minutes before but not more than 24 hours before his/her proposed departure/enroute time if any segment of the flight will enter ARTCC airspace.

2. ATC clearance must be requested not later than 30 minutes after proposed departure/enroute pick-up time.

3. Multiple-Leg Flight Plans may be filed provided—

A. The conditions of paragraph 1 above are met.

B. The last proposed departure/enroute pick-up time does not exceed the 24-hour filing time limitation specified in paragraph 1 above.

C. The same departure/enroute pick-up point is not specified twice in the request.

D. The request does not involve more than three departure/enroute pick-up points.

4. The provisions of this regulation do not apply to the following operators and flights:

A. FAR Part 121 or Part 135 operators with FAA/ICAO approved two-letter and three-letter call signs.

B. Military flights.

C. Medical emergency flights.

D. Presidential and Vice-Presidential flights.

E. FAA critical flights.

F. FAR Part 93 Subpart K flights to or from high density airports during the period airport reservations are required. Reservations at these airports: John F. Kennedy Airport, La Guardia Airport, Chicago O'Hare Airport, and Washington National Airport, may be adjusted consistent with the pro rate reductions in effect for the time the reservation is requested.

G. Flights originating within the airspace areas of Anchorage and Honolulu Air Route Traffic Control Centers.

H. Turbojet aircraft operations at FL 290 and above.

I. Nonstop flights destined for airports outside the continental United States.

J. Turboprop and turbosupercharged aircraft operations at FL 180 through FL 280 within or between the Seattle and Salt Lake ARTCC areas.

5. Limitations on obtaining an IFR clearance while airborne remain in effect in the Anchorage ARTCC area as specified in the pertinent regulatory NOTAM.

FDC 2/915 Cancel FDC 1/2760 and FDC 1/2775.

FDC 2/973 Emergency Flight Rules May 1–May 6, 1982. Flight Plan Filing—Houston, Texas/Offshore Oil Technology Conference Reservation Rule effective April 26, 1982, 2030 G.m.t.

The offshore oil technology conference event is expected to cause approximately 1,000 IFR aircraft operations to be added to the Air Traffic Control (ATC) system. To accommodate this traffic without excessive delays, increased ATC staffing and arrival reservations will be required. Current rules issued under SFAR No. 44, as amended, do not provide the ATC system with the flexibility to accommodate much of this added traffic. For example only a departure reservation, regardless of destination, is required under the General Aviation Reservation (GAR) Rule. This precludes ATC facilities from effectively managing an above normal and concentrated arrival demand for a specific destination. Pilots proposing general aviation flight to the Houston area will be excluded from the requirements of the GAR once they have obtained an IFR arrival reservation. However, departure reservations for IFR flight from the Houston area will still be required under GAR. Reservations for VFR flight will not be required; however, appropriately rated pilots should anticipate the possibility of instrument meteorological conditions and flight plan accordingly. Pursuant to SFAR No. 44, as amended, and FAR § 91.100, the following rule is effective immediately to provide for the safe, orderly handling and movement of IFR traffic:

1. No person may operate a nonscheduled general aviation flight under IFR into the following airports during the effective periods of this rule without a reservation issued under this rule: Houston Intercontinental Airport and William P. Hobby Airport.

2. The effective periods are as follows:

Arrivals—May 3 through May 6, 1982, daily from 0700 to 2100 c.d.t.

3. Each person planning IFR flight under this rule shall comply with, in lieu of the GAR, the following:

A. Reservations may only be requested after 1400 G.m.t. on May 1, 1982.

B. An arrival reservation is required and must be obtained from the Central Flow Control Facility (Telephone Number (202) 382–6866.

C. Flight plans may only be filed after receiving a reservation but must be filed at least 4 hours prior to the proposed departure time.

4. Each person receiving a reservation number under this rule must include it in the remarks section of the appropriate flight plan as filed with ATC.

FDC 2/1049 Cancel 2/735.

FDC 2/1087 Cancel 2/973.

FDC 1/1093 Emergency Flight Rules May 24–June 2, 1982. Flight Plan Filing—Indianapolis, Indiana/Indy 500 Reservation Rule effective May 7, 1982, 1958 GMT.

The Indy event is expected to cause approximately 1,400 IFR aircraft operations to be added to the Air Traffic Control (ATC) system. To accommodate this traffic without excessive delays and inconvenience to the public, increased ATC staffing and reservations will be required.

Current rules issued under SFAR No. 44, as amended, do not provide the air traffic system with the flexibility to accommodate much of this added traffic. For example, only a departure reservation, regardless of destination, is required under the General Aviation Reservation (GAR) Rule. This precludes ATC facilities from effectively managing an above normal and concentrated arrival demand for a specific destination. Further, under the GAR, departure reservations cannot be obtained earlier than 24 hours prior to the estimated departure time. This provision does not facilitate accommodation planning.

Pilots proposing general aviation flight to the Indianapolis area will be excluded from the requirements of the GAR once they have obtained an IFR arrival reservation. Departure reservations for IFR flight from the Indianapolis area will be required and advance request and filing will be necessary.

Reservations for VFR flight will not be required; however, appropriately rated pilots should anticipate the possibility of instrument meteorological conditions and flight plan accordingly. Pilots who plan IFR return flights and obtain IFR departure reservations under this rule have the advantage of being able to know their return departure date and time prior to leaving their "home" for the Indianapolis area.

Accordingly, pursuant to SFAR No. 44, as amended, and FAR § 91.100, the following rule is effective immediately to provide for the safe, orderly handling and movement of IFR traffic:

1. No person may operate a nonscheduled general aviation flight under IFR into or out of the Indianapolis area during the effective periods of this rule without a reservation issued under this rule.

2. The Indianapolis area includes the airspace within a 30-nautical mile radius of Indianapolis, Indiana, and includes the following airports:

Indianapolis International (IND)
Speedway (3SY)
Metropolitan (4I8)
Mt. Comfort (2IN2)
Brownsburg (I01)
Eagle Creek (I14)
Terry (I52)
Brookside (I21)
Skyway (5I1)
Lebanon (6I4)

3. The effective periods are as follows:

Arrivals—May 28, 1100 G.m.t. to May 30, 1600 G.m.t.

Departures—May 30, 2000 G.m.t. to June 2, 0300 G.m.t.

4. Each person planning IFR flight under this rule shall comply with, in lieu of the GAR, the following:

A. Reservations may only be requested after 1400 G.m.t. on May 24, 1982.

B. An arrival reservation to the Indianapolis area is required and must be obtained from the Central Flow Control Facility (Telephone Number (202) 382–6866).

C. A departure reservation from the Indianapolis area is required and must be obtained from the Indianapolis FSS (Telephone Number (317) 244–3316).

D. Flight plans may only be filed after receiving a reservation but must be filed at least 4 hours prior to the proposed departure time.

E. Flight plans for flight from the Indianapolis area must be filed with Indianapolis FSS.

5. Each person receiving a reservation number under this rule must include it in the remarks section of the appropriate flight plan as filed with ATC.

FDC 2/1099 Emergency Flight Rules May 24–June 2, 1982. Flight Plan Filing—Indianapolis, Indiana/Indy 500 Reservation Rule effective May 10, 1982, 1352 G.m.t..

The Indy event is expected to cause approximately 1,400 IFR aircraft operations to be added to the Air Traffic

Control (ATC) system. To accommodate this traffic without excessive delays and inconvenience to the public, increased ATC staffing and reservations will be required.

Current rules issued under SFAR No. 44, as amended, do not provide the air traffic system with the flexibility to accommodate much of this added traffic. For example, only a departure reservation, regardless of destination, is required under the General Aviation Reservation (GAR) Rule. This precludes ATC facilities from effectively managing an above normal and concentrated arrival demand for a specific destination. Further, under the GAR, departure reservations cannot be obtained earlier than 24 hours prior to the estimated departure time. This provision does not facilitate accommodation planning.

Pilots proposing general aviation flight to the Indianapolis area will be excluded from the requirements of the GAR once they have obtained an IFR arrival reservation. Departure reservations for IFR flight from the Indianapolis area will be required and advance request and filing will be necessary.

Reservations for VFR flight will not be required; however, appropriately rated pilots should anticipate the possibility of instrument meteorological conditions and flight plan accordingly. Pilots who plan IFR return flights and obtain IFR departure reservations under this rule have the advantage of being able to know their return departure date and time prior to leaving their "home" for the Indianapolis area.

Accordingly, pursuant to SFAR No. 44, as amended, and FAR § 91.100, the following rule is effective immediately to provide for the safe, orderly handling and movement of IFR traffic:

1. No person may operate a nonscheduled general aviation flight under IFR into or out of the Indianapolis area during the effective periods of this rule without a reservation issued under this rule.

2. The Indianapolis area includes the airspace within a 30-nautical mile radius of Indianapolis, Indiana, and includes the following airports:

Indianapolis International (IND)
Speedway (3SY)
Metropolitan (4I8)
Mt. Comfort (2IN2)
Brownsburg (I01)
Eagle Creek (I14)
Terry (I52)
Brookside (I21)
Skyway (5I1)
Lebanon (6I4)

3. The effective periods are as follows:

Arrivals—May 28, 1100 G.m.t. to May 30, 1600 G.m.t.

Departures—May 30, 2000 G.m.t. to June 2, 0300 G.m.t.

4. Each person planning IFR flight under this rule shall comply with, in lieu of the GAR, the following:

A. Reservations may only be requested after 1400 G.m.t. on May 24, 1982.

B. An arrival reservation to the Indianapolis area is required and must be obtained from the Central Flow Control Facility (Telephone Number (202) 382–6866).

C. A departure reservation from the Indianapolis area is required and must be obtained from the Indianapolis FSS (Telephone Number (317) 244–3316).

D. Flight plans may only be filed after receiving a reservation but must be filed at least 4 hours prior to the proposed departure time.

E. Flight plans for flight from the Indianapolis area must be filed with Indianapolis FSS.

5. Each person receiving a reservation number under this rule must include it in the remarks section of the appropriate flight plan as filed with ATC.

Cancel FDC 1/1093.

FDC 2/1235 Emergency Flight Plan Rules June 7, 1982. IFR Flight Plan Filing/General Aviation Reservation Rule effective June 7, 1982, 0600 local time.

The IFR capacity of the enroute ATC system is increasing and permits relaxation of the IFR Flight Plan Filing/General Aviation Reservation (GAR) Rule. Some ARTCCs are able to accommodate more operations under certain conditions without requiring reservations under the GAR rule. Other operators will also benefit from this relaxation because there will be less demand for available reservations. Although it has been possible to relax the GAR in some cases, it has also become necessary to require a minimum distance for turbojet operations at FL 290 and above because of problems created by aircraft attempting to attain that altitude on short trips. Accordingly, pursuant to Special Federal Aviation Regulation No. 44, as amended, and Federal Aviation Regulations Section 91.100, the following regulation is effective in the 20 conterminous ARTCC areas to provide for the safe, orderly handling and movement of IFR traffic.

1. All aircraft operators planning a flight under IFR with a proposed departure/enroute pick-up time from 0600 LCL to 1959 LCL shall file a flight plan with and obtain a departure/enroute pick-up reservation from an FAA Flight Service Station at least 30 minutes before but not more than 24 hours before his/her proposed departure/enroute time if any segment of the flight will enter ARTCC airspace.

2. ATC clearance must be requested not later than 30 minutes after proposed departure/enroute pick-up time.

3. Multiple-Leg Flight Plans may be filed provided—

A. The conditions of paragraph 1 above, are met.

B. The last proposed departure/enroute pick-up time does not exceed the 24-hour filing time limitation specified in paragraph 1, above.

C. The same departure/enroute pick-up point is not specified twice in the request.

D. The request does not involve more than three departure/enroute pick-up points.

4. The provisions of this regulation do not apply to the following operators and flights:

A. FAR Part 121 or Part 135 operators with FAA/ICAO approved two-letter or three-letter call signs.

B. Military flights.

C. Medical emergency flights.

D. Presidential or Vice-Presidential flights.

E. FAA critical flights.

F. FAR Part 93 Subpart K flights to or from high density airports during the period airport reservations are required. Reservations at these airports: John F. Kennedy Airport, LaGuardia Airport, Chicago O'Hare Airport, and Washington National Airport, may be adjusted consistent with the pro rata reductions in effect for the time the reservation is requested.

FDC 2/1279 Cancel FDC 2/1099.

FDC 2/1344 Cancel FDC 2/867.

Issued in Washington, D.C., on June 25, 1982.

R. J. Van Vuren,

Director, Air Traffic Service.

[FR Doc. 82-17992 Filed 7-2-82; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Part 385

[Reg. OR-199; Organization Reg. Amdt. No. 126]

Delegations and Review of Action Under Delegation; Nonhearing Matters

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB delegates authority to the Director, Bureau of Domestic Aviation and Director, Bureau of International Aviation, to issue orders instituting investigations of applicants for airline certificates. These instituting orders are generally routine, and this delegation will save time in responding to certificate applications.

DATES: Adopted: June 29, 1982. Effective: July 6, 1982.

FOR FURTHER INFORMATION CONTACT: David Schaffer, Office of the General Counsel, Rules & Legislation Division, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673-5442.

SUPPLEMENTARY INFORMATION: Under section 401 of the Federal Aviation Act, a person seeking to engage in air transportation must first obtain a certificate of public convenience and necessity from the Board. Presently, when the Board receives an application for a section 401 certificate, it issues an order instituting an investigation to examine whether the applicant is fit, willing, and able to provide the air service it proposes and other matters relating to its application. While the investigation might not be of a routine nature, the order instituting that investigation is. The Board is therefore delegating authority to its Bureau of Domestic Aviation to issue such an order when the applicant is proposing to provide domestic, or domestic and foreign, transportation. When the applicant is proposing to provide foreign air transportation only, authority is delegated to the Director, Bureau of International Aviation, to issue the instituting order. These delegations will save time in responding initially to certificate applications. If, however, objections are raised to the application that should be discussed in the instituting order, or nonoral expedited procedures are being proposed, then the order will have to be handled by the Board. The ultimate question of whether the certificate should be granted is addressed by the Board in a later order after the investigation is completed.

Since this is a rule of agency organization and procedure, the Board finds that notice and public procedure are unnecessary and that the rule may take effect in less than 30 days.

List of Subjects in 14 CFR Part 385

Administrative practice and procedure, Authority delegations.

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTERS

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

1. The authority for Part 385 is:

Authority: Secs. 102, 204, 401, 402, 403, 407, 416, Pub. L. 85-726, as amended, 72 Stat. 740, 743, 754, 757, 758, 766, 771, 49 U.S.C. 1302, 1324, 1371, 1372, 1373, 1377, 1386; Reorganization Plan No. 3 of 1961, 26 FR 5989.

2. A new paragraph (v) is added to § 385.13, to read:

§ 385.13 Delegation to the Director, Bureau of Domestic Aviation.

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

* * * * *

(v) With respect to an application under section 401 of the Act for a certificate to engage in interstate, overseas, and foreign scheduled air transportation or to engage in interstate, overseas, or foreign charter air transportation, issue an order instituting an investigation of the applicant's fitness and other issues related to the application, where no person has already filed an objection to the application and the investigation will be conducted by oral hearing procedures.

* * * * *

3. A new paragraph (j) is added to § 385.26, to read:

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

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

* * * * *

(j) With respect to an application under section 401 of the Act for a certificate to engage in foreign air transportation, issue an order instituting an investigation of the applicant's fitness and other issues related to the application, where no person has already filed an objection to the application and the investigation will be conducted by oral hearing procedures.

* * * * *

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-18214 Filed 7-2-82; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 32

[T.D. 7823]

Temporary Employment Tax Regulations Under the Act of December 29, 1981 (Pub. L. 97-123); Withholding Social Security or Railroad Retirement Tax From Sick Pay

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document provides temporary regulations governing withholding, depositing, and paying social security or railroad retirement taxes on payments made on account of sickness or accident disability. Changes to the applicable tax law were made by the Act of December 29, 1981 (Pub. L. 97-123). These regulations affect employers and third parties making payments and employees receiving payments on account of sickness or accident disability and provide them with the guidance necessary to comply with the law.

DATE: The regulations apply to payments made on account of sickness or accident disability on or after January 1, 1982.

FOR FURTHER INFORMATION CONTACT: Pamela F. Olson of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3459).

SUPPLEMENTARY INFORMATION:

Background

This document contains temporary regulations relating to withholding, depositing, and paying social security or railroad retirement taxes on payments made on account of sickness or accident disability under sections 3121 and 3231 of the Internal Revenue Code of 1954, as amended by section 3 of the Act of December 29, 1981 (Pub. L. 97-123, 95 Stat. 1662, 1663). Further, a new Part 32, Temporary Employment Tax Regulations under the Act of December 29, 1981 (Pub. L. 97-123), is added by this document to Title 26 of the Code of Federal Regulations. The temporary regulations provided by this document will remain in effect until superseded by final regulations on this subject.

General Rule

The temporary regulations require an

employer or third party making a payment on account of sickness or accident disability on or after January 1, 1982, to withhold, deposit, and pay the applicable social security or railroad retirement taxes based on the amount of the payment and provide a receipt of the amount of any such payment to the employee pursuant to section 6051. The regulations allow third parties to transfer to the employer liability for paying the employer portion of the tax and responsibility for providing a receipt to the employee if they promptly (1) withhold the employee share of the tax, (2) deposit such portion pursuant to section 6302, and (3) notify the employer for whom services are normally rendered of the amount of the payment.

The regulations define "employer for whom services are normally rendered" as the last employer for whom the employee worked. Notification of the employer will be considered to be prompt if such notice is mailed on or before the required date for the deposit of the employee share of the tax by the third party. For purposes of the employer's paying the employer portion of the tax, payment to the employee will be deemed to have been made on the date that the employer receives notice of such payment from the third party.

The regulations do not apply to a payment which is made under a workmen's compensation law, the Railroad Retirement Act, the Railroad Unemployment Insurance Act for days of sickness related to on-the-job injury, or which is unrelated to absence from work, is made after the expiration of six calendar months following the last calendar month in which the employee worked, or is attributable to a contribution by the employee.

The regulations allow a third party to request and rely on certain information from the employer in order to avoid overpayment of tax with respect to any employee receiving a payment on account of sickness or accident disability.

The regulations provide that no penalty or interest will be assessed for the failure to make timely payment of tax from January 1, 1982, through June 30, 1982.

Employees of State and local governments may or may not be participants in the social security system. State and local governments that have elected to become part of the social security system do so by means of an agreement with the Secretary of Health and Human Services. Under these agreements, State governments make contributions equivalent to the social security tax which are deposited in Federal Reserve banks and accounted for to the Social Security Administration. Third parties making payments to employees of State and local governments should, therefore, contact the State or local government to determine the proper procedures to follow to insure correct and timely deposits and accurate wage reports.

Evaluation of the effectiveness of these regulations will be based on comments received from offices within the Treasury and the Internal Revenue Service, other governmental agencies, and the public.

Non-Applicability of Executive Order 12291

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

Regulatory Flexibility Act

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

Drafting Information

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

List of Subjects in 26 CFR Part 32

Employment taxes, Social security, Railroad retirement.

Adoption of Amendments to the Regulations

Accordingly, a new Part 32, Temporary Employment Tax Regulations under the Act of December 29, 1981 (Pub. L. 97-123), is added to Title 26 of the Code of Federal Regulations. Part 32 reads as follows:

PART 32—TEMPORARY EMPLOYMENT TAX REGULATIONS UNDER THE ACT OF DECEMBER 29, 1981 (PUB. L. 97-123)

Sec.

32.1 Social security taxes with respect to payments on account of sickness or accident disability.

32.2 Railroad retirement taxes with respect to payments on account of sickness or accident disability.

Authority: 95 Stat. 1662 and 1663, 26 U.S.C. 3121(a) and 3231(e)(4); 68A Stat. 917, 26 U.S.C. 7805.

§ 32.1 Social security taxes with respect to payments on account of sickness or accident disability.

(a) *General rule.* Notwithstanding the provisions of § 31.3121(a)(2)—1(a)(2), the amount of any payment on or after January 1, 1982, made to, or on behalf of, an employee or any of his dependents on account of sickness or accident disability is not excluded from the term "wages" as defined in section 3121(a)(2)(B) unless such payment is—

(1) Received under a workmen's compensation law, or

(2) Made by a third party pursuant to a contractual agreement between the employer and third party entered into prior to December 14, 1981, but then only if—

(i) The third party's coverage for that employee's group ceases prior to March 1, 1982,

(ii) No third party payment is made to such employee under that contract after February 28, 1982, and

(iii) The cessation of the third party's coverage for that employee's group indefinitely terminates the contractual relationship between the third party and the employer as to sickness and accident disability benefits for that employee's group.

See section 3121(a)(4) and § 31.3121(a)(4)—1 for the exclusion from the term "wages" of any payment on account of sickness or accident disability made after the expiration of 6 calendar months following the last calendar month in which the employee worked.

(b) *Examples.* The application of the provisions of subparagraph (2) of paragraph (a) may be illustrated by the following examples:

Example (1). Company Q enters into a contract on August 31, 1981, with Insurance Company R to provide sickness and accident disability payments to Q's employees. The contract expires on February 28, 1982. On March 1, 1982, Q enters into a new contract with R to provide sickness and accident disability payments to Q's employees. Payments made by R pursuant to the contract expiring February 28, 1982, are included in "wages" as defined in section 3121(a)(2)(B).

Example (2). Company S enters into a contract on November 15, 1981, with Insurance Company T to provide sickness and accident disability payments to S's employees. The contract expires on February 15, 1982, and is not renewed. A, one of S's employees, has been receiving sickness payments from T since December 1, 1981. T makes its final payment to A on February 22, 1982. The payments made by T to A pursuant to its contract with S are not included in "wages" as defined in section 3121(a)(2)(B).

(c) *Workmen's compensation laws.* (1) For purposes of paragraph (a)(1) of this

section, a payment made under a workmen's compensation law does not include a payment made pursuant to a State temporary disability insurance law.

(2) If an employee receives a payment on account of sickness or accident disability which is not made under a workmen's compensation law and which must be repaid if the employee receives a workmen's compensation award with respect to the same period of absence from work, such payment is not excluded from the term "wages" as defined in section 3121(a)(2)(B).

(d) *Sickness or accident disability.* For purposes of paragraph (a) of this section, a payment made on account of sickness or accident disability includes any payment for personal injuries or sickness includible in gross income under section 105(a) and the regulations thereunder and thus does not include—

(1) Any amount which is expended for medical care as described in section 105(b) and § 1.105–2,

(2) Any payment which is unrelated to absence from work as described in section 105(c) and § 1.105–3, or

(3) Any payment or a portion thereof which is attributable to a contribution by the employee as determined in paragraphs (d) and (e) of § 1.105–1.

A payment made on account of sickness or accident disability does not include any payment which is excludable from gross income under section 104(a) (2), (4), or (5). An employee who elects to reduce his compensation or to forgo an increase in his compensation under a salary reduction agreement with an employer will not be deemed to have made employee contributions to the sickness or accident disability plan or system if the employee is not subject to income or social security taxes on the reduction in compensation. A tax which is paid by an employee to fund a State temporary disability insurance program is not considered a contribution by the employee for purposes of subparagraph (2) of this paragraph (d).

(e) *Payments by third parties.* (1) Any third party making a payment on account of sickness or accident disability which payment is not excluded from the term "wages" under paragraph (a) of this section shall be treated as the employer with respect to such wages, except as provided in subparagraphs (2) and (3) of this paragraph. Accordingly, such third party must withhold from such payment the tax imposed on the employee by section 3101, pay the tax imposed on employers by section 3111, deposit such taxes pursuant to section 6302 and § 31.6302(c)–1(a), and provide the receipts required by section 6051 and §§ 31.6051–1 and 31.6051–2.

(2) If any third party who is treated as the employer solely by reason of the applicability of subparagraph (1) of this paragraph promptly—

(i) Withholds the tax imposed on the employee by section 3101,

(ii) Deposits such tax pursuant to section 6302 and § 31.6302(c)–1(a), and

(iii) Notifies the employer for whom services are normally rendered of the amount of the wages paid on which tax was withheld and deposited,

then the employer (and not the third party) shall be required to pay the tax imposed by section 3111 and to comply with the requirements of section 6051 and §§ 31.6051–1 and 31.6051–2 with respect to the wages. For purposes of subdivision (ii) of this subparagraph, the taxes described in subdivision (i) shall be treated by the third party as if included in the term "taxes" as defined in § 31.6302(c)–1(a)(1)(iii). For purposes of subdivision (iii) of this subparagraph, the notice must be provided by the third party within the time required for the deposit of the tax under subdivision (ii) of this subparagraph. For the purpose of providing the notice, the rules of section 7502(a), relating to timely mailing being treated as timely filing, shall apply. The employer, if notified pursuant to subdivision (iii) of this subparagraph by a third party who has complied with the requirements of subdivisions (i) and (ii) of this subparagraph, must deposit the tax imposed by section 3111 in accordance with § 31.6302(c)–1(a). For purposes of § 31.6302(c)–1(a)(1)(iii)(*b*), with respect to the employer for whom services are normally rendered the term "taxes" shall not include any tax imposed on employers by section 3111 that is required to be paid by a third party under subparagraph (1) of this paragraph until the employer receives notification from the third party under subdivision (iii) of this subparagraph (2).

(3) A third party making a payment on account of sickness or accident disability to an employee as agent for the employer or making such a payment directly to the employer shall not be treated as the employer under subparagraph (1) with respect to such payment unless the agency agreement so provides. The determining factor as to whether a third party is an agent of the employer is whether the third party bears any insurance risk. If the third party bears no insurance risk and is reimbursed on a cost plus fee basis, the third party is an agent of the employer even if the third party is responsible for making determinations of the eligibility of individual employees of the employer for payments on account of sickness or accident disability. If the third party is paid an insurance premium and not reimbursed on a cost plus fee basis, the third party is not an agent of the employer, but the third party is treated as the employer as provided in subparagraph (1) of this paragraph (e).

(4) In order to avoid overpayment of taxes which would result from paying taxes—

(i) On remuneration which exceeds the annual contribution and benefit base (as described in section 3121(a)(1)),

(ii) With respect to a period of time which exceeds the 6-calendar-month period described in section 3121(a)(4), or

(iii) On a payment or a portion thereof which is attributable to a contribution by the employee,

the third party may request information from the employer as to the total wages earned by the employee for the calendar year in which the third party is making payments, as to the last date on which the employee worked for the employer during such year, and as to the amount of any contribution by the employee. Except if the third party has reason not to believe any information supplied by the employer as the result of a request made pursuant to the preceding sentence, the third party may rely on such information in complying with the requirements of subparagraphs (1) and (2) of this paragraph (e). The third party may not rely on representations of the employee as to the information which may be requested of the employer in complying with the requirements of subparagraphs (1) and (2) of this paragraph (e).

5. The application of the provisions of this paragraph may be illustrated by the following examples:

Example (1). Pursuant to an agreement with Company U, Insurance Company V makes payments on account of sickness or accident disability to U's employees. Such payments are not made under a workmen's compensation law. U reimburses V for all such payments and pays V a fee for its expenses of administering the payments. V is not treated as the employer with respect to such payments.

Example (2). Pursuant to an agreement with Company W, Insurance Company X indemnifies W for the amount of any payments which W must make to an employee on account of sickness or accident disability. Such payments are not made under a workmen's compensation law. X makes its indemnity payments directly to W. W makes the payments to its employees. X is not treated as the employer with respect to such payments.

Example (3). Pursuant to an agreement with Company Y (which is not an agency agreement described in subparagraph (3) of this § 32.1(e)), Insurance Company Z makes

payments on account of sickness or accident disability to Y's employees. Such payments are not made under a workmen's compensation law. Z does not notify Y of the amount of such payments. Z is treated as the employer with respect to such payments.

(f) *Penalties and interest on payments made from January 1, 1982, to June 30 1982.* No penalty under section 6656(a) or interest under section 6601 will be assessed for the failure to make timely payments to the tax imposed by section 3101 or section 3111 on payments made on account of sickness or accident disability, which payments of tax are made after December 31, 1981, and before July 1, 1982, to the extent that the failure is due to reasonable cause and not willful neglect.

(g) *Special rules.* (1) For purposes of subdivision (iii) of paragraph (e)(2), the last employer for whom the employee worked prior to becoming sick or disabled or for whom the employee was working at the time he became sick or disabled shall be deemed to be the employer for whom services are normally rendered, provided that such employer made contributions on behalf of such employee to the plan or system under which the employee is being paid.

(2) The application of the provisions of subparagraph (1) of this paragraph (g) may be illustrated by the following examples:

Example (1). B is employed by Company M. B becomes sick and is absent from work for 3 months. While B is absent from work, he receives sick pay from Insurance Company N pursuant to a plan established by M and to which M has made contributions on behalf of B. M is the employer for whom services are normally rendered by B.

Example (2). C is employed by Company O and is also employed on a part-time basis by Company Q. C becomes sick while at work at Q's place of business. C is absent from work for 3 months. While C is absent from work he receives sick pay from Insurance Company P pursuant to a plan established by O and to which O has made contributions on behalf of C. O is the employer for whom services are normally rendered by C.

Example (3). D is a member of a labor union whose members receive health and welfare benefit payments from a trust fund which is supported by the contributions of the various employers who employ the labor union's members. D has been employed by Company R for 4 days when he becomes sick and is absent from work for 3 months. While D is absent form work he receives sick pay from his union's trust fund to which R has made contributions on D's behalf. R is the employer for whom services are normally rendered by D.

(3) For purposes of paragraph (e) of this section, in the case of payments on account of sickness or accident disability made to employees by a third party insurer pursuant to a contract of insurance with a multiemployer plan which is obligated to make payments on account of sickness or accident disability to such employees pursuant to a collectively bargained agreement, if the third party insurer making the payments complies with the requirements of subdivisions (i) and (ii) of subparagraph (2) of paragraph (e) and notifies the plan of the amount of wages paid on which tax was withheld and deposited within the time required for notification of the employer under subparagraph (2) of paragraph (e), then the plan (and not the third party insurer) shall be required to pay the tax imposed by section 3111 and to comply with the requirements of section 6051 and §§ 31.6051–1 and 31.6051–2 with respect to such payments unless, within 6 business days of the receipt of such notification, the plan notifies the employer for whom services are normally rendered of the amount of the wages on which tax was withheld and deposited. If the plan provides such notice to the employer, the employer (and not the plan) shall be required to pay the tax imposed by section 3111 and to comply with the requirements of section 6051 and §§ 31.6051–1 and 31.6051–2 with respect to the wages.

§ 32.2 Railroad retirement taxes with respect to payments on account of sickness or accident disability.

(a) *General rule.* Notwithstanding the provisions of § 31.3231(e)–1(a)(3)(i), the amount of any payment on or after January 1, 1982, made to, or on behalf of, an employee or any of his dependents on account of sickness or accident disability is not excluded from the term "compensation" as defined in section 3231(e)(1) (for purposes of applying sections 3201(b) and 3221(b) (and so much of section 3211(a) as relates to the rates of the taxes imposed by sections 3101 and 3111)) unless such payment is—

(1) Received under a workmen's compensation law,

(2) Received as a benefit under the Railroad Retirement Act of 1974,

(3) Made after the expiration of 6 calendar months following the last calendar month in which such employee worked,

(4) Made by a third party pursuant to a contractual agreement between the employer and third party entered into prior to December 14, 1981, but then only if—

(i) The third party's coverage for that employee's group ceases prior to March 1, 1982,

(ii) No third party payment is made to such employee under that contract after February 28, 1982, and

(iii) The cessation of the third party's coverage for that employee's group terminates indefinitely the contractual relationship between the third party and the employer as to sickness and accident disability benefits for that employee's group; or

(5) Made under section 2(a) of the Railroad Unemployment Insurance Act for days of sickness, to the extent that such sickness (as determined in accordance with standards prescribed by the Railroad Retirement Board) is the result of on-the-job injury.

The 6-calendar-month provision described in subparagraph (3) of this paragraph shall be applied in a manner comparable to the 6-calendar-month provision described in § 31.3121(a)(4)–1.

(b) *Examples.* The application of the provisions of subparagraph (4) of paragraph (a) may be illustrated by the following examples:

Example (1). Company Q enters into a contract on August 31, 1981, with Insurance Company R to provide sickness and accident disability payments to Q's employees. The contract expires on February 28, 1982. On March 1, 1982, Q enters into a new contract with R to provide sickness and accident disability payments to Q's employees. Payments made by R pursuant to the contract expiring February 28, 1982, are included in "compensation" as defined in section 3231(e)(1).

Example (2). Company S enters into a contract on November 15, 1981 with Insurance Company T to provide sickness and accident disability payments to S's employees. The contract expires on February 15, 1982, and is not renewed. A, one of S's employees, has been receiving sickness payments from T since December 1, 1981. T makes its final payment to A on February 22, 1982. The payments made by T to A pursuant to its contract with S are not included in "compensation" as defined in section 3231(e)(1).

(c) *Workmen's compensation laws.* (1) For purposes of paragraph (a)(1) of this section, a payment made under a workmen's compensation law does not include a payment made pursuant to a State temporary disability insurance law.

(2) If an employee receives a payment on account of sickness or accident disability which is not excluded from the term "compensation" under paragraph (a) (1) or (2) of this section and which must be repaid if the employee receives a workmen's compensation award with respect to the same period of absence from work, such payment is not excluded from the term "compensation" as defined in section 3231(e)(1).

(d) *Sickness or accident disability.* For purposes of paragraph (a) of this

section, a payment made on account of sickness or accident disability includes any payment for personal injuries or sickness includible in gross income under section 105(a) and the regulations thereunder and thus does not include—

(1) Any amount which is expended for medical care as described in section 105(b) and § 1.105–2,

(2) Any payment which is unrelated to absence from work as described in section 105(c) and § 1.105–3, or

(3) Any payment or a portion thereof which is attributable to a contribution by the employee as determined in paragraphs (d) and (e) of § 1.105–1.

A payment made on account of sickness or accident disability does not include any payment which is excludable from gross income under section 104(a) (4) or (5).

An employee who elects to reduce his compensation or to forgo an increase in his compensation under a salary reduction agreement with an employer will not be deemed to have made employee contributions to the sickness or accident disability plan or system if the employee is not subject to income or railroad retirement taxes on the reduction in compensation.

A tax which is paid by an employee to fund a State temporary disability insurance program is not considered a contribution by the employee for purposes of subparagraph (2) of this paragraph (d).

(e) *Payments by third parties.* (1) Any third party making a payment on account of sickness or accident disability which payment is not excluded from the term "compensation" under paragraph (a) of this section shall be treated as the employer with respect to such compensation, except as provided in subparagraphs (2) and (3) of this paragraph. Accordingly, such third party must withhold from such payment the tax imposed on the employee by section 3201 and the tax imposed on the employee representative by section 3211, if applicable, pay the tax imposed on employers by section 3221, deposit such taxes pursuant to section 6302 and § 31.6302(c)–2(a), and provide the receipts required by section 6051 and §§ 31.6051–1 and 31.6051–2.

(2) If any third party who is treated as the employer solely by reason of the applicability of subparagraph (1) of this paragraph promptly—

(i) Withholds the tax imposed on the employee by section 3201 and the tax imposed on the employee representative by section 3211, if applicable,

(ii) Deposits such tax pursuant to section 6302 and § 31.6302(c)–2(a), and

(iii) Notifies the employer for whom services are normally rendered of the amount of the compensation paid on which tax was withheld and deposited,

then the employer (and not the third party) shall be required to pay the tax imposed by section 3221 and to comply with the requirements of section 6051 and §§ 31.6051–1 and 31.6051–2 with respect to the compensation. For purposes of subdivision (ii) of this subparagraph, the tax described in subdivision (i) shall be treated by the third party as if included in the employee tax described in § 31.6302(c)–2(a)(1)(i). For purposes of subdivision (iii) of this subparagraph, the notice must be provided by the third party within the time required for the deposit of the tax under subdivision (ii) of this subparagraph. For the purpose of providing the notice, the rules of section 7502(a), relating to timely mailing being treated as timely filing, shall apply. The employer, if notified pursuant to subdivision (iii) of this subparagraph by a third party who has complied with the requirements of subdivisions (i) and (ii) of this subparagraph, must deposit the tax imposed by section 3221 in accordance with § 31.6302(c)–(2)(a). For purposes of § 31.6302(c)–2(a)(1)(ii), with respect to the employer for whom services are normally rendered the term "taxes" shall not include any tax imposed on employers by section 3111 that is required to be paid by a third party under subparagraph (1) of this paragraph until the employer receives notification from the third party under subdivision (iii) of this subparagraph (2).

(3) A third party making a payment on account of sickness or accident disability to an employee as agent for the employer or making such a payment directly to the employer shall not be treated as the employer under subparagraph (1) with respect to such payment unless the agency agreement so provides. The determining factor as to whether a third party is an agent of the employer is whether the third party bears any insurance risk. If the third party bears no insurance risk and is reimbursed on a cost plus fee basis, the third party is an agent of the employer even if the third party is responsible for making determinations of the eligibility of individual employees of the employer for payments on account of sickness or accident disability. If the third party is paid an insurance premium and not reimbursed on a cost plus fee basis, the third party is not a agent of the employer, but the third party is treated as the employer as provided in paragraph (1) of this paragraph (e).

(4) In order to avoid overpayment of taxes which would result from paying taxes—

(i) On remuneration which exceeds one-twelfth of the annual contribution and benefit base (as described in section 3121(a)(1)) each month,

(ii) With respect to a period of time which exceeds the 6-calendar-month period described in subparagraph (3) of paragraph (a) of this section, or

(iii) On a payment or a portion thereof which is attributable to a contribution by the employee,

the third party may request information from the employer as to the total wages earned by the employee for the calendar month in which the third party is making payments, as to the last date on which the employee worked for the employer, and as to the amount of any contribution by the employee. Except if the third party has reason not to believe any information supplied by the employer as the result of a request made pursuant to the preceding sentence, the third party may rely on such information in complying with the requirements of subparagraphs (1) and (2) of this paragraph (e). The third party may not rely on representations of the employee as to the information which may be requested of the employer in complying with the requirements of subparagraphs (1) and (2) of this paragraph (e).

(5) The application of the provisions of this paragraph (e) may be illustrated by the following examples:

Example (1). Pursuant to an agreement with Company U, Insurance Company V makes payments on account of sickness or accident disability to U's employees. Such payments are not made under a workmen's compensation law, the Railroad Retirement Act of 1974, or the Railroad Unemployment Insurance Act for days of sickness. U reimburses V for all such payments and pays V a fee for its expenses of administering the payments. V is not treated as the employer with respect to such payments.

Example (2). Pursuant to an agreement with Company W, Insurance Company X indemnifies W for the amount of any payments which X must make to an employee on account of sickness or accident disability. Such payments are not made under a workmen's compensation law, the Railroad Retirement Act of 1974, or the Railroad Unemployment Insurance Act for days of sickness. X makes its indemnity payments directly to W. W makes the payments to its employees. X is not treated as the employer with respect to such payments.

Example (3). Pursuant to an agreement with Company Y (which is not an agency agreement described in subparagraph (3) of this § 32.2(e)), Insurance Company Z makes payments on account of sickness or accident disability to Y's employees. Such payments are not made under a workmen's compensation law, the Railroad Retirement Act of 1974, or the Railroad Unemployment Insurance Act for days of sickness. Z does not notify Y of the amount of such payments.

Z is treated as the employer with respect to such payments.

(f) *Penalties and interest on payments made from January 1, 1982 to June 30, 1982.* No penalty under section 6656(a) or interest under section 6601 will be assessed for the failure to make timely payments of the tax imposed by section 3201, 3211, or 3221 on payments made on account of sickness or accident disability, which payments of tax are made after December 31, 1981, and before July 1, 1982, to the extent that the failure is due to reasonable cause and not willful neglect.

(g) *Special rules.* (1) For purposes of subdivision (iii) of paragraph (e)(2), the last employer for whom the employee worked prior to becoming sick or disabled or for whom the employee was working at the time he became sick or disabled shall be deemed to be the employer for whom services are normally rendered, provided that such employer made contributions on behalf of such employee to the plan or system under which the employee is being paid.

(2) The application of the provisions of subparagraph (1) of this paragraph (g) may be illustrated by the following examples:

Example (1). B is employed by Company M. B becomes sick and is absent from work for 3 months. While B is absent from work, he receives sick pay from Insurance Company N pursuant to a plan established by M and to which M has made contributions on behalf of B. M is the employer for whom services are normally rendered by B.

Example (2). C is employed by Company O and is also employed on a part-time basis by Company Q. C becomes sick while at work at Qs place of business. C is absent from work for 3 months. While C is absent from work, he receives sick pay from Insurance Company P pursuant to a a plan established by O and to which O has made contributions on behalf of C. O is the employer for whom services are normally rendered by C.

Example (3). D is a member of a labor union whose members receive health and welfare benefit payments from a trust fund which is supported by the contributions of the various employers who employ the labor union's members. D has been employed by Company R for 4 days when he becomes sick and is absent from work for 3 months. While D is absent from work he receives sick pay from his union's trust fund to which R has made contributions on D's behalf. R is the employer for whom services are normally rendered by D.

(3) For purposes of paragraph (e) of this section, in the case of payments on account of sickness or accident disability made to employees by a third party insurer pursuant to a contract of insurance with a multiemployer plan which is obligated to make payments on account of sickness or accident disability to such employees pursuant to a collectively bargained agreement, if the third party insurer making the payments complies with the requirements of subdivisions (i) and (ii) of subparagraph (2) of paragraph (e) and notifies the plan of the amount of compensation paid on which tax was withheld and deposited within the time required for notification of the employer under subparagraph (2) of paragraph (e), then the plan (and not the third party insurer) shall be required to pay the tax imposed by section 3221 and to comply with the requirements of section 6051 and §§ 31.6051–1 and 31.6051–2 with respect to such payments unless, within 6 business days of the receipt of such notification, the plan notifies the employer for whom services are normally rendered of the amount of the compenation on which tax was withheld and deposited. If the plan provides such notice to the employer, the employer (and not the plan) shall be required to pay the tax imposed by section 3221 and to comply with the requirements of section 6051 and §§ 31.6051–1 and 31.6051–2 with respect to the compensation.

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

(Sec. 3121(a), 3231(e)(4), and 7805 of the Internal Revenue Code of 1954 (95 Stat. 1662, 26 U.S.C. 3121(a); 95 Stat. 1663, 26 U.S.C. 3231(e)(4); 68A Stat. 917, 26 U.S.C. 7805))

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: June 30, 1982.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 82-18184 Filed 6-30-82; 3:59 pm]

BILLING CODE 4830-01-M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 261

Prohibitions

AGENCY: Forest Service, USDA.

ACTION: Final Rule.

SUMMARY: The Forest Service anticipates a large increase in the number of volunteers and hosted enrollees providing services on National Forest System lands this year. The rule will assure that volunteers and hosted enrollees are protected from threats or interference in the course of performing their duties.

EFFECTIVE DATE: July 6, 1982.

FOR FURTHER INFORMATION CONTACT: Ernie Andersen, Fiscal and Accounting Management Staff, USDA-Forest Service, Room 701–RPE, P.O. Box 2417, Washington, D.C. 20013, (703) 235–8484.

SUPPLEMENTARY INFORMATION: The range of acceptable behavior and prohibited behavior by visitors to National Forest lands is set forth in 36 CFR Part 261, Prohibitions. This regulation was recently updated (46 FR 33518) and became effective on July 30, 1981.

Section 261.3 relates to threatening or intimidating a Forest officer. A Forest officer is defined under § 261.2 as an employee of the Forest Service. Forest Service volunteers or hosted enrollees may receive subsistence and may be covered under the Workman's Compensation Act and Federal Tort Claims Act; however, they are not Forest Service employees. Therefore, they are not presently covered under § 261.3 nor included in the definition of a Forest officer.

Forest Service volunteers and hosted enrollees work side by side with Forest officers and often perform similar duties. The Forest Service anticipates a large increase in the number of volunteers and hosted enrollees providing services on National Forest System lands this year. Therefore, the Secretary of Agriculture is amending 36 CFR Part 261 by adding § 261.3a, prohibiting threatening or intimidating a Forest Service volunteer or hosted enrollee. Also § 261.2 Definitions, is amended to define volunteer or hosted enrollee.

In accordance with exceptions to rulemaking procedures in 5 U.S.C. 553 and Department of Agriculture policy (36 FR 13804), it has been determined that advance notice and request for comments are unnecessary. The need to have this amendment effective prior to the start of the summer season to protect the large number of additional volunteers and hosted enrollees expected is good cause for making the amendment effective upon issuance.

This action has been reviewed pursuant to Executive Order 12291 and it has been determined that this document is not a major rule and does not require a regulatory impact analysis. The rule will have no impact on the economy and will result in no increase in cost or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions. The rule will have no effect on competition, employment, investment

productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

It has been determined that this action does not require a regulatory flexibility analysis under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.,) because the action will not have a significant economic impact on a substantial number of small entities since it imposes no direct or indirect cost on small entities except for the possibility of fine for violation of a prohibited act; it imposes no paperwork or recordkeeping requirements of small entities; it does not affect the competitive position of small entities in relation to large entities; and it does not affect cash flow, liquidity, or ability to remain in the market for small entities.

This final rule will be referenced and listed in the Code of Federal Regulations Index under the following terms: National Forest, Forest Service, and Law Enforcement.

For the reasons set out in the preamble, Part 261 of Chapter II of Title 36, Code of Federal Regulations is amended as follows:

PART 261—PROHIBITIONS

1. Revise the table of contents by adding § 261.3a to read as follows:

Sec.

* * * * *

§ 261.3a Interfering with a volunteer or hosted enrollee.

* * * * *

2. The authority citation for Part 261 reads as follows:

Authority: 30 Stat. 35, as amended (16 U.S.C. 551); Sec. 1, 33 Stat. 628 (16 U.S.C. 472); 50 Stat. 526, as amended (7 U.S.C. 1011, (f)); 82 Stat. 916 (16 U.S.C. 1281 (d)); 82 Stat. 922 (16 U.S.C. 1246, (i)), unless otherwise noted.

Subpart A—General Prohibitions

3. Amend § 261.2 by adding in alphabetical order the following definition:

§ 261.2 Definitions.

* * * * *

"Volunteer or hosted enrollee" means any person, not a Forest Service employee, officially participating in a Forest Service human resource program as authorized by an act of Congress and identified to accomplish one or more of the following objectives: provide skills training; education; useful work; develop understanding of ecological systems and conservation of natural resources; build cultural and communication bridges between various socioeconomic groups; and further the administration, development, and management of National Forest resources, forest research, and State and Private Forest activities.

* * * * *

4. Add a new § 261.3a to read as follows:

§ 261.3a Interfering with a volunteer or hosted enrollee.

The following is prohibited:

Threatening, intimidating, or intentionally interfering with any Forest Service volunteer or hosted enrollee while engaged in, or on account of, the performance of duties for the protection, improvement, or administration of the National Forest System or other duties assigned by the Forest Service.

John R. Block,

Secretary.

June 29, 1982.

[FR Doc. 82-18181 Filed 7-2-82; 8:45 am]

BILLING CODE 3410-01-M

VETERANS ADMINISTRATION

38 CFR Part 36

Loan Guaranty; Geographical Limits on Grants for Specially Adapted Housing Benefits for Seriously Disabled Veterans

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The VA (Veterans Administration) is amending its regulations by limiting grants of specially adapted housing benefits for seriously disabled veterans to properties located within the United States, its Territories or possessions. By regulation, the VA currently limits home, mobile home, condominium and direct loans to properties located within the United States, its Territories or possessions. This final regulation makes the geographical limitations for specially adapted housing grants coincide with the geographical limits for the various VA home loan programs.

EFFECTIVE DATE: June 17, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Lyman T. Miller, Assistant Director for Construction and Valuation (262), Loan Guaranty Service, Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420, (202) 389-2691.

SUPPLEMENTARY INFORMATION: The VA is authorized by chapter 21 of title 38, United States Code, to assist certain severely disabled veterans to acquire housing adapted to their particular handicap or adapt existing housing to their handicap. Assistance is in the form of a one-time cash grant to the eligible veterans.

The VA is adding § 36.4411 to the VA regulations governing specially adapted housing benefits to limit these types of benefits to properties located in the United States, its Territories or possessions. Similar restrictions are currently in place in the home and condominium, mobile home and direct loan regulations (§ 36.4329, 36.4214, and 36.4523, respectively).

On December 29, 1981, the VA published for comment in the **Federal Register** (46 FR 62868) the proposed regulation explaining our intent to promulgate § 36.4411 of the specially adapted housing regulations to limit grants for the acquisition or special adaptation of housing to properties located in the United States, its Territories or possessions. The **Federal Register** publication contained a full explanation of the reasons for imposing the limitation. We pointed out that the number of seriously disabled veterans potentially affected by the regulation who are now residing in foreign countries would be approximately 59 veterans. The VA received one letter commenting on the proposal stating that since so few veterans are affected, the VA should accommodate them by approving a grant request for a specially adapted home wherever they may want it.

The absence of loan guaranty facilities makes it impractical to authorize such grants in areas outside the sovereign jurisdiction of the United States. A veteran grant-beneficiary should receive certain services and protections from the VA such as assistance in securing a loan, inspection of the site of the home, and compliance inspections by a duly authorized inspector during the construction of a new dwelling or the alteration of an existing home. In addition, the VA must assure that the veteran has legal title to the real estate involved for the housing grant and that the housing grant or home adaptations grant is used for the authorized purpose. These administrative requirements are necessary to assure that the veteran receives the benefits he or she is entitled to and that the Government's funds are properly expended. Because of the practical difficulties in the oversight responsibilities of the VA which would be inherent in making grants for

properties located in foreign countries, it is not feasible to approve grant applications outside of the United States of America.

The regulation has been reviewed pursuant to Executive Order 12291 and will not impact on the public or private sectors as a major rule as defined by the Executive Order. The regulation, therefore, is found to be nonmajor.

The Administrator hereby certifies that the regulation 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), the regulation is therefore exempt from the final regulatory flexibility analyses requirements of sections 603 and 604. This regulation will only impact upon veterans with certain disabilities residing in foreign countries and will not impact upon small entities located in the United States, its Territories, or possessions. There will be no compliance costs or reporting burdens on individuals or organizations.

List of Subjects in 38 CFR Part 36

Condominiums, Handicapped, Housing, Loan programs—housing and community development, Mobile homes, Veterans, Veterans Administration.

(Sec. 210(c)(1), 801(a) and (b) of title 38, U.S.C.) (Catalog of Federal Domestic Assistance Program number 64.106).

Approved: June 17, 1982

Robert P. Nimmo,

Administrator.

PART 36—LOAN GUARANTY

Section 36.4411 is added as follows:

§ 36.4411 Geographical limits.

Any real property purchased, constructed, altered, improved, repaired, or specially adapted, in whole or in part, with the proceeds of any specially adapted housing grant, shall be situated in the United States, which, for purposes of 38 U.S.C. Chapter 21, is defined as the several States, Territories, and possessions, including the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other area over which the United States may, at some future date, acquire sovereignty.

(38 U.S.C. 210(c), 801(a) and (b)).

[FR Doc. 82-18180 Filed 7-2-82; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-9-FRL 2142-8]

California State Implementation Plan Revisions

AGENCY: Environmental Protection Agency.

ACTION: Notice of final rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) takes final action to approve revisions to rules of the Bay Area and South Coast Air Quality Management Districts (AQMD) and the Kern and San Diego County Air Pollution Control Districts (APCDs) submitted by the California Air Resources Board (ARB) for incorporation into the California State Implementation Plan (SIP). These revisions generally are administrative and retain equivalent emission control requirements. EPA reviewed these rules with respect to the Clean Air Act and determined that they should be approved.

DATE: This action is effective September 7, 1982.

ADDRESSES: Copies of the revisions are available for public inspection during normal business hours at the EPA Region 9 office and the following locations:

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

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

FOR FURTHER INFORMATION CONTACT: Douglas Grano, Chief, State Implementation Plan Section, Air Management Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, (415) 974–8058.

SUPPLEMENTARY INFORMATION: The ARB submitted as SIP revisions the following rules on the indicated dates:

Bay Area AQMD

July 30, 1981

Regulation 2 Permits—Rule 2
- 2–2–114 Exemption, Non Ozone Precursor

Regulation 5 Open Burning
- 5–401.13 Allowable Fires—Wildlife Management

June 22, 1981

Regulation 5 Open Burning
- 5–401.3 Allowable Fires—Orchard Pruning and Attrition

January 28, 1981
- 1–112 Breakdown
- 1–113 Discretionary Enforcement, Breakdown
- 1–115 Exemptions, Modifications to Meet Emission Standards

Regulation 9 Inorganic Gaseous Pollutants—Rule 3
- 9–3–202 Modified Heat Transfer Operation

July 10, 1980

Regulation 1 General Provisions and Definitions
- 1–206 Bar
- 1–541 Emission Excesses

Regulation 9 Inorganic Gaseous Pollutants—Rule 1
- 9–1–600 Manual of Procedures
- 9–1–601 Sampling and Analysis of Gas Streams
- 9–1–602 Sulfur Content of Fuels
- 9–1–603 Averaging Times
- 9–1–604 Ground Level Monitoring
- 9–1–605 Emission Monitoring

June 2, 1980

Regulation 1 General Provisions and Definitions
- 1–520 Emission Monitoring
- 1–542 Area Concentration Excesses
- 1–600 Manual of Procedures
- 1–601 Approval of Sampling Facilities
- 1–602 Area and Source Monitoring Requirements
- 1–603 Visible Emissions
- 1–604 Opacity Measurements

Regulation 6 Particulate Matter and Visible Emissions
- 6–305 Visible Particles
- 6–311 General Operations
- 6–600 Manual of Procedures
- 6–601 Particulate Matter, Sampling, Sampling Facilities, Opacity Instruments and Appraisal of Visible Emissions

Regulation 11 Hazardous Pollutants—Rule 1
- 11–1–500 Monitoring and Recording
- 11–1–501 Monitoring
- 11–1–600 Manual of Procedures
- 11–1–601 Determination of Emissions Limits
- 11–1–602 Determination of Background Concentrations
- 11–1–603 Monitoring Equipment

May 13, 1980

Regulation 8 Organic Compounds
- Rule 21 Rubber Tire Manufacturing Operations

January 14, 1980

Regulation 2 Permits—Rule 1
- 2–1–100 General
- 2–1–101 Description
- 2–1–102 Applicable Requirements

2-1-111 Exemption, Sources and Operations
2-1-112 Exemption, Equipment
2-1-408 Action on Applications

Kern County

July 30, 1981

Rule 108 Stack Monitoring
Rule 201 Permits Required
Rule 301 Permit Fee
Rule 302 Permit Fee Schedule
Rule 305 Hearing Board Fees

March 23, 1981

Rule 202 Exemptions
Rule 202.1 Experimental Research Operations
Rule 426 Experimental Research Operations

December 15, 1980

Rule 110 Arrests and Notices to Appear
Rule 417.1 Agricultural Burning

January 8, 1980

Rule 424(F) Small Producers Exemption

San Diego County

May 20, 1982

Rule 40 Permit Fees

March 1, 1982

Rule 62 Sulfur Content of Fuels
Rule 53 Specific Contaminants

October 23, 1981

Rule 42 Hearing Board Fees
Rule 64 Reduction of Animal Matter
Rule 101 Definitions
Rule 102 Open Fires, Western Section
Rule 103 Open Fires, Eastern Section
Rule 109 Temporary Suspension of Permits

May 28, 1981

Rule 21 Permit Conditions

January 28, 1981

Rule 20.1 Definitions

May 23, 1979

Rule 11 Exemptions

South Coast AQMD

May 20, 1982

Rule 431.1 Sulfur Content of Gaseous Fuel

March 1, 1982

Rule 474 Fuel Burning Equipment, NO_x

October 23, 1981

Rule 504.1 Rules for Which Variances Are Not Allowed
Rule 218 Stack Monitoring
Rule 219 Exemptions Not Requiring a Written Permit Pursuant to Regulation II
Rule 220 Exemption—Net Increase in Emissions
Rule 409 Combustion Contaminants
Rule 502 Filing Petitions

November 5, 1981

Rule 444 Open Fires

July 14, 1981

Rule 301 Permit Fees

May 28, 1981

Rule 1113 Architectural Coatings

January 28, 1981

Rule 1115 Motor Vehicle Assembly Line Coating Operations.

Under Section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove these regulations as SIP revisions. All rules submitted have been evaluated and found to be in accordance with EPA policy and 40 CFR Part 51. EPA's detailed evaluation of the submitted rules is available at the EPA Library in Washington, D.C., and the Region 9 office.

It is the purpose of this notice to approve all the rule revisions listed above and to incorporate them into the California SIP. This is being done without prior proposal because the revisions are noncontroversial, have limited impact, and no comments are anticipated. The public should be advised that this action will be effective September 7, 1982. However, if notice is received by EPA within 30 days that someone wishes to submit adverse or critical comments, the approval action will be withdrawn and a subsequent notice will be published before the effective date. The subsequent notice will indefinitely postpone the effective date, modify the final action to a proposed action and establish a comment period.

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.)

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

Under the Clean Air Act, any petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 7, 1982. This action may not be challenged later in proceedings to enforce its requirements.

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

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

List of Subjects in 40 CFR Part 52

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

Dated: June 14, 1982.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart F—California

1. Section 52.220 is amended by adding paragraphs (c)(51)(vii)(C), (c)(73)(i)(B), (c)(75)(ii), (c)(79)(ii)(B), (c)(83)(i)(C), (c)(85)(x)(A), (c)(86)(i)(D), (c)(92)(v)(B) and (vi)(A), (c)(93)(ii)(C), (c)(95)(i)(C), (c)(98)(ix), (c)(x), and (c)(xi), (c)(101)(i)(B) and (ii)(B), (c)(102)(iv), (c)(103)(ii)(B) and (xviii), (c)(104)(ii), (121), and (125) to read as follows:

§ 52.220 Identification of plan.

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(c) * * *

(51) * * *

(vii) * * *

(C) New or amended Rule 11.

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(73) * * *

(i) * * *

(B) New or amended Regulation 2, Rule 1: 2-1-100 to 2-1-102, 2-1-111, 2-1-112, and 2-1-408.

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(75) * * *

(ii) New or amended Rule 424(F).

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(79) * * *

(ii) * * *

(B) New or amended Regulation 1: 1-206, 1-520, 1-542, and 1-600 to 1-604; Regulation 6: 6-305, 6-311, 6-600, and 6-601; and Regulation 11: 11-1-500, 11-1-501, and 11-1-600 to 11-1-603.

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(83) * * *

(i) * * *

(C) New or amended Regulation 8: Rule 21.

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(85) * * *

(x) Kern County APCD.

(A) New or Amended Rules 110 and 417.1.

* * * * *

(86) * * *

(i) * * *

(D) New or amended Rule 1–541 and Regulation 9, Rules 9–1–600 to 9–1–605.

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(92) * * *

(v) * * *

(B) New or amended Rule 21.

(vi) South Coast AQMD.

(A) New or amended Rule 113.

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(93) * * *

(ii) * * *

(C) New or amended Regulation 5, Rule 5–401.3.

* * * * *

(95) * * *

(i) * * *

(C) New or amended Rules 202, 202.1, and 426.

* * * * *

(98) * * *

(ix) Bay Area AQMD.

(A) New or amended Rules 1–112, 1–113, 1–115 and Regulation 9, Rule 9–3–202.

(x) South Coast AQMD.

(A) New or amended Rule 1115.

(xi) San Diego County APCD.

* * * * *

(101) * * *

(i) * * *

(B) New or amended Regulation 2, Rule 2–2–114; Regulation 5, Rule 5–401.13; and Manual of Procedures—Volume I to Volume VI.

(ii) * * *

(B) New or amended Rules 108, 201, 301, 302, and 305.

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(102) * * *

(iv) South Coast AQMD.

(A) New or amended Rule 301.

* * * * *

(103) * * *

(ii) * * *

(B) New or amended Rules 42, 64, 101–103, and 109.

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(xviii) South Coast AQMD.

(A) New or amended Rules 504.1, 218, 219, 220, 409, and 502.

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(104) * * *

(ii) South Coast AQMD.

(A) New or amended Rule 444.

* * * * *

(121) Revised regulations for the following APCDs submitted on March 1, 1982 by the Governor's designee.

(i) South Coast AQMD.

(A) New or amended Rule 474.

(ii) San Diego County APCD.

(A) New or amended Rules 62 and 53.

* * * * *

(125) Revised Regulations for the following APCDs submitted on May 20, 1982 by the Governor's designee.

(i) San Diego County APCD.

(A) New or amended Rule 40.

(ii) South Coast AQMD.

(A) New or amended Rule 431.1.

* * * * *

[FR Doc. 82–18172 Filed 7–2–82; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 52

[A–7–2139–2]

Missouri; Approval and Promulgation of State Implementation Plans; MO 83

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action approves a state implementation plan (SIP) revision submitted by the State of Missouri which exempts existing Missouri type charcoal kilns from the process weight regulation contained in the approved SIP. EPA proposed to approve the revision on April 12, 1982 at 47 FR 15609, and asked for comments on the proposed action. One comment letter was received and the relevant issues raised in that letter have been considered in this final rulemaking.

DATE: This rule will become effective August 5, 1982.

ADDRESSES: Copies of the SIP revision are available for inspection during normal business hours at the following addresses:

Environmental Protection Agency, Region VII, Air Branch, 324 East 11th Street, Kansas City, Missouri 64106

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

Missouri Department of Natural Resources, 1101 Rear Southwest Boulevard, Jefferson City, Missouri 65102

FOR FURTHER INFORMATION CONTACT: Dewayne E. Durst, Air Branch, Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri 64106 (816) 374–3791.

SUPPLEMENTARY INFORMATION: On September 5, 1980, the State of Missouri submitted a revision to their SIP which exempts existing Missouri type charcoal operations from the process weight provision of state regulations.

On November 4, 1981 (46 FR 54730), EPA announced the availability of this submittal and approved it as a revision to the Missouri SIP. The rationale for the approval is contained in the November 4, 1981 **Federal Register**. In the approval notice, EPA advised the public that the effective date of the approval would be deferred for 60 days. If notice was received within 30 days after publication that someone wanted to submit adverse or critical comments, the approval would be withdrawn and a new rulemaking action would be initiated to provide for a public comment period. Notice was received within 30 days that someone did want to submit adverse or critical comments. On April 12, 1982 (47 FR 15581) EPA withdrew the final rulemaking and provided notice that public comments were being solicited in a notice of proposal rulemaking (47 FR 15609).

One comment letter was received on the proposal to approve the state submittal. The commenter questioned EPA's conclusion that the ambient air quality standards are not violated in the vicinity of Missouri type charcoal kilns even when the kilns are not controlled. This question was in response to a statement in the November 4, 1981 **Federal Register** which indicated visible emissions are 100% opacity during portions of the charcoal production cycle. The determination that Missouri type charcoal kilns do not cause violations of the National Ambient Air Quality Standard (NAAQS) for particulates was based upon ambient sampling studies conducted by the State of Missouri at the property line of charcoal kilns. The statement in the **Federal Register** concerning opacity levels from Missouri type charcoal kilns was provided as background information but did not serve as a basis for approving or disapproving the SIP revision which exempted the kilns from the process weight regulation.

There are several reasons why high opacity levels from a Missouri type charcoal kiln do not result in violations of the NAAQS. The stacks on the kilns generally do not extend above roof level and thus are approximately ten feet above grade. This tends to limit dispersion. Also, exit velocities are very low (about 1.5 meters per second). These two factors cause the ambient impact of the stack emissions to be greatest very close to the kilns. Because the kilns are located in isolated areas and the kiln operations are generally located at some distance from the owners property line, the impact of the emission on surrounding property is diminished.

In addition, because the stack gases are at or near the saturation point, there can be interference from water vapor in

any visible emission observation. This causes visible emission observations to be higher than if the plume were dry and the opacity readings reflected only the particulate concentration in the stack emissions.

The commenter also stated that the rulemaking did not identify all the polynuclear aromatic hydrocarbons and other pyrolysis products which are emitted in charcoal production. The commenter questioned whether the toxicity of these emissions was considered in this rulemaking action.

Stack tests were conducted at a Missouri type charcoal kiln by an EPA contractor in an attempt to better define the particulate emission rates from the kiln. Incidental to these tests, data was collected on polycyclic organic matter in the stack emissions. Even though the presence of some organic materials was confirmed by the tests, because of the variability in stack emissions due to kiln operation, different types of wood used to make the charcoal, the lack of standardized test methods for these compounds and the absence of standards to relate adverse health effects to exposure levels, the toxicity of the emissions from Missouri charcoal kilns was not evaluated as part of this rulemaking.

Under the Clean Air Act, EPA's analysis of the revision is limited to the narrow issue whether the NAAQS for particulates would be attained and maintained, and whether the other requirements of Section 110(a)(2) of the Act have been met. The impact of the revision on emissions other than particulates is not relevant to the analysis.

The comment letter on the proposal indicates that EPA argued that charcoal kilns should be exempt because they operate under low profit margins. Even though the statement concerning economic feasibility of control was mentioned in the **Federal Register** notice, the decision to approve the revision is based upon the requirements of Section 110(a)(2) of the Clean Air Act, which do not include economic considerations.

The comments also stated that exemption of Missouri type charcoal kilns from the process weight requirement would place charcoal production facilities in other states at a competitive disadvantage and thus should not be approved by EPA. While consideration of economic factors is proper for states in developing SIP control strategy alternatives, EPA's review is limited as described in the preceeding paragraph. The State of Missouri demonstrated that this revision would not jeopardize the air quality standards, and would meet the other requirements of the Act. Therefore, EPA must approve the revision as part of the Missouri SIP.

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

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

List of Subjects in 40 CFR Part 52

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

(Sec. 110 of the Clean Air Act)

Dated: June 23, 1982.

Anne M. Gorsuch,

Administrator.

Note.—Incorporation by Reference of the State Implementation Plan for the State of Missouri was approved by the Director of the Federal Register on July 1, 1981 (42 U.S.C. 7401).

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter 1 Title 40 of the Federal Regulations is amended as follows:

Subpart AA—Missouri

1. Section 52.1320 is amended by adding a new paragraph (c)(33) to read as follows:

§ 52.1320 Identification of plan

* * * * *

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

(33) On September 5, 1980, the Missouri Department of Natural Resources submitted a revision of Missouri Rule 10 CSR 10–3.050, Restriction of Emission of Particulate Matter from Industrial Processes, which exempts existing Missouri type charcoal kilns from the Rule.

[FR Doc. 82-18198 Filed 7-2-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 62

[A-4-FRL 2142-4]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Mississippi and South Carolina; Emissions from Existing Facilities

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is today announcing approval of the following submittals by the States of Mississippi and South Carolina.

Mississippi 111(d) Plans: On September 17, 1981 the Mississippi Bureau of Pollution Control (BPC) submitted to EPA source-specific regulations establishing emission limits for designated pollutants. These regulations were submitted to satisfy the requirements of § 111(d) of the Clean Air Act (CAA) and meet the requirements of 40 CFR 60, Subpart B. Mississippi's regulations apply to fluoride emissions from phosphate fertilizer plants and sulfuric acid mist from sulfuric acid plants.

South Carolina—111(d) Plans: On December 22, 1981 the South Carolina Department of Health and Environmental Control (DHEC) submitted to EPA regulations establishing emission limits for sources of designated pollutants. These regulations were submitted to satisfy the requirements of section 111(d) of the Clean Air Act (CAA) and conform to the specifications of 40 CFR 60, Subpart B. South Carolina's regulations apply to sulfuric acid mist emissions from existing sulfuric acid plants and total reduced sulfur emissions from existing kraft pulp mills. On November 2, 1977, South Carolina certified to EPA that there are no phosphate fertilizer plants in the State subject to 111(d) requirements.

EFFECTIVE DATE: This action will be effective September 7, 1982 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: You may examine copies of the materials submitted by the States 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 Management Branch,

345 Courtland Street NE., Atlanta, Georgia 30365

The material submitted by the State of Mississippi can also be examined at: Bureau of Pollution Control, Mississippi Dept. of Natural Resources, 2380 Highway 80 West, Jackson, Mississippi 39209.

The material submitted by the State of South Carolina can also be examined at: Bureau of Air Quality Control, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201.

FOR FURTHER INFORMATION CONTACT: Ms. Denise W. Pack, Air Management Branch, EPA Region IV at the above address and telephone number 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: Section 111(d) of the Clean Air Act specifies that each State shall develop and submit a plan which establishes standards of performance for certain existing sources. The States of Mississippi and South Carolina have complied with these requirements. The following is a synopsis of their submittals.

• *Mississippi—111(d):* On September 17, 1981 the Mississippi Bureau of Pollution Control (BPC) submitted a plan to control pollutants designated under section 111(d) of the Clean Air Act. These emission limits apply to three emission points located at the Mississippi Chemical Corporation's Pascagoula facility. The No. 2 sulfuric acid plant will be limited to emissions of 0.50 pounds per ton of acid mist from the sulfuric acid plant and from the oleum plant. The production rate in both cases is expressed as 100% sulfuric acid (H_2SO_4). The triple superphosphate plant (TSP) is limited to 0.2 pounds of fluoride (F-) per ton of phosphorus pentoxide (P_2O_5) input and the phosphoric acid (H_3PO_4) plant is limited to 0.02 pounds of fluoride (F-) per ton of phosphorus pentoxide input.

• *South Carolina—111(d):* On December 22, 1981, the South Carolina Department of Health and Environmental Control submitted a plan for the control of pollutants designated under § 111(d) of the CAA. This plan establishes emission limits that apply to five sources located in South Carolina. One source, W. R. Grace and Company's sulfuric acid plant, is limited to 0.50 pounds per ton of sulfuric acid mist per ton of 100% sulfuric acid produced. This emission limit (South Carolina Air Pollution Control Regulations and Standards, Regulation No. 62.5, Standard No. 4, Section I) was established prior to promulgation of the final guideline document and is identical to that contained in EPA's guideline document. It was approved earlier as part of the State's implementation plan on May 31, 1972 (37 FR 10842), and this regulation had earlier been subjected to a public hearing which satisfies the requirements of 40 CFR 60.23.

Emission limits under section 111(d) also apply to numerous emission points at the Westvaco International Paper Company, Bowater Carolina Co. and South Carolina Industries. These sources are kraft paper facilities and the pollutant controlled is total reduced sulfur (TRS). The plan limits the rate of TRS emissions from recovery furnaces to 25 parts per million (ppm) for cross recovery furnaces, 20 ppm for old design recovery furnaces and 5 ppm for new design recovery furnaces. Digester systems, multiple-effect evaporator systems, and condensate stripper systems are each limited to 5 ppm. Lime kilns are limited to 20 ppm and smelt dissolving tank emissions are limited to 0.0084 g/kg black liquor solids (BLS) (South Carolina Air Pollution Control Regulations and Standards, Regulation No. 62.5, Standard No. 4, Section VII).

EPA has reviewed the above regulations and determined that the emission limits conform to those specified in the applicable guideline documents issued by EPA pursuant to 40 CFR Part 60.

Action. EPA has reviewed the Mississippi and South Carolina submittals and found that they satisfy the requirements of section 111(d) of the Clean Air Act. Therefore, EPA is today announcing approval of these plans. Since the plans are minor in scope and are not of a controversial nature this action is being taken without prior notice.

The public should be advised that this action will be effective 60 days from the date of this **Federal Register** notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under 5 U.S.C. section 605(b), I have previously certified that the present rule will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709).

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

List of Subjects in 40 CFR Part 62

Air pollution control, Fluoride, Sulfur, Administrative practice and procedure, Intergovernmental relations, Reporting and recordkeeping requirements.

(Sec. 111, Clean Air Act, as amended (42 U.S.C. 7411))

Dated: June 30, 1982.

Anne M. Gorsuch,

Administrator.

PART 62—APPROVAL AND PROMULGATION OF STATE PLANS FOR DESIGNATED FACILITIES AND POLLUTANTS

Part 62 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

1. Subpart Z is added to read as follows:

Subpart Z—Mississippi

Plan for the Control of Designated Pollutants From Existing Facilities [Section 111(d) Plan]

Sec.

62.6100 Identification of plan.

Sulfuric Acid Mist From Existing Sulfuric Acid Plants

62.6110 Identification of sources.

Fluoride Emissions From Phosphate Fertilizer Plants

62.6120 Identification of sources.

Subpart Z—Mississippi

Plan for the Control of Designated Pollutants From Existing Facilities (Section 111(d) Plan)

§ 62.6100 Identification of plan.

(a) Identification of plan: Untitled (section 111(d) Plan).

(b) The plan was officially submitted as follows:

(1) Control of sulfuric acid mist emissions from existing facilities at sulfuric acid plants, submitted on September 17, 1981.

(c) Designated facilities: The plan applies to existing facilities in the following categories of sources:

(1) Sulfuric acid plants.

(2) Phosphate fertilizer plants.

Sulfuric Acid Mist From Existing Sulfuric Acid Plants

§ 62.6110 Identification of sources.

The plan applies to existing plants at the following locations: Sulfur burning plant and oleum plant of Mississippi Chemical Corporation in Pascagoula.

Fluoride Emissions From Phosphate Fertilizer Plants

§ 62.6120 Identification of sources.

The plan applies to existing facilities at the following phosphate fertilizer plants.

(1) Mississippi Chemical Corporation in Pascagoula.

2. Subpart PP is added to read as follows:

Subpart PP—South Carolina

Plan for the Control of Designated Pollutants From Existing Facilities (Section 111(d) Plan)

Sec.

62.10100 Identification of plan.

Sulfuric Acid Mist From Existing Sulfuric Acid Plants

62.10110 Identification of sources.

Total Reduced Sulfur Emissions From Kraft Pulp Mills

62.10120 Identification of sources.

Fluoride Emissions From Phosphate Fertilizer Plants

62.10130 Identification of plan—Negative declaration.

Subpart PP—South Carolina

Plan for the Control of Designated Pollutants From Existing Facilities (Section 111(d) Plan)

§ 62.10100 Identification of Plan.

(a) Identification of Plan: South Carolina Designated Facility Plan (section 111(d) Plan).

(b) The plan was officially submitted as follows: (1) Implementation Plan for Control of Designated Pollutants, including sulfuric acid mist from sulfuric acid plants and total reduced sulfur from kraft pulp mills, submitted on December 22, 1981.

(c) Designated facilities: The plan applies to existing facilities in the following categories sources:

(1) Sulfuric acid plants.

(2) Kraft Pulp Mills.

Sulfuric Acid Mist From Sulfuric Acid Plants

§ 62.10110 Identification of sources.

The plan applies to existing plants at the following locations:

(1) Sulfur-burning plants of W. R. Grace and Company's plant in Charleston.

(2) There are no bound sulfur or oleum plants.

Total Reduced Sulfur Emissions From Kraft Pulp Mills

§ 62.10120 Identification of sources.

The plan applies to existing facilities at the following Kraft Pulp Mills:

(1) Westvaco in North Charleston.

(2) International Paper Company in Georgetown.

(3) Bowater Carolina Company in Catawba.

(4) South Carolina Industries in Florence.

Fluoride Emissions From Phosphate Fertilizer Plants

§ 62.10130 Identification of plan—negative declaration.

The South Carolina Department of Health and Environmental Control submitted on November 2, 1977, a letter certifying that there are no existing phosphate fertilizer plants in the State subject to Part 60, Subpart B, of this Chapter.

[FR Doc. 82-18310 Filed 7-2-82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 123

[W-6-FRL 2161-1]

Arkansas Department of Pollution Control and Ecology; Underground Injection Control; Program Approval

AGENCY: Environmental Protection Agency.

ACTION: Approval of State program.

SUMMARY: The State of Arkansas has submitted an application under Section 1422 of the Safe Drinking Water Act for the approval of an Underground Injection Control (UIC) program governing Classes I, III, IV, and V injection wells. After careful review of the application and comments received from the public, the Agency has determined that the State's injection well program for Classes I, III, IV, and V wells meets the requirements of Section 1422 of the Act. Therefore, this application covering Classes I, III, IV, and V injections is approved.

EFFECTIVE DATE: This approval is effective July 6, 1982.

FOR FURTHER INFORMATION CONTACT: Shirley Augurson, Ground Water Protection Section, U.S. Environmental Protection Agency, Region VI, 1201 Elm Street, Dallas, Texas 75270, (214) 767-2774. Copies of the responsiveness summary are available from the above address.

SUPPLEMENTAL INFORMATION: Part C of the Safe Drinking Water Act (SWDA) provides for an Underground Injection Control (UIC) program. Section 1421 of the SDWA requires the Administrator to promulgate minimum requirements for effective State programs to prevent underground injection which endangers drinking water sources. The Administrator is also to list in the Federal Register each State for which in his judgment a State UIC program may be necessary. Each State listed shall submit to the Administrator an application which contains a showing satisfactory to the Administrator that the State: (i) Has adopted after reasonable notice and public hearings, an UIC program which meets the requirements of regulations in effect under Section 1421 of the SDWA; and (ii) will keep such records and make such reports with respect to its activities under its UIC program as the Administrator may require by regulations. After reasonable opportunity for public comment, the Administrator shall by rule approve, disapprove or approve in part and disapprove in part, the State's UIC program.

The SDWA was amended on December 5, 1980, to include Section 1425, which establishes an alternative method by which a State may obtain primary enforcement responsibility for those portions of its UIC program related to the recovery and production of oil and natural gas (Class II wells). Specifically, instead of meeting the Consolidated Permits Regulations (40 CFR Parts 122, 123 and 124) and related Technical Criteria and Standards (40 CFR 146), a State may demonstrate that its program meets the more general statutory requirements of section 1421(b)(1) (A) through (D) and represents an effective program to prevent endangerment of underground sources of drinking water.

The State of Arkansas was listed as needing a UIC program on September 25, 1978 (43 FR 43420). The State of Arkansas submitted an application under section 1422 on April 1, 1982, for the approval of a UIC program governing Classes I, III, IV and V injection wells to be administered by the Arkansas State Department of Pollution Control and Ecology (ADPCE). On April 9, 1982, EPA published notice of its receipt of the application, requested public comments, and scheduled a public hearing on the Arkansas UIC program submitted by the ADPCE (47 FR 5262). A public hearing was held on May 13, 1982 in Little Rock, Arkansas. After careful review of the application and comments received from the public, I have determined that the Arkansas UIC program submitted by the ADPCE meets the requirements established by Federal regulations pursuant to section 1422 of the SDWA, and hereby approve it.

EPA is publishing this approval effective immediately so that Arkansas can begin issuing UIC permits for

Classes I, III, IV, and V wells under the UIC program.

List of Subjects in 40 CFR Part 123

Hazardous materials, Indians—lands, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control, Water supply, Intergovernmental relations, Penalties, Confidential business information.

OMB Approval

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

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I certify that approval by EPA under Section 1422 of the Safe Drinking Water Act of the application by the Arkansas Department of Pollution Control and Ecology will not have a significant economic impact on a substantial number of small entities, since this rule only approves State actions. It imposes no new requirements on small entities.

Dated: June 29, 1982.

Anne M. Gorsuch,

Administrator.

[FR Doc. 82-18191 Filed 7-2-82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 21

[Gen. Docket No. 79-188; RM-3247; FCC 82-215]

Domestic Public Fixed Radio Service; Amendment of the Commission's Rules To Allocate Spectrum for, and To Establish Other Rules and Policies Pertaining to the Use of Radio in Digital Termination Systems for the Provision of Digital Communications Services

AGENCY: Federal Communications Commission

ACTION: Final rule.

SUMMARY: The reconsideration order grants requests for modification of technical standards for digital termination systems (DTSs) used in the Digital Electronic Message Service (DEMS). To facilitate the delivery of higher data rate service, the standards are modified in major part to require that DTS stations must not exceed a power level per frequency bandwidth, a change from our Rules which had specified a power level without a reference to bandwidth. These standards and others are tailored to ensure that DTS not interfere with a NASA-operated passive service. The Order denies requests for changes in other technical matters, and of a policy, procedural, and legal nature.

EFFECTIVE DATE: August 5, 1982.

ADDRESS: Federal Communications Commission.

FOR FURTHER INFORMATION CONTACT:

J. Bertron Withers, Jr., Office of Science and Technology, 2025 M Street, NW, Room 7002, Washington, D.C. 20554; (202) 653-6128;

Kevin J. Kelley, Domestic Facilities, Common Carrier Bureau, 1229 20th Street, NW, Room A-326, Washington, D.C. 20554; (202) 632-6430.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 21

Point-to-multipoint microwave.

In the matter of amendment of Parts 2, 21, 87, and 90 of the Commission's rules to allocate spectrum for, and to establish other rules and policies pertaining to, the use of radio in digital termination systems for the provision of digital communications services; memorandum opinion and order.

Adopted: May 13, 1982.

Released: June 28, 1982.

I. Introduction

1. On April 17, 1981, the Commission released the *First Report and Order (Report & Order)* in General Docket No. 79-188, *Digital Termination Systems,* 86 FCC 2d 360 (1981). In that *Report & Order* the Commission reallocated 130 MHz of radio frequency spectrum in the 10.55-10.68 GHz (10.6 GHz) band and adopted rules for digital termination systems (DTSs) and associated point-to-point links. The allocation permitted establishment of an end-to-end common carrier digital communications service, which we called Digital Electronic Message Service (DEMS). One hunderd MHz was allocated to DTS, which transmits omni-directionally from each nodal station in a point-to-multipoint manner to user stations that transmit back to the nodal station in a point-to-point manner. The other 30 MHz was allocated to provide for point-to-point communication links between DTS nodal stations within the same Standard Metropolitan Statistical Area (SMSA) and to interconnect them with a city-wide collection and distribution station (co-located with or used to communicate with a satellite earth station used to interconnect different SMSAs in a single intercity DEMS network). These links are referred to as internodal links. The allocation is sufficient to accommodate up to seven Extended networks (those providing service to 30 or more SMSAs) and six Limited networks (those providing service to fewer than 30 SMSAs). Petitions for reconsideration of the *Report & Order* have been filed by the National Academy of Sciences ("NAS"), Contemporary Communications Corporation ("CCC"), the People of the State of California and the Public Utilities Commission of the State of California ("the State of California"), Local Digital Distribution Company ("LDD"), and Satellite Business Systems ("SBS"). In response to these petitions thirteen pleadings have been filed.[1]

2. The petitions for reconsideration can be divided into those concerning technical standards and those concerning procedural, policy, and legal matters. The petitions filed by NAS, LDD and SBS relate to technical standards that were adopted in the *Report & Order.* The parties request that the Commission make refinements to the DTS technical standards to assure compatibility with non-DTS operations and to broaden DTS design flexibility. NAS asks the Commission to re-examine the possibility of sharing problems between the Radio Astronomy Service and DTS internodal links in the 10.615-10.630 GHz band. LDD and SBS request that the Commission adopt a power limit for DTS in terms of power spectral density rather than absolute power, and to eliminate the minimum sidelobe suppression and gain requirements for user station antennas. Additionally, LDD has asked the Commission to alter the Rules governing the use of the 30 MHz (10.585-10.600 GHz) reserved for 5 years for Extended network use only.[2]

3. The State of California argues that the Commission erred in concluding that it could preempt regulation by the states of intrastate use of DTS facilities. CCC requests reconsideration of a broad range of policy and procedural questions. It asserts that: (a) The Commission did not adequately consider whether the Multipoint Distribution Service (MDS), with

[1] These pleadings were filed by LDD, SBS, ISA Communications Services, Inc. (ISACOMM), the National Aeronautics and Space Administration (NASA), each of which filed both an Opposition and a Reply with ISACOMM filing 2 replies. Additionally, Tymnet, Inc. and Charles M. Firestone of Los Angeles, California submitted oppositions, and CCC and the State of California submitted replies.

[2] Discussed in the Report & Order at para. 37, 86 FCC 2d at 374, and codified in Rule § 21.502(e), 47 CFR 21.502(e).

augmentation, could satisfy the public's digital communications needs, (b) the notice of proposed rulemaking (NPRM)[3] was not sufficient to alert commenters as to all areas in which the Commission ultimately adopted rules, (c) the Commission abdicated its responsibilities by failing to impose technical standards for interconnection, (d) there is no support for the Commission's adoption of "30" as the number of cities necessary for an Extended network and (e) the Commission should eliminate the preference for Extended networks. Finally, CCC asks for oral argument, a period of further public comment, and a suspension of the acceptance of DEMS applications.

4. Our spectrum allocation to DTS and the authorization of common carrier services using DTS was based on a finding that such actions were in the public interest. The Commission concluded that there is a public demand for the digital communications network services and that these services could be provided most rapidly and effectively using DTS. We also concluded that for DTS and the networks that make possible the intercity connections, minimal technical standards would permit greater flexibility in system design. The regulation of DEMS, technical and non-technical, touches many areas of traditional common carrier regulation. Detailed regulatory intervention was avoided to the extent feasible, however, to permit the marketplace to determine the ultimate contours of the new service. We also avoided establishing detailed service guidelines because the ultimate nature of the services to be provided over DTS is unknown.

5. We grant the petitions for reconsideration of technical standards largely to insure the compatibility of DTS operations with environmental passive sensors. We deny the petitions for reconsideration concerning radio astronomy, federal preemption of state regulation, and other legal and policy matters. In reaching these decisions we deal with the various issues for reconsideration in light of the above-stated principles. We consider the technical issues raised by NAS, LDD, and SBS first.

II. Technical Issues

A. LDD and SBS Petitions

6. LDD and SBS endorse the Commission's reallocation of the spectrum at 10.55–10.68 GHz and the adoption of other rules and policies for the establishment of DEMS. They concur that the action we took in the *Report & Order* is clearly in the public interest and support our stated policy goal of system design flexibility and adoption of only those technical standards necessary to ensure a reasonably efficient use of the spectrum. Nevertheless, the overriding concern of these two petitioners is that some of these technical standards could frustrate the achievement of that goal. They ask that the Commission modify the technical standards by expressing power limitations for nodal stations and user stations in terms of transmitter output power per unit bandwidth instead of absolute transmitter output power and absolute effective isotropic radiated power (EIRP), respectively. They also request that minimum radiation suppression standards for user station antennas be relaxed. LDD requests that the 2.5 MHz channelization plan for the reserve be altered to accommodate Extended DEMS carriers, which use a 5 MHz channel.

7. LDD's and SBS's primary concern centers on our specification of a maximum of 0.5 watt as an absolute output power level for a DTS transmitter. This power limitation is significant only for the nodal stations, whose transmitter output power is nominally in that range, rather than the lower powered DTS user stations. LDD asserts that the 0.5 watt absolute power level, along with our specification of a 23 dBW EIRP limit for user stations, would impose a practical limit on the data rate that could be sent over DTS, and would be both spectrally and economically inefficient. SBS contends that by maintaining such limits we have unnecessarily restricted the coverage area of a DTS channel carrying higher data rates than 256 kb/s. They both recognize that the power restrictions were adopted in order to protect from interference the National Aeronautics and Space Administration's (NASA's) satellites in the Earth Exploration Satellite Service (EESS), but claim that our goal of design flexibility may suffer. More specifically, the Commission has improperly determined these power levels based on the XTEN system design [4] of 250 kHz subchannels, despite not having specified that particular channelization in the Rules, according to LDD and SBS. The 250 kHz subchannels were designed to support a data rate approximately 250 kilobits per second (kb/s). Should a DTS carrier have a need to accommodate a higher data rate within the adopted power limits,[5] all other things being equal, a shorter path length would be required. They point out that a shorter path length would increase system costs, and thereby the prices charged subscribers, because additional nodes would be needed to serve a city. Higher data rates could only be accommodated if the carrier were willing to make one or more system design changes including lower received signal levels, reduced link margins, condensed geographic coverage, or other changes affecting the quality of service. LDD also points out that spectral efficiency would suffer because of the increased need for internodal communications.

8. Additionally, LDD questions whether the absolute power limits for nodal station transmitters will in fact be adequate to protect the satellite-mounted environmental passive sensors in the EESS from interference. The satellite-borne sensors operate in the 10.6–10.7 GHz band, the majority of which is shared with DTS. LDD gives an example of a configuration of six nodal radios, each emitting 0.5 watt on adjacent 250 kHz channels for a total power output of 3 watts over 1.5 MHz. Since the rules as adopted in the *Report & Order* would not permit a single DTS radio emitting at 3 watts, LDD alleges that an inconsistency exists. LDD contends that the two configurations are virtually the same from the perspective of a passive sensor. Recognizing that the power limits as adopted are in accord with Footnote 831 of the international table of Frequency Allocations, LDD and SBS request that we initiate the coordination procedure stated in the footnote to implement a varying technical standard.[6] LDD also points out

[3] Notice of Proposed Rulemaking and Inquiry, FCC 79-464, released August 29, 1979. 44 FR 51257 (1979).

[4] XTEN is the system design concept that Xerox Corporation intended to employ for its DEMS entrant. Although Xerox filed the petition instituting this present docket to reallocate spectrum and to establish DEMS, it has since abandoned its plans to build XTEN. *See* the Wall Street Journal, May 15, 1981.

[5] These limits only refer to the absolute transmitter output power, not the effective isotropic radiated power limit of +40 dBW (*See* Rule § 21.507). A DTS nodal station in a system designed like XTEN's would have an EIRP of +13 dBW (16 dBi antenna gain and −3 dBW (0.5 watt) transmitter power), well below +40.

[6] The pertinent part of footnote 831 to the Table of Frequency Allocations of the Radio Regulations of the International Telecommunications Union (ITU) states: "In the band 10.6–10.68 GHz, stations of the fixed and mobile, except aeronautical mobile, services shall be limited to a maximum equivalent isotropically radiated power of 40 dBW and the power delivered to the antenna shall not exceed −3 dBW. These limits may be exceeded subject to agreement obtained under a procedure set forth in Article 14 * * *" The adoption of the footnote had

that the power limits we adopted for the entire band of 10.55–10.68 GHz are more restrictive than those specified in the footnote, which only applies to the band segment 10.60–10.68 GHz.

9. To resolve these problems, SBS and LDD propose a power limitation of 0.5 watt per 250 kHz for DTS nodal transmitters. Additionally, LDD proposes a 23 dBW EIRP per 250 kHz for user stations. They argue that operation in accord with these standards would permit higher data rate transmissions and could provide even more protection of NASA's passive sensing satellites, given that the number of DTS stations is not limited by the Rules adopted.

10. LDD and SBS also urge the Commission to eliminate the Standard B sidelobe suppression and the 34 dBi minimum gain for user station antennas. The petitioners contend that imposition of these standards would cause user stations to be more expensive, unnecessarily escalating system costs. They argue that since the sidelobe suppression standards were adopted to protect against interference between cochannel DTS user stations, and since such stations in a given SMSA are within the control of the DEMS carrier, it should be left as a matter of the carrier's business discretion to provide whatever level of interference protection it deems appropriate. SBS additionally suggests that imposition of Standard B radiation standards could adversely impact the acceptability of DTS in metropolitan areas by effectively prohibiting aesthetically more pleasing antennas smaller than 0.6 meter (2 feet) in diameter. [7]

11. Finally, LDD urges that the 30 MHz in the two bands from 10.585–10.600 GHz and from 10.650 GHz be structured into 5 MHz channels rather than 2.5 MHz channels as adopted. This spectrum is reserved for Extended carriers for 5 years after the release of the *Report & Order*. *See* § 21.502(g) of Our Rules, 47 CFR 21.502(g), and paras. 36 and 37 of the *Report & Order*, 86 FCC 2d at 373. LDD points out that an Extended carrier would require two 2.5 MHz channels and would need sufficient spectrum at the inner edges of the two channels to comply with the emission limitations of Section 21.106, 47 CFR 21.106. LDD notes that this spectrum, intended to protect against intersystem interference, is unnecessary for an Extended carrier since the two 2.5 MHz channels would then be intrasystem. LDD requests that we channelize the reserve into 5 MHz segments to eliminate this anomaly. Alternatively, the petitioner requests that we permit a licensee using two contiguous 2.5 MHz channels to comply with the technical standards applicable for a single 5 MHz channel.

B. Opposition to LDD and SBS

12. An opposition was filed by NASA to LDD's and SBS's petitions for reconsideration. ISA Communication Services, Inc. (ISACOMM) and Tymnet, Inc. (Tymnet), on the other hand, while opposing the petitions filed by CCC and the state of California on non-technical matters, explicitly supported the requests by SBS and LDD that the Commission adopt power spectral density limitations for DTS and delete Standard B antenna requirements for user stations. NASA contends that these modifications of the DTS technical rules could make remote sensing in the 10.6–10.7 GHz band impossible. NASA states that the 0.5 watt maximum transmitter power limit was critically based on the projected number of transmitters in the 10.6–10.7 GHz band within line-of-sight to the passive sensor. [8] Because interference to the passive sensors is based on the combined interference power from all sources, any increase in the power of each station could necessitate a reduction in the population of transmitters to keep interference below the maximum allowable level for the sensors. NASA also is opposed to the SBS and LDD proposals to relax the performance standards for user station antennas. It contends that a deletion of those standards to permit the use of smaller lower-gain antennas would allow their broader beamwidths to increase the geographic area where interference to the passive sensors could occur. NASA indicates that higher power transmitters would be acceptable, however, provided that the Commission adopts rules limiting the total number of transmitters in the 10.60–10.68 GHz band to the number needed to keep the total interference potential to the passive sensors below the harmful interference threshold.

13. In its statement in opposition, NASA related that it had met with LDD and was optimistic that together they could develop mutually satisfactory technical parameters for DTS. More meetings between LDD and NASA followed to resolve the issue. [9] Each party reports in its Reply that they reached agreement on parameters that would enhance DEM's market viability and minimize interference to passive sensors. SBS and ISACOMM did not participate in the discussions but both express support for that agreement. In its reply NASA urges the Commission to incorporate the terms of the resolution in the Rules. The terms of the agreement as stated by LDD in its Reply are the following:

(a) The power limitation of nodal stations should be specified at 0.5 watt per 250 kHz.

(b) The power limitation of user stations should be specified at 40 milliwatts per 250 kHz.

(c) The number of nodal stations should be limited over the next five years to 4000.

(d) At the end of that period, the Commission should, if it rechannelizes the unused portions of the band, re-examine the numerical limitation on the number of nodal stations in light of improvements in radiometer technology and of the demand for 10 GHz DTS.

(e) The present requirement that user station antennas comply with Standard B sidelobe standards should be preserved.

14. LDD cites four factors in support of the proposed resolution. First, since nodal stations used for Extended DEMS operate below 10.6 GHz, no limitation on DTS power is needed. Second, Limited system nodal stations, to operate on frequencies above 10.6 GHz in the 15 MHz from 10.600 to 10.615 GHz, are unlikely to be implemented to the degree that they would present a significant interference potential to NASA's passive sensors. NASA expects that progress in passive sensor radiometer research and development should result in radiometers requiring only an 85 MHz bandwidth instead of 100 MHz (from 10.6 to 10.7 GHz). Consequently, the lower 15 MHz of the band where Limited system nodal stations operate would no longer be required for passive sensor operation. Third, DTS would cause interference to passive sensors primarily because of the mainlobe and sidelobe radiation from the user stations. The total amount of radiation from user stations is dependent on their population. Given a DTS system design of three or four

been proposed by the United States at NASA's urging to insure protection of remote passive sensors.

[7] The gain of the standard commercial 0.6 meter (2 foot) parabolic antenna is 34 dBi (at 10.6 GHz), which is the minimum gain for user station antennas as set forth in Rule § 21.108(c). Since the gain of a parabolic antenna decreases with its diameter (or aperature), an antenna smaller than 0.6 meter has a gain less than the minimum mandated by our Rules.

[8] NASA had originally proposed the power limits as part of the effort to develop U.S. positions for the 1979 WARC.

[9] In order that LDD and NASA might complete these meetings, we granted a second extension of time for the filing of reply comments. Order Further Extending Time for Filing Replies, Mimeo 002671 (Chief Scientists), released August 7, 1981, 46 FR 40904, August 13, 1981.

sectors about each local node with user stations employing a time division multiple access multiplexing scheme, only one user station per sector would be transmitting at any one instant of time. The number of user stations above which the threshold of unacceptable interference will be reached would then be determined by the total number of sectors rather than the user stations themselves. The limiting number of DTS nodes was determined to be 4000, however, assuming a system design of three sectors per node [10] and power density limits at 40 milliwatts per 250 kHz. The limit of 4000 nodes was deemed to be far in excess of the projected number that would be implemented in the next five years.[11] Fourth, two major uncertainties were foremost in recommending that the Commission maintain its posture of flexibility and await the passage of at least five years before establishing more definitive rules. The uncertainties are: (a) forecasting the market demand for DTS-provided services, and thus the number of DTS nodes, and (b) the degree of improvement in radiometer technology so that bandwidths smaller than 100 MHz could be employed. LDD submits that the Commission goal of providing DTS licensees the maximum design flexibility consistent with the public interest can be more fully realized under these proposed technical standards. At the same time these standards insure, contends LDD, that the interference potential to NASA's passive sensors from DTS operations at 10 GHz will be considerably lessened.

C. Discussion of Power Limitations

15. In the *Report & Order* we sought to ensure system design flexibility in many aspects of the DTS technical requirements. For example, we did not specify subchannel bandwidth or require a cellular reuse design configuration.[12] In accord with this philosophy, we stated that we did not wish to constrain system design by imposing power limits more stringent than necessary to avoid interference. We pointed out, however, that the power emitted in the 10.60–10.68 GHz band would be subject to limits imposed by the international Radio Regulations for all terrestrial stations operating in this band.[13] We noted in the *Report & Order* that despite our request made in the NPRM that commenters offer alternative, more efficient DTS designs, no designs of sufficient detail were submitted.[14] A prime factor in our adoption of 0.5 watt as the maximum transmitter power for DTS, however, was that it was proposed to be employed in XTEN. This proposed system was the only full-scale system concept of sufficient technical detail before us. Additionally, virtually all of the parties commenting on the NPRM gave their support or at least found no fault with the XTEN design including the maximum user station power of 0.04 watt. The record we had before us clearly supported adoption of the power limits as used for XTEN. We did modify the power limits for user stations and required, in response to NASA's concerns, an EIRP limit, albeit 3 dB higher than the 20 dBW NASA had recommended.

16. The concerns raised above by LDD and SBS, however, persuade us that our policy goal of allowing DTS licensees the greatest freedom in system design consistent with our mandate to limit interference to other systems would be greatly served by adoption of power spectral density limits. As we recognized in the *Report & Order*, the power required to support a signalling rate higher than 256 kb/s would have to be greater than the maximums we had adopted (given the same path lengths and antennas).[15] To remain within these maximums and provide a data rate greater than 256 kb/s to the user subscriber, a licensee probably would have to shorten the usable DTS path lengths, thereby requiring more nodal stations to provide the same coverage area. Absorbing the costs of additional nodal stations would constitute an economic penalty for DTS carriers. Adoption of a power spectral density rather than an absolute power limit would allow a DTS carrier to offer higher data rates without shortening path lengths. As related above, however, the 0.5 watt absolute power limit is imposed by the international Radio Regulations, and is intended to protect NASA's passive sensors from harmful interference. Since NASA, nonetheless, agrees with the power spectral density limits (and the limit on the number of DTS nodes) advanced by the LDD and SBS, the prospect of such interference presumably would not be measurably increased, if at all. We also note approvingly that the agreement recommends maintenance of the requirement that user station antennas comply with Standard B radiation suppression limits. The resolution by NASA and LDD, since it apparently serves the interests of DTS users and would also minimize the interference potential to passive sensors, we believe, serves the public interest very well. ISACOMM and SBS in their comments give explicit support to the resolution. Moreover, in the additional comment period initiated to give other parties an opportunity to comment on the NASA–LDD agreement, no pleadings were filed by any party.

17. Operation of DTS stations under a power density limit, despite no significant change in the interference potential to passive sensors, would not be in accordance with the technical provisions of Footnote 831. We note, however, that since the provisions of the footnote were intended to protect NASA's passive sensors in the EESS, and NASA now agrees that EESS will not be adversely impacted by the new DTS technical standards, adoption of these standards would in fact accomplish the objective of the footnote. Nevertheless, we will notify the administrations (countries) whose radio services might be affected by a variance from the footnote provisions of our

[10] The majority of DTS applicants thus far have proposed a system design with three 120° sectors per nodal station. The applicants are the following: ISACOMM, Tymnet, SBS, GTE Telenet Communications Corp., CCC, Graphic Scanning Corp., National Microwave Interconnect Corp., Digitial Terminations Services, Inc., MCI Telecommunications Corp., Via/Net Cos., Data Source Inc., Local Area Telecommunications, Inc., RCA Network Services, Inc., The Western Union Telegraph Co., Federal Express Corp., ITT World Communications Inc., ICOM, Inc., Southern Pacific Communications Co., Satellite Systems Corp., First Communications Group, Inc., Cox Cable Communications, Inc., Citicorp Digital Exchange, Inc., Western Tele-Communications, Inc., General Communication Inc., American Business Communications Co., DEMS of Delaware Valley, Inc., U.S. Telephone Communications, Inc.

[11] Two considerations suggest that the limit of 4000 nodal stations will not be binding. First, the limit was endorsed by LDD, a major provider of DTS equipment, which presumably made a well-informed forecast of the potential market for DTS. Furthermore, no other equipment supplier, prospective DEMS licensee, or any other party opposed the NASA–LDD resolution. See para. 16 *infra*. Thus, none of the entities in the best position to forecast future DTS demand objected.

Second, there is spectrum available for seven Extended and six Limited systems in any given SMSA. Assuming a single node per system, if each Extended system channel were in use in 100 cities and each Limited system channel were in use in 30 cities, there would be 880 nodes in operation. At present, none of the 30 applications on file for DEMS calls for more than *one* nodal station per city. While expansion may prompt installation of additional nodal stations in the large cities, it seems unlikely that enough will be added by 1986 to make the constraint binding.

[12] *See Report & Order* at paras. 45–47, 86 FCC 2d at 377.

[13] *Id.* at paras. 50 and 52, at 379.

[14] GTE did propose in its comments, however, a DTS power density limitation to ease frequency coordination between systems offering subchannel data rates higher than 256 kb/s. XTEN was to offer this rate over a 250 kHz subchannel. *See* comments of GTE Service Corp. on the NPRM in this docket (filed January 14, 1979) at p. 8.

[15] See Report & Order at para. 50, 86 FCC 2d at 379.

intentions. Our preliminary survey of stations operating in the 10.60–10.68 GHz band in Mexico and Canada reveals little or no activity. We therefore expect no significant problems with interference to Mexican and Canadian 10.6 GHz operations in this band. Consequently, we adopt each term of the proposed resolution including the power limitations on DTS transmitters as expressed in power spectral densities and the restriction on the number of user stations.[16]

D. Extended Network Use of the Reserve Spectrum

18. With respect to LDD's request concerning the use of the reserve spectrum by Extended systems, we agree that an Extended network system employing two contiguous 2.5 MHz channels should only be required to have emission limitation bands at the outer edges of the resulting 5 MHz channel. In providing for these band segments at the edges of the assigned channel, we only sought to minimize primarily the adjacent channel interference to other DTS networks operating in the same SMSA. Thus, these band segments at the inner edges of the two contiguous 2.5 MHz channels used by a single Extended licensee are unnecessary. In any event, rechannelizing the reserve into 5 MHz channels to eliminate this requirement, as LDD requests, would defeat the flexibility built into the channelization scheme. That flexibility is necessary given the uncertainty as to what extent the market for local distribution can be met by Limited networks. We shall amend our Rules to make our intent more explicit, however. Therefore, we adopt the alternative of permitting an Extended licensee using two contiguous 2.5 MHz channels to employ the technical standards that are required for a single 5 MHz channel. *See* Appendix, amended Section 21.502(e)(1).

E. NAS Petition re Radio Astronomy

19. NAS's concern is that the electromagnetic compatibility of certain uses of the reallocated spectrum and radioastronomy is questionable in the 10.60–10.68 GHz band. NAS states that because it anticipated that DTS would function only in metropolitan areas, it did not anticipate that radiation from DTSs would cause harmful interference to the Radio Astronomy Service (RAS) since its sites are located outside of heavily populated areas. This evaluation led to the assumption that all reallocated frequencies would be strictly intracity. Since our rules, which established internodal links in the 10.550–10.565 and 10.615–10.630 GHz bands, permits other uses, NAS fears that these uses might be intercity and thus cause unacceptable interference to radio astronomy operations, internationally approved in the 10.60–10.68 GHz band. NAS holds this view despite the fact that in the United States only 10.68–10.70 GHz is allocated for radio astronomy. NAS alleges that we did not consider radio astronomy during the proceedings in the docket. It therefore requests that we do so, reconsider possible sharing problems, and that we specifically address them in this Order.

20. In the work conducted in preparation of the NPRM, the staff considered the compatibility of RAS with DTS operations only in the 10.68–10.70 GHz band,[17] which is adjacent to the 10.55–10.68 GHz band. These two bands have been allocated exclusively on a domestic basis to RAS and to fixed stations, respectively. While we recognized that 10.60–10.68 GHz was allocated internationally to RAS on a primary-shared basis, our investigation focused on the compatibility of operations to be conducted in accord with our domestic allocation table. We found no major problems with DTS adjacent to the RAS allocation. The Commission adopts new allocations, such as the one for DTS and its associated internodal links, in accord with the domestic Table of Frequency Allocations. In doing so we consider whether authorized services in this country might adversely affect foreign radio operations that are in compliance with certain international allocations that the U.S. may have chosen not to implement.[18] Since the international allocation to radio astronomy has not been implemented in the U.S. in the band 10.615–10.630 GHz, reserved for DTS internodal links and for other point-to-point operations, we foresaw no adverse impact to RAS.

21. NAS's concern with the interference potential of fixed stations in the 10.615–10.630 GHz band centers on those few stations that might not be used intracity for communications between nodal stations. It assumes that those few stations, unlike internodal links, could be operated between cities and thereby cause interference to radio astronomy sites, located away from metropolitan areas.

22. At the outset, we note that despite the fact that RAS has primary co-equal status internationally with fixed stations in the 10.60–10.68 GHz band, it has neither a primary nor secondary status domestically. The domestic Table of Frequency Allocations consequently does not provide RAS any protection from interference from allocated services. We are, however, mindful of the national importance of radio astronomy, and the existing Rules give evidence of this concern. Rule Section 21.113 specifies that radiation from other services is to be restricted in certain specified geographical areas ("quiet zones") about radio astronomy sites.

23. At the time of the adoption of the *Report & Order* we contemplated, and we still believe, that the 10.615–10.630 GHz band (and 10.550–10.565 GHz) will not be employed for intercity links. This judgment and the conclusion that these uses, if so employed, would have no significant impact on the Radio Astronomy Service are based on four factors. First, the DEMS rules state an explicit preference for internodal links in the band of interest. (*See* § 21.502(d)). To the degree that the use of DEMS is extensive, the likelihood diminishes that these frequencies would be used for other than internodal links. Second, it is highly unlikely that the relatively narrow 2.5 MHz and 1.25 MHz bandwidths[19] of the point-to-point channels in the 10.615–10.630 GHz band would be attractive to non-DTS users. Operation at 10 GHz with these narrow channels would require much tighter frequency stability than presently required for non-DTS links to preserve a reasonably usable information bandwidth. Consideration of microwave channels in other existing services is instructive. For the next lower frequency band to 10 GHz, the narrowest channel width is 5 MHz. For the next higher band, the narrowest channel is 10 MHz.[20] These narrow channels, two to

[16] *See* Appendix, Rule §§ 21.506 and 21.512, 47 CFR 21.506 and 21.512, as amended.

[17] *See* NPRM, 44 FR at 51261, footnote 19.

[18] For uses permitted by domestic allocations that conflict with the allocations set forth in the Radio Regulations, the U.S. remains obligated (having bound itself by treaty) to avoid "* * * causing harmful interference to services rendered by the stations of another country." Art. 6, section 2 [para. 340], ITU Radio Regulations (1982). Therefore, this Commission will adopt non-conforming domestic allocations for services only when there is virtually no prospect of causing such interference. When there may be interference (usually along the borders), bilateral agreements are effected between the U.S. and the affected countries. In the case of the 10.60–10.68 GHz band, RAS and Fixed services have primary co-equal status internationally. [The 1982 Regulations cited here are presently before Congress for the advice and consent of the Senate. The obligations are not different from those of the 1959 Regulations.]

[19] These are the channel widths of the internodal links used for Extended and Limited DEMS, respectively. *See* Rule § 21.502(d), 47 CFR 21.502(d).

[20] In the 6.525–6.875 GHz band, channels of 5 or 10 MHz may be authorized. In the 12.2–12.7 GHz band

four times as wide as those in question, have experienced meager use themselves since users in these bands generally employ channels up to 10 and 20 MHz wide, respectively. To the degree that the non-use of these 5 and 10 MHz channels is related to their channel width,[21] the likelihood of use of the 1.25 and 2.5 MHz channels is considerably lessened. Third, the relatively short range of the 10 GHz signal markedly reduces its potential for interference. And finally, to traverse the longer intercity routes, more radio relay stations would be required than at a lower frequency because of the short path lengths. The additional investment for more sites would undoubtedly inhibit use of 10 GHz for other than intracity purposes.

24. Finally, NAS states that the U.S. advocacy for a radio astronomy allocation internationally implies that the U.S. would implement that allocation domestically. It should be noted that the concerns of NAS and other members of the radio astronomy community have been addressed in the *Third Notice of Inquiry* in Docket 80–739, which deals with the domestic implementation of the Final Acts of the 1979 WARC.[22] We believe that the *Third Notice* is the most appropriate vehicle to resolve any remaining uncertainties regarding the radio astronomy allocation.

25. Aside from the recognized importance of radio astronomy, however, the operation of stations in an allocated service must take precedence over a non-allocated radio service like RAS if we are to preserve a semblance of order and creditability in the national frequency allocation table. This policy notwithstanding, we do not expect, for the reasons stated, that uses permitted in this newly allocated spectrum for point-to-point links will cause interference to RAS. We therefore affirm our decision in the *Report & Order* not to preclude innovative uses of this spectrum by reserving it only for internodal links.

III. Procedural, Policy, and Legal Matters

A. Contemporary Communications Petition

26. CCC argues that we did not adequately consider whether MDS with augmentation, could meet the public's need for networks providing intracity distribution of digital communications. A number of MDS interests has argued in initial comments that MDS carriers could meet the perceived public need for a DTS-type system. Although we did not specifically address this question in the *Report & Order* we do not believe that it was necessary for us to do so. An agency is not required to specifically address every proposal that is made in a rulemaking proceeding. It need only give a concise statement of the basis and purpose of the rules adopted. 5 U.S.C. 553(c); *Kennecott Copper Corp. v. EPA*, 462 F. 2d 846 (D.C. Cir. 1972). Inherent in the Commission's conclusion to create a new service was a finding that MDS could not meet the perceived needs of the public.[23]

27. CCC alleges that only modest augmentation of the rules would be necessary before MDS licensees could provide the type of services that can be provided over DTS facilities. Our analysis, however, is that this is simply not correct. Virtually all the rules adopted for DTS would have had to have been adopted for MDS (*e.g.*, reallocation of spectrum), and MDS operators would have had to substantially redesign their systems. It was thus entirely reasonable for us to allocate spectrum to DTS. In any event, we fail to see how MDS operators have been adversely affected by the Commission's action since they are not precluded from applying for DTS licenses.

28. CCC's second argument is that the Commission did not give adequate notice of the actions it took in the *Report & Order*. In particular, it alleges that the Commission should not have allocated spectrum for internodal links since the NPRM did not propose such an allocation. We reject this argument. The general rule is that an agency need not give notice of every proposal that the agency might adopt and that notice is adequate if it is "sufficiently descriptive of subjects and issues involved so that interested parties [may comment." *Ethyl Corp. v. EPA*, 541 F.2d 1 (D.C. Cir.), *cert. denied*, 426 U.S. 941 (1976). In the NPRM the Commission stated that in Xerox's petition for rulemaking there was "no clear justification" for internodal links since they could be authorized in existing common carrier, terrestrial fixed point-to-point bands. The Commission did, however, "invite further comment on this question." 44 FR at 51259. Since the Commission asked for comments on the Xerox proposal, parties were on sufficient notice to comment and, in fact, many parties did. The fact that CCC's predecessor in interest did not comment does not affect the adequacy of the notice given or the viability of our decision to allocate spectrum for internodal links.

29. CCC's next argument is that the Commission "virtual[ly] abdicat[ed] its responsibility when it refused to adopt technical standards for interconnection between carriers and did not set forth guidelines with respect to interconnection of equipment." With respect to both these issues we decided that it would be unnecessarily restrictive of technological development to specify standards at this time. In order to encourage interconnection, we did, however, require publication of necessary interface information. We believe that the course we adopted in the *Report & Order* was proper. It is well settled that the choice of whether an agency will proceed by rulemaking or on a case-by-case basis lies primarily in the informed discretion of the administrative agency. *Apex Oil Co. v. FEA*, 443 F. Supp. 647 (D.D.C. 1977). Here we opted for deciding questions that may arise on a case-by-case basis, at least initially. We believe this is reasonable for a new service and we note that many of the commenters favored it.

30. Finally, CCC argues that we did not adequately justify the conclusion that the predominant need is for Extended systems and the establishment of a 30-SMSA minimum for Extended networks. CCC argues that the supply structure should be determined by competitive markets. While we agree that competition should determine the supply structure generally, in allocating spectrum to various services, this Commission obviously must make some judgments as to the need for various services. It this case we concluded that the predominant need in this country was for networks covering a large number of cities. This conclusion was fully supported by the record. Several commenters projected a market demand

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10 or 20 MHz channels may be authorized. These channels are used in the Private Operational Fixed Services. Common carriers operating at 6 GHz and at 11 GHz utilize channels 30 and 40 MHz wide, respectively.

[21] Another factor explaining this non-use is that employment of the 5 and 10 MHz channels exposes users to a greater interference potential because the channels are interstitial. Interstitial channels are part of the channel plans listed in Part 94 for the Operational-Fixed Microwave Service. The center frequency of such a channel lies at the common edges of two adjacent channels, each of which is normally twice the bandwidth of the interstitial channel. For analog signals, since the signal power is concentrated at or near the center frequency in a channel, interference due to the close proximity of the interstitial and adjacent channels is minimized. For digital signals, because the relatively uniform dispersion of the signal power across the channel for most commonly used modulation schemes, the feasibility of using interstitial channels for digital transmission is reduced.

[22] FCC 81–323, released August 7, 1981, 46 FR 40536 (1981).

[23] We also note that in the NPRM the Commission did consider and reject the MDS frequencies for DTS because of their limitations. See NPRM, 44 FR at 51261, footnote 16.

for Extended networks and a study by NASA supported our conclusion. We rejected the idea that the supply structure should be determined completely by competitive markets since interconnection of smaller networks was thought to be difficult. Clearly, there was sufficient analysis before us to make the determination that CCC attacks.

31. Our adoption of thirty as the number of SMSAs in which a carrier must operate before it will be considered an Extended system likewise is justifiable. *See WJG Telephone Co. v. FCC*, No. 81–1461 (D.C. Cir. April 9, 1982). Our Intention, as expressed in the *Report & Order*, was to encourage the establishment of Extended DEMS networks offering a nationwide capability, while lowering barriers to entry. We did not wish to take any action that would unnecessarily limit the number of applicants, and thus we sought to find the minimum number of cities that would provide a truly nationwide system. We also believed that in order to justify the investment in an Extended system, there would have to be several large corporations or institutions as potential customers. Since 28 of the largest SMSA's had three or more Fortune 500 companies we balanced the 28-criterion and the 50-SMSA proposal put forth by Xerox and the Justice Department, and concluded that a 30-city criterion would best serve our desire to encourage truly national networks without erecting unnecessary barriers to entry.

32. Finally, oral argument on any of these points would not enhance, or assist us in making these decisions. Oral argument would result in greater delay and expense, with no apparent benefit. *See United States v. FCC*, 652 F.2d 72 (D.C. Cir. 1980).

B. State of California Petition

33. In its petition for reconsideration the State of California argues that we erred in preempting regulation by the states of intrastate use of the proposed service. It alleges that no conflict between interstate and intrastate interests has been demonstrated. In the *Report & Order* we stated that it was our intention to "preempt *inconsistent* state regulation of technical standards, market entry standards and rate and tariff regulations of all carriers using DTS facilities," 86 FCC 2d at 390 (emphasis added). We believe that the State of California may have misinterpreted our order with respect to preemption. We did not state, nor did we intend, to preempt all state regulation regardless of its effect upon interstate services or national policy goals. We see no need to foreclose legitimate state policies as long as they are not inconsistent with our national DEMS regulatory policy and do not burden the rendition of interstate DEMS service. Should a question ever arise as to whether a particular state regulation is, or may be, inconsistent with our national DEMS regulatory policy, we stand ready to rule on its consistency or lack thereof expeditiously.

IV. Miscellaneous

34. It has come to our attention that because of an error in Appendix B of the *Report & Order* there has been some confusion as to the status of § 21.100(d) of our Rules, 47 CFR 21.100(d). We wish to make it clear that we amended only the first sentence of paragraph (d) and that the remainder of Section 21.100(d) was to remain untouched. Some of the companies that publish our rules have recently included only the first sentence of paragraph (d) as the entire § 21.100(d). Section 21.100(d) is an important rule involving frequency coordination and we shall formally readopt the entire § 21.100(d) to ensure that there is no confusion as to our intent. *See* Appendix pp. A–1 through A–3. In addition, we have recently realized that in adopting the new rules for DEMS we neglected to amend the Table of Contents of Part 21. We therefore adopt such changes herein.

35. Finally, we note that language used in the *Report & Order* and the rules that we adopted relating to the amount of time in which construction must be completed may have caused confusion. In the *Report & Order*, we stated that construction must be completed within a number of months after receipt of Section 214 authorization. In the Rules we state our intention that construction be completed within a number of months of receipt of the construction permit. These two statements are not inconsistent because we envision granting simultaneously Section 214 authorization and the Title III construction permit.[24]

V. Conclusion

36. In acting upon the petitions for reconsideration of certain technical standards, we have made modifications that do not disturb the regulatory scheme adopted for DTS in the *Report & Order*. By adopting the maximum power density standards, clarifying the requirements for use of the reserved channels by Extended DEMS, and by not restricting the allowed uses of the 10 GHz point-to-point links as NAS requests, we further our goal of system design flexibility. The changes that we adopt also enhance DTS's viability and promote efficient use of the 10 GHz spectrum by providing for compatibility with other services using this spectrum. The proposed resolution arrived at by LDD and NASA as to the technical standards also serve the FCC well in relieving us from expenditure of our limited resources to make detailed technical analyses of their contending views. In adopting the terms of the resolution, we believe it is in the public interest to provide for the most efficient radio local distribution services and not to endanger the nation's environmental remote sensing program. The adjustment in DTS technical standards allows the achievement of these goals.

37. Finally, we deny the petitions for reconsideration filed by CCC and the state of California. There was sufficient notice, and justification for the rules and policies adopted in the *Report & Order*. We have not, as the state of California seems to assert, preempted all state regulation of DEMS carriers. Rather, we have simply indicated our intent to preempt state regulation that is inconsistent with interstate service or federal policies. Clearly, the Commission has authority to do so.

VI. Ordering Clauses

38. Accordingly, it is ordered, under the provisions of Section 1, 4(i), 303, and 403 of the Communications Act of 1934, as amended, that the First Report and Order adopted in this docket proceeding is modified to the extent set forth herein.

39. It is further ordered that the petitions for reconsideration of the First Report and Order are granted to the extent set forth herein and otherwise denied.

40. It is further ordered that §§ 21.13, 21.100, 21.502, 21.506, and 21.507 of the Commission's Rules are amended as set forth below, and that § 21.512 is added to the Rules, effective August 5, 1982.

(Secs. 4, 303, 48 stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

[24] DEMS networks will be authorized under Section 214 and Title III of the Act. We will not require, however, that applicants file separate Section 214 applications. The filing of information required to be submitted in a Title III application, when viewed in conjunction with the public interest determination made in this proceeding, will be sufficient to make the necessary determinations under Section 214 and Title III of the Act. The applicants will be required to satisfy the notification requirements set forth in Section 214(b) and § 1.763 of the Commission's Rules.

Federal Communications Commission.
William J. Tricarico,
Secretary.

Appendix

Chapter I, Part 21 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 21—DOMESTIC PUBLIC FIXED RADIO SERVICE

1. The Table of Contents to Part 21 is amended by revising Subpart B and adding Subpart G as follows:

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Subpart B—Applications and Licenses

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Sec.
21.7 Standard application forms for point-to-point microwave radio, local television transmission, multipoint distribution, and digital electronic message services.

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Subpart G—Digital Electronic Message Service

Sec.
21.500 Eligibility.
21.501 Digital termination nodal stations may be authorized only as part of a digital termination system.
21.502 Frequencies.
21.503 Frequency stability.
21.504 Frequency interference.
21.505 Purpose and permissible service.
21.506 Transmitter power.
21.507 Radiated power limitation in the 10 600–10 680 MHz band.
21.508 Emissions and bandwidth.
21.509 Antennas.
21.510 Interconnection.
21.511 Spectrum utilization.
21.512 Limitation on number of nodal stations.

2. Section 21.13 is amended by revising paragraph (f)(1) to read as follows:

§ 21.13 General application requirements.

* * * * *

(f)(1) Except for applications in the Multipoint Distribution Service and the Digital Electronic Message Service, an applicant shall include a copy of the franchise or other authorization issued by appropriate regulatory authorities, when required by applicable local laws. If no such local requirement exists, or if Commission authority is a prerequisite for such authorization, a statement to this effect shall be included in the application.

* * * * *

3. Section 21.100 is amended by revising paragraph (d) to read as follows:

§ 21.100 Frequencies.

* * * * *

(d) All applicants for regular authorization in the Point-to-Point Microwave Radio and Local Television Transmission Services shall, before filing an application or major amendment to a pending application, coordinate proposed frequency useage with existing users in the area and other applicants with previously filed applications, whose facilities could affect or be affected by the new proposal in terms of frequency interference or restricted ultimate system capacity. In coordinating frequency usage with stations in the fixed satellite service, applicants shall also comply with the requirements of § 21.706 (c) and (d). In engineering a system or modification thereto, the applicant shall by appropriate studies and analyses select sites, transmitters, antennas and frequencies that will avoid harmful interference to other users. All applicants, permittees and licensees shall cooperate fully and make reasonable efforts to resolve technical problems and conflicts that may inhibit the most effective and efficient use of the radio spectrum; however, the party being coordinated with is not obligated to suggest changes or re-engineer a proposal in cases involving conflicts. Applicants should make every reasonable effort to avoid blocking the growth of systems that are likely to need additional capacity in the foreseeable future. The applicant shall identify in the application all entities with which the technical proposal was coordinated. In the event that technical problems are not resolved or if the existing licensee, permittee or applicant does not respond to coordination efforts within 30 days after notification, an explanation shall be submitted with the application. Where technical problems are resolved by an agreement or operating arrangement between the parties that would require special procedures be taken to reduce the likelihood of harmful interference (such as the use of artificial site shielding) or would result in a reduction of quality or capacity of either system, the details thereof shall be contained in the application. The following guidelines are applicable to the coordination procedure:

(1) Coordination involves two separate elements: notification and response. Both or either may be oral or in written form. To be acceptable for filing, all applications and major technical amendments must certify that coordination, including response, has been completed. The names of the carriers with which coordination was accomplished must be specified.

(2) Notification must include relevant technical details of the proposal. At minimum, this should include, as applicable, the following:

Transmitting station name.
Transmitting station coordinates.
Frequencies and polarizations to be added or changed.
Transmitting equipment type, its stability, actual output power, and emission designator.
Transmitting antenna type of model and, if required, a typical pattern and maximum gain.
Transmitting antenna height above ground level and ground elevation above mean sea level.
Receiving station name.
Receiving station coordinates.
Receiving antenna type and model and, if required, a typical pattern and maximum gain.
Receiving antenna height above ground level and ground elevation above mean sea level.
Path azimuth and distance.

(3) For transmitters employing digital modulation techniques at frequencies below 15 GHz, the notification should clearly identify the type of modulation. Upon request, additional details of the operating characteristics of the equipment shall also be furnished.

(4) Response to notification should be made as quickly as possible, even if no technical problems are anticipated. Every reasonable effort should be made by all carriers to eliminate all problems and conflicts. If no response to notification is received within 30 days, the applicant will be deemed to have made reasonable efforts to coordinate and may file his application without a response.

(5) The 30-day notification period is calculated from the date of receipt by the carrier being notified. If notification is by mail, this date may be ascertained by: (i) The return receipt on certified mail, (ii) the enclosure of a card to be dated and returned by the recipient, or (iii) a conservative estimate of the time required for the mail to reach its destination. In the latter case, the estimated date when the 30-day period would expire should be stated in the notification.

(6) All technical problems that come to light during coordination must be resolved unless a statement is included with the application to the effect that the applicant is unable or unwilling to resolve the conflict and briefly the reason therefor.

(7) Where a number of technical

changes become necessary for a system during the course of coordination, an attempt should be made to minimize the number of separate notifications for these changes. Where the changes are incorporated into a completely revised notice, the items that were changed from the previous notice should be identified.

(8) Where subsequent changes are not numerous or complex, the carrier receiving the changed notification should make an effort to respond in less than 30 days. Where the notifying carrier believes a shorter response time is reasonable and appropriate, it may be helpful for him to so indicate in the notice and perhaps suggest a response date.

(9) If it is determined that a subsequent change could have no impact on some carriers receiving the original notification, it is not necessary to coordinate the change with such carrier. However, these carriers should be advised of the change and the opinion that coordination is not required for said change.

(10) Carriers should supply to all other carriers, or known carrier applicants, within their areas of operations, the name, address and telephone number of their coordination representatives. Upon request from coordinating carriers or applicants, data and information concerning existing or proposed facilities and future growth plans in the area of interest should be furnished unless such request is unreasonable or would impose a significant burden in compilation.

(11) Carriers should keep other carriers with which they are coordinating advised of deletions or changes in plans for facilities previously coordinated. If applications have not been filed 6 months after coordination was completed, carriers may assume, unless notified otherwise, that such frequency use is no longer desired.

* * * * *

4. Section 21.502 is amended by revising paragraph (e)(1) to read as follows:

§ 21.502 Frequencies.

* * * * *

(e) * * *

(1) An Extended network licensee will be assigned one pair of channels from Group A and the corresponding pair of channels from Group B. These channels may be adjacent, if available as such. The channel from Group A will be used for the Digital Termination Nodal Station transmitter and the channel from Group B will be used for Digital Termination User Station transmitter. Each pair of channels if adjacent may be used as a single channel by all Extended network licensees. Extended licensees may choose to comply with technical standards for use of a single 5 MHz channel. Extended network assignments will start with channels 19 and 20 and proceed upward.

* * * * *

5. Section 21.506 is amended by revising paragraphs (a) through (c) and adding paragraph (d) to read as follows:

§ 21.506 Transmitter power.

(a) The output power of a Digital Electronic Message Service nodal transmitter shall not exceed 0.5 watt per 250 kHz. Further, each application shall contain an analysis demonstrating compliance with § 21.107(a).

(b) The output power of a Digital Electronic Message Service user transmitter shall not exceed 0.04 watt per 250 kHz.

(c) The transmitter power in terms of the watts specified in this Section is the peak envelope power of the emission measured at the associated antenna input port.

(d) Operating power shall not exceed the anthorized power my more than ten (10) percent of the authorized power in watts at any time.

6. Section 21.507 is revised to read as follows:

§ 21.507 Radiated power limitation in the 10-600-10-680, MHz band.

The effective isotropic radiated power (EIRP) of stations in the 10 600—10 680 MHz band cannot exceed the following limits: (1) Digital Termination Stations—+40 dBW, (2) Point-to-Point Microwave Stations used for internodal communications—+40 dBW.

7. Section 21.512 is added to read as follows:

§ 21.512 Limitation on number of nodal stations.

The total number of nodal stations authorized in the Digital Electronic Message Service shall be limited to 4000 until April 16, 1986. All applications to provide the Digital Electronic Message Service are subject to this limitation. After this date, the limitations may be revised upon re-evaluation of the demand for Digital Electronic Message Service and technological improvements in digital termination systems and other systems sharing the 10 550—10 680 MHz frequency band.

[FR Doc. 82-18137 Filed 7-2-82; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-773; RM-3871, RM-3913]

TV Broadcast Station in Norwell, New Bedford, and Vineyard Haven, Massachusetts, and Kittery, Maine; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Channel 46 to Norwell, Massachusetts, and Channel 58 to Vineyard Haven, Massachusetts, as first commercial TV channels, in response to requests from Mid-Shore Communications, Inc. and Metrovision, Inc., respectively, and also substitutes UHF TV channels at New Bedford, Massachusetts, and Kittery, Maine.

DATE: Effective August 26, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Phil Cross, Broadcast Bureau, (202) 632-5414.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television broadcasting.

Adopted: June 17, 1982.

Released: June 24, 1982.

In the matter of amendment of § 73.606(b) Table of Assignments, TV Broadcast Stations, (Norwell, New Bedford, and Vineyard Haven, Massachusetts, and Kittery, Maine); (BC Docket No. 81-773; RM-3871, RM-3913); report and order, (proceeding terminated).

1. The Commission has before it for consideration a Notice of Proposed Rule Making, 46 FR 58716, published December 3, 1981, in response to separate petitions by Mid-Shore Communications, Inc. ("Mid-Shore") and Metrovision, Inc. ("Metrovision").

2. Mid-Shore proposed the assignment of UHF television Channel 46 to Norwell, Massachusetts, and the related substitution of Channel *34 for Channel *47 at New Bedford, Massachusetts, and the substitution of Channel *39 for Channel *34 at Kittery, Maine (RM-3871).

3. Metrovision proposed the assignment of UHF television Channel 19 to Vineyard Haven, Massachusetts (RM-3913).

4. The requests were consolidated in this proceeding because of a short-spacing conflict between the proposals for Vineyard Haven, Massachusetts

(Channel 19), and New Bedford, Massachusetts (Channel *34). To remove the conflict, we proposed the assignment of Channel 58 to Vineyard Haven in lieu of Channel 19.

5. The proposal for Kittery (Channel *39) will require a site restriction of 1.5 kilometers (0.9 miles) northeast of the community. All other assignments can be made in compliance with the minimum distance separation requirements. Canadian concurrence has been obtained.

6. Each of the petitioners filed comments in which it reaffirmed its intention to file for the respective channel, if assigned. Clark F. Smidt filed comments in support of both proposals. No oppositions were filed.

7. Norwell (population not listed in the 1980 U.S. Census) is located in Plymouth County (population 405,437),[1] approximately 37 kilometers (23 miles) southeast of Boston. It has no local television service.

8. Vineyard Haven (population 1,600), in Dukes County (population 8,942), is located on the Island of Martha's Vineyard, approximately 105 kilometers (67 miles) south of Boston. Vineyard Haven also has no local television service.

9. We believe that the public interest would be served by the assignment of Channel 46 to Norwell and Channel 58 to Vineyard Haven in accordance with the proposals. An interest has been shown for their use, and such assignments would provide each of the two communities with a station which could render a first local TV service.

10. Authority for the adoption of the amendments herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.281 and 0.204(b) of the Commission's Rules.

11. Accordingly, it is ordered, That effective August 26, 1982, Section 73.606(b) of the Commission's Rules, the TV Table of Assignments, is amended with regard to the following communities:

City	Channel No.
Kittery, Maine	*39
New Bedford, Massachusetts	6+, 28–, *34

[1] Population figures are taken from the 1980 U.S. Census, Advance Report.

City	Channel No.
Norwell, Massachusetts	46+
Vineyard Haven, Massachusetts	58+

12. It is further ordered, That this proceeding is terminated.

13. For further information concerning the above, contact Phil Cross, Broadcast Bureau, (202) 632–5414.

(Secs. 4, 303, 48 stat., as amended, 1068, 1082; 47 U.S.C 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division Broadcast Bureau

[FR Doc. 82–18140 Filed 7–2–82; 8:45 am]

BILLING CODE 6712–01–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1036

[Ex Parte No. 252 (Sub-No. 5)] [1]

Elimination of Incentive Per Diem Charges; Removal of Rules

AGENCY: Interstate Commerce Commission.

ACTION: Removal of rules.

SUMMARY: The decision in Ex Parte No. 252 (Sub-No. 5), served August 26, 1980 directed that the rules concerning the use of earmarked funds at 49 CFR 1036.3, 1036.4, and 1036.5 shall remain in effect until June 30, 1982. Notice is given of the termination of the regulations on June 30, 1982. Name railroads shall inform the Commission of the disposition of unspent IPD funds.

EFFECTIVE DATES: Rules are terminated on June 30, 1982. Carriers shall file the requested information on or before August 5, 1982.

FOR FURTHER INFORMATION CONTACT: John J. Sado, (202) 275–7656 or William T. Bono, (202) 275–7354.

SUPPLEMENTARY INFORMATION: Our August 26, 1980 decision in this proceeding (45 FR 59158, September 8, 1980) eliminated the regulations for the earning of incentive per diem (IPD) on boxcars, XF cars, and gondolas. (49 CFR 1036.1, 1036.2, 1036.6, and 1036.7. The regulations at 49 CFR 1036.3, 1036.4, and 1036.5 for spending those accumulated funds were to remain in effect to June 30, 1982 in order to ensure the orderly and proper expenditure of all remaining IPD funds. Although the rules expire on that date, they provide § 1036.4(f)) that the Commission will investigate any non-expenditure of such funds and take corrective action under 49 U.S.C. 11702 (formerly 49 U.S.C. 16(12)) if warranted. Upon investigation of Commission records submitted by the carriers and informal contact of Commission staff with the carriers, we have determined that the following rail carriers have upspent IPD funds:

1. Chicago West Pullman & Southern.
2. Detroit, Toledo & Ironton.
3. Illinois Terminal (purchased by N&W).
4. Western Maryland.
5. Denver & Rio Grande Western.
6. Lake Superior & Ishpeming.
7. Missouri, Kansas, Texas.
8. Roscoe, Snyder & Pacific.
9. Union Pacific.
10. Canadian National.

In order to bring the IPD program to an orderly termination, carriers shall inform the Commission within 30 days following publication of this decision in the **Federal Register** if they have spent the accumulated IPD funds and, if not, when they shall do so, or whether they seek other relief.

List of Subjects in 49 CFR Part 1036

Railroads.

PART 1036—INCENTIVE PER DIEM CHARGES ON BOXCARS AND GONDOLAS

§§ 1036.3 through 1036.5 [Removed]

Title 49 of the Code of Federal Regulations is amended by removing §§ 1036.3 to 1036.5 in Part 1036—Incentive Per Diem Charges on Boxcars and Gondolas, effective June 30, 1982.

This action will not significantly affect the quality of the human environment or conversation of energy resources.

Decided: June 25, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons, and Gradison. Commissioner Sterrett would limit the notice to an announcement that the expired regulations are being removed from the Code of Federal Regulations. Commissioner Gradison did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–18157 Filed 7–2–82; 8:45 am]

BILLING CODE 7035–01–M

[1] Ex Parte No. 252 (Sub-No. 1), *Incentive Per Diem Charges (1968) and XF Cars*, and Ex Parte No. 252 (Sub-No. 2), *Incentive Per Diem Charges Gondolas.*

Proposed Rules

Federal Register
Vol. 47, No. 129
Tuesday, July 6, 1982

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1030

[Docket No. AO-361-A19]

Milk in the Chicago Regional Marketing Area; Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and To Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision recommends lowering the shipping requirements for pool supply plants under the Chicago Regional milk order for the months of September, October, November and December. Conforming changes in the limits on diverted milk are provided for the same months. The decision is based on industry proposals considered at a public hearing held March 30, 1982. The recommended order amendments are necessary to reflect current marketing conditions and to assure orderly marketing in the Chicago Regional area.

DATE: Comments are due on or before July 21, 1982.

ADDRESS: Comments (four copies) should be filed with the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Martin J. Dunn, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, 202/447-7311.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

This action will not have a major economic impact on a substantial number of small entities. The amendments would promote orderly marketing of milk by producers and regulated handlers.

Prior documents in this proceeding:

Notice of Hearing: Issued March 10, 1982; published March 16, 1982 (47 FR 11283).

Preliminary Statement

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Chicago Regional marketing area. This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., 20250, on or before July 21, 1982. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendments set forth below are based on the record of a public hearing held at Madison, Wisconsin, on March 30, 1982, pursuant to the notice thereof issued March 10, 1982 (47 FR 11283).

The material issues on the record of the hearing relate to:

1. Pooling standards for supply plants.
2. Need for emergency action.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Pooling standards for supply plants.* The pool supply plant shipping percentages should be reduced 5 percentage points for each of the months of September through December. The new percentages should be 25 percent for September, 30 percent for October and November and 20 percent for December.

The present minimum shipping percentages for pool supply plants are 30 percent for September, 35 percent for October and November, 25 percent for December, and 20 percent for all other months. Also, a supply plant which meets the shipping requirements for pool plant status during each of the months of September through March may continue to be a pool plant without shipments to pool distributing plants during each of the following months of April through August. Basically, the percentages represent the amount of a supply plant's receipts from producers that must be delivered to pool distributing plants.

The order provides also that the Director of the Dairy Division may increase or decrease, on a temporary basis, the supply plant shipping percentages by up to 10 percentage points, for any of the months of September through March if, after investigation, it is found that such revision is necessary to obtain needed shipments or to prevent uneconomic shipments of milk to distributing plants. This provision (§ 1030.7(b)(5)) is referred to herein as the Director's discretionary authority. Similarly, the Director has the authority to make temporary adjustments in the order's diversion allowances. Such allowances represent the amount of milk from producers that may be delivered directly from farms to nonpool plants and still be pooled and priced under the order. Milk that is diverted from pool plants normally is being disposed of in surplus uses.

The Central Milk Producers Cooperative (CMPC), a group of 14 cooperatives representing a substantial proportion of the producers supplying milk to the Chicago Regional market, proposed the reduction of the shipping requirements for pool supply plants by 5 percentage points for each of the months of September, October, November and December. The proponent's witness said that the percentages now provided are too high in relation to present marketing conditions for the Chicago Regional area. The witness said that the shipping requirements for supply plants should be reduced to prevent inefficient movements of milk since a lesser proportion of the available milk supplies at supply plants is needed at distributing plants.

CMPC also proposed in the hearing notice that the supply plant shipping percentages and diversion allowances be temporarily revised pursuant to the Director's discretionary authority in an

amount up to 10 percentage points to prevent uneconomic deliveries of milk to distributing plants. At the hearing, the witness for CMPC said that the organization had decided to delay a request for action under the Director's discretionary authority until mid-summer when the industry would have more specific milk production and sales data for the market. In his view, a better analysis could be made at that time concerning any temporary change.

Farmers Union Milk Marketing Cooperative (FU) supported the first proposal of CMPC. In addition, the FU witness presented two modifications to reduce the shipping requirements for pool supply plants during each of the months of January, February and March. The witness proposed that the shipping requirements for supply plants be eliminated during January, February and March if the supply plant had satisfied the requirements for pool plant status during each of the preceding months of September, October, November and December. The witness said that the modified proposal would further eliminate uneconomic movements of milk from supply plants and promote more orderly marketing conditions in the Chicago Regional market.

The FU witness suggested that an alternative to the complete elimination of shipping requirements during January through March would be to reduce the shipping percentage to 10 percent from the 20 percent now provided. The witness said that this modification would allow the minimum shipping requirement to vary between 0 percent and 20 percent by the use of the Director's discretionary authority. The witness said that the reduction or elimination of shipping requirements in this way would contribute to orderly marketing in the Chicago Regional area by reducing uneconomic shipments of milk.

Two proprietary handlers opposed any reduction in the minimum performance standards for supply plants. Each spokesman said that lowering the requirements would encourage more milk to be pooled under the order. They said that the market presently has adequate supplies of milk and that additional milk is not needed.

A dairy industry consultant proposed that the Director's discretionary authority be eliminated. He said that any adjustment to the supply plant shipping percentages and diversion allowances should be made only after a hearing had been held to consider any such change.

In a post-hearing brief, a spokesman for a trade association of cheese plants supported the CMPC proposal. Also, he urged the elimination of the provision that milk from a farm shall not be eligible for diversion unless during the months of September through March at least one day's production is physically received during the month at the pool plant from which diverted. He said that such elimination would not affect adversely the availability of milk for the fluid market.

In support of lower shipping requirements for supply plants, the CMPC witness said that the proposed adjustments were necessary to prevent uneconomic and inefficient movements of milk. He said that the receipts of milk from producers during each of the months of September through December 1981 exceeded receipts from producers for these same months in 1980 by more than ten percent. To illustrate current marketing problems, the CMPC witness presented a projection of the proportion of supply plant milk expected to be shipped to distributing plants by 49 of the supply plants associated with the CMPC group during the months of September 1982 through March 1983, as follows:

Month/year	Projected shipping percentage	Order's shipping percentage
September 1982	22.2	30
October	24.4	35
November	24.8	35
December	23.4	25
January 1983	22.6	20
February	20.9	20
March	19.2	20

The 1982–83 estimated figures were based on the assumption that receipts of producer milk would continue to increase during the coming September-March 1982–83 period by 3 to 5 percent over the receipts for each of the respective months of the previous year. Class I sales were estimated to be the same for each month during the 1982–83 period as the sales had been for the respective months in the 1981–82 period. The witness said that the proposed reduction in the shipping percentages for supply plants for the September through December period was needed to eliminate uneconomic movements of milk for the sole purpose of qualifying supply plants for pool status.

The Farmers Union witness supported the reduction in the supply plant shipping requirements by five percentage points for each of the months of September, October, November and December. The witness said that the proposed reduction for each month was needed to reduce shipments of milk from supply plants to distributing plants when such shipments were not needed to insure an adequate supply of fluid milk for the market. He noted that from 1976 to 1981 the average monthly quantity of pooled producer milk had increased from 814 million pounds to 1,041 million pounds, an increase of 227 million pounds per month. He said that the Class I use had declined from a monthly average in 1976 of 259 million pounds to a 1981 monthly average of 246 million pounds. The witness said that the monthly average Class I use as a percentage of total pool milk had declined from 32 percent in 1976 to 24 percent in 1981. The witness projected that the continued increases in milk production in 1982, coupled with no indication of improved Class I sales, would cause a further decline in the Class I utilization percentage of total milk receipts in 1982.

The FU witness testified that over the past four years the shipping percentages for supply plants had been reduced temporarily by the Director's discretionary authority in at least two months each year during the September through December period. He noted that under the revisions the shipping requirements for September, October and November in both 1980 and 1981 were not greater than those proposed at this hearing. He said that the shipping requirements for September-November 1981 were, in fact, lower than the percentages proposed by CMPC. He urged that the proposal to reduce the shipping requirements for the September-December period be adopted.

At the hearing, the Farmers Union representative proposed a modification of the supply plant shipping performance standards for the months of January through March. The proposal was not contained in the hearing notice, and it was presented as an appropriate modification of the CMPC proposal. The witness proposed that if a supply plant had been a pool plant during each of the preceding months of September through December, it could be a pool plant for each of the following months of January through August without shipping milk to distributing plants. This modification would eliminate any minimum shipping requirements during January, February and March for supply plants if the plants had been pool plants during the preceding September through December period. This proposed change in the order would extend the current zero shipping standards for qualified supply plants from the months of April through August to a period of January through August each year.

The FU witness said that the proposal would eliminate additional uneconomic

movements of milk from supply plants. He said that the proposal would reinstate the shipping performance standards for supply plants for January, February and March which prevailed prior to 1974. He said that from the order's inception in July 1968 to 1974 zero shipping requirements were applicable during these months to plants satisfying the shipping requirements during the previous fall months. He testified that the 20 percent shipping requirement for the January-March period was unnecessary with a larger volume of milk in the pool and lower Class I use. In his view, reducing the uneconomic movement of milk would promote more orderly marketing conditions for the Chicago Regional area.

The Farmers Union witness presented an alternative modification of the supply plant shipping percentages for January, February and March. He said that if the shipping percentages were not eliminated for these months, the minimum shipping percentages for each month should be reduced to 10 percent from 20 percent. He testified that with a 10 percent minimum shipping requirement, the Director of the Dairy Division could use his discretionary authority to reduce the shipping percentage to zero or to increase the minimum percentage to 20 percent, if needed. He indicated, however, that the minimum shipping requirements for January, February and March could safely be eliminated without jeopardizing the availability of milk for Class I use by handlers.

In a post-hearing brief, a proprietary handler regulated by the Chicago Regional order supported the CMPC proposal to reduce by 5 percentage points the minimum shipping percentages for pool supply plants for each of the months of September through December. He opposed any revision of the shipping percentages for the months of January, February and March. He said that if the minimum percentages for these three months were reduced to zero, there would be no shipping requirements for eight months each year. He said that this lack of shipping requirements would create problems for a Class I handler in obtaining milk at a reasonable plant charge in the months of January, February and March. He said that the Director of the Dairy Division could increase or decrease the shipping percentages by up to 10 percentage points. He thus believed that no change need be made in the minimum shipping performance standards for January, February and March as proposed by Farmers Union.

The present shipping percentages for supply plants were established on the basis of a public hearing in June 1975. Changes in marketing conditions since that time have resulted in these shipping percentages no longer being appropriate for the market.

Total producer milk pooled in the Chicago Regional market has increased each month over the same month of the previous year since May 1979. Prior to that, there have been only four months since the June 1975 hearing in which total producer milk receipts were less than the same month of the previous year. These months were December 1977, July and August 1978 and April 1979.

For the four-month periods of September through December from 1975 to 1981, the average total milk pooled monthly increased each year over the average total of the previous year by 8.7 percent in 1976, 2.0 percent in 1977, 1.1 percent in 1978, 8.1 percent in 1979, 7.5 percent in 1980 and 10.7 percent in 1981.

For the Chicago Regional market, the proportion of total producer milk received at supply plants was 85.0 percent, 89.4 percent, 91.4 percent, 95.9 percent, 96.3 percent and 96.6 percent, respectively, for the September–December periods of 1976 through 1981.

The proportion of producer milk received at pool supply plants that was shipped to pool distributing plants was 32.9 percent, 38.7 percent, 36.9 percent, 35.1 percent, 33.9 percent, and 29.4 percent, respectively, for the September–December periods of 1976–1981.

The percent of total producer milk receipts classified as Class I for the years of 1975–1981 was 36 percent, 32 percent, 31 percent, 30 percent, 28 percent, 26 percent and 24 percent, respectively. A comparison of the average Class I utilization of producer receipts for the 1975–81 September–December periods showed a similar downward trend: 39.8 percent, 35.1 percent, 34.5 percent, 33.1 percent, 30.2 percent, 28.3 percent, and 25.2 percent, respectively.

The market data establish that during the past six years total producer milk receipts have grown each year, and at an increasing rate since 1978. The Class I utilization percentage of total receipts of producer milk has shown a steady decline since 1975. Also, the market data establish that the percentage of total milk received at distributing plants directly from farms decreased from 15 percent in the September–December 1976 period to less than 4 percent in the 1981 September–December period. Supply plants now account for 96 percent of the milk in the market that is received from producers. Also, a smaller percentage of the milk that is received at pool supply plants is now needed to satisfy the needs of distributing plants in the market during the September–December periods.

Changes in the market's supply situation have resulted in a number of adjustments in recent years to the pooling standards for supply plants. On the basis of a hearing in June 1975, shipping percentages for supply plants were decreased to the current performance levels for the August–March period. On the basis of a hearing in June 1976, with the amended order effective on August 1, 1977, August was eliminated as part of the qualifying period and the shipping requirements of individual supply plants qualifying in a unit were also eliminated. Subsequently, from August 1977, the supply plant shipping requirements were decreased in 15 months by the Director's discretionary authority: 5 percentage points in November 1977, October and November 1978, October and November 1979, September, October and November 1980, December 1981, January, February and March 1982: 7.5 percentage points in September 1981; and 10 percentage points in October and November 1981.

Shipping standards for supply plants have been used in the Chicago Regional market to assure the availability of milk for distributing plants. Although adequate milk supplies for Class I use are pooled under the order, there would be no incentive under the present Chicago Regional order for supply plants to ship milk to bottling plants in the market without performance standards to encourage such shipments. Performance standards based on association of pooled milk supplies with fluid milk outlets in the market have been needed to assure that milk is made available to such outlets. Nevertheless, such standards for supply plants have had to be adjusted as marketing conditions have changed in the Chicago Regional area. The Director's discretionary authority has been used within its limits to reflect changed marketing conditions, with most adjustments occurring in the September through December period. In October and November 1981, the full authority for a 10 percentage point change was used. The evidence presented at the hearing indicated that marketing conditions have changed from those conditions that existed in 1976, and that amendatory action is needed concerning

the supply plant shipping standards for the September through December period.

Failure to lower the supply plant shipping standards when increased supplies of milk are available on the market could result in disorderly marketing conditions. Supply plant operators could be expected to take whatever actions might be necessary to keep the milk normally associated with the market pooled under the order. Actions might include, for example, intensive efforts to seek outlets in other markets to which qualifying shipments from supply plants could be made. Also, handlers might seek access to outlets, both within and outside the Chicago area, by offering marketing services at less than actual cost. These various efforts to maintain fluid milk outlets can result in disruptions in the normal supply patterns for plants and producers. Such disruptions are not in keeping with the intent of the order to foster orderly marketing.

With the changes in the pooling standards, it is desirable that conforming changes be made in the limits on the amount of milk that may be diverted from pool plants to nonpool plants. The current provisions limit the diversions by handlers to nonpool plants to not more than 65 percent during the months of September, October and November, and 80 percent during the months of December through March, of the total quantity of producer milk of each handler.

The witness for the proponent cooperatives testified that with a reduction in the supply plant shipping percentages, a corresponding change in the diversion limits would be appropriate.

The maximum percentage for diversion limits for September, October and November should be increased by 5 percentage points, so that the limit would by 70 percent of the total quantity of producer milk reported by each handler. It is noted that the previous combination of the supply plant shipping percentage and the diversion limit for the month of September totaled 95 percent. This same total would be kept under the provisions adopted in this decision since there were no suggestions at the hearing to change this relationship and no evidence of any problems associated with this matter.

The proposals to reduce or eliminate the shipping requirements for supply plants during the months of January, February and March should not be adopted. Although adequate milk supplies for Class I use are pooled under the order, there would be no incentive under the order for supply plants to ship milk to bottling plants in the market without performance standards to encourage such shipments. Performance standards based on the association of pooled milk supplies with fluid milk outlets in the market are needed to assure that milk is made available to such outlets.

The witness for Farmers Union urged that the shipping percentages for January, February and March be eliminated or reduced for all supply plants that had been pool supply plants during the preceding September through December period. The current 20 percent shipping percentage for each month of January, February and March is the lowest shipping requirement under the order. Since August 1977, the supply plant shipping requirements were decreased in only three months during the January through March periods by the Director's discretionary authority, i.e., 5 percentage points in January, February and March 1982. There is no persuasive evidence in the record that the marketing conditions in the Chicago Regional market have changed sufficiently to require a lowering of the 20 percent standard for the months of January, February and March. The Director's discretionary authority remains available for use, if needed, to reflect any changed marketing conditions. The proposals to have zero or reduced shipping standards for pool supply plants in the months of January, February and March are denied.

In a post-hearing brief, a spokesman for a trade association of cheese plants in Wisconsin and Illinois supported the CMPC reduction in the supply plant shipping requirements and an increase in the diversion percentages to reflect the marketing conditions of the Chicago Regional market. Also, he urged the elimination of the order requirement that milk from a farm shall not be eligible for diversion unless, during the months of September through March, at least one day's production is physically received during the month at the pool plant from which diverted. He said in the brief that the one-day-a-month shipment during September through March is unnecessary. In his view, the present provision causes uneconomic movements of milk. He said that the elimination of such requirement would not affect adversely the availability of milk for the fluid market.

The one-day-a-month delivery requirement for milk from producers during the months of September through March was not a proposal that was included in the notice for this hearing or discussed as an appropriate modification of the proposals that had been included in the hearing notice. Therefore, it would be inappropriate in this decision to propose any changes with the above requirement. Accordingly, the proposal is denied.

Two witnesses for proprietary handlers objected to the adoption of any reduction in performance standards for supply plants. One proprietary handler testified on behalf of himself and three other handlers. He said that the proposed lower shipping requirements would allow more milk to enter the pool and would lower the blend price paid to producers in the market. He said that the marketing problems being considered at the hearing were due to increasing milk production and decreasing consumption of milk products. He said that the proposal would encourage an even greater level of production in the Chicago market and further increase what he perceived to be an oversupply of milk.

A second handler testified that lowering the shipping standards would add more milk to the market and lower the blend price paid to producers. He was concerned that he would have less milk available for his business if the lower shipping percentages were adopted.

The testimony of each of these witnesses related to their perception of an oversupply of milk for the Chicago Regional market and for the nation. They said that additional milk would be pooled on the market if the shipping percentages were reduced for supply plants, which they said in turn would lower the blend price paid to producers. Neither witness, however, offered any information to establish how the additional milk would materialize. The evidence in the hearing record does not reveal any large quantity of fluid-grade milk in the area that is not already associated with the Chicago Regional market.

The adopted reduction in the shipping percentages for pool supply plants during the September–December period would provide for the continuation of reasonable performance standards in the Chicago Regional market. The reduced standards would permit those producers who have shown their association with the market to maintain their identity to share in the marketwide proceeds of this market as it is presently constituted. The evidence in the hearing record does not reveal that the availability of milk for Class I use by handlers would be jeopardized if the shipping percentages are reduced. The adopted minimum shipping percentages are reasonable and appropriate.

No action should be taken concerning the revision of the supply plant shipping

percentages pursuant to § 1030.7(b)(5) at this time. The hearing notice contained a proposal to revise the supply plant shipping percentages and diversion allowances pursuant to § 1030.7(b)(5) in an amount up to 10 percentage points to prevent uneconomic shipments. The current order provisions authorize the Director of the Dairy Division to increase or decrease the supply plant shipping percentages and diversion allowances by up to 10 percentage points if it is found that such revision is necessary to obtain needed shipments or to prevent uneconomic shipments.

At the hearing, the CMPC witness stated that the proponent organization had decided to delay its request for any action under § 1030.7(b)(5) until mid-summer. The witness stated that more substantive projections of anticipated receipts of producer milk and anticipated Class I sales could be made and his group would assess the needed temporary use of § 1030.7(b)(5) at that time.

At the hearing and in his post-hearing brief, a dairy industry consultant said, in connection with the proposal, that the Director of the Dairy Division had acted in an irresponsible manner in reducing the shipping percentages in the past and had abused his authority under the order. The witness said that the reduction of uneconomic shipments of milk was not the only reason for lowering the shipping percentages. He claimed that the lower percentages had created a tight market for Class I milk which permitted CMPC to strengthen its over-order prices to handlers. The witness indicated that the Director's discretionary provision had been used 22 times since it was adopted and that only once had the provision been used to increase the shipping percentages. He said also that with approximately one billion pounds of milk in the order that it was unbelievable that any provisions would be in the order that would extend to the Director of the Dairy Division the authority to lower or raise the shipping percentage by up to 10 percentage points and, in effect, control 100 million pounds of milk. The consultant said that such discretionary authority was contrary to the public interest and was unnecessary for the orderly marketing of milk. He proposed that the supply plant shipping percentages and diversion allowances be adjusted by the Department only after a public hearing. He said that any hearing could be held after a three-day notice. The witness, in effect, proposed to eliminate the Director's discretionary authority.

The Director's discretionary authority was included in the order at the time of its promulgation on July 1, 1968, and has remained essentially unchanged since that time. The order is quite explicit on what the Director must do before he may make any revision in the shipping percentages. The Director must issue a notice stating that revision is being considered and invite data, views and arguments on such proposed revision. Only after analysis of all available information may the Director make findings and conclusions. For each month that the Director has revised the supply plant shipping requirements since the inception of the order, the Director of the Dairy Division has followed the procedure prescribed by the order.

Since January 1975, the Director has determined that the marketing conditions in the Chicago Regional market have required a revision in the shipping percentages for 18 months. The hearing record provides no factual basis for the view that the lowering of the shipping standards had tightened the availability of milk to distributing plants for Class I use. The judicious use of the Director's discretionary authority has made the provision an effective tool in helping to maintain the orderly marketing conditions found in the Chicago Regional market. The proposal to eliminate such authority is contrary to promoting orderly marketing conditions and is denied.

2. *Need for emergency action.* There is no need to omit the issuance of a recommended decision as requested.

The request for emergency action by proponents was based on the view that the Department would not have sufficient time after the hearing to issue both a recommended and final decision and make any action taken effective by September 1, 1982.

Interested parties should have an opportunity to file exceptions to the findings and conclusions contained herein. It now appears feasible, and with a reasonable time for exceptions, to issue a final order by September 1. Even if such action does not become effective by this date, an alternate means of adjusting the supply plant shipping percentages is available upon request to and action by the Director of the Dairy Division.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

List of Subjects in 7 CFR Part 1030

Milk marketing orders, Milk, Dairy products.

Recommended Marketing Agreement and Order Amending the Order

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Chicago Regional marketing area is recommended as the detailed and appropriate means by which the

foregoing conclusions may be carried out:

PART 1030—MILK IN THE CHICAGO REGIONAL MARKETING AREA

1. Section 1030.7(b) is revised to read as follows:

§ 1030.7 Pool plant.

* * * * *

(b) A supply plant or unit of supply plants described in paragraph (b)(6) of this section from which the quantity of fluid milk products (except filled milk) and condensed skim milk shipped or transshipped and physically unloaded into plants described in paragraph (b)(2) of this section as a percent of the Grade A milk received at the plant(s) from dairy farmers (except dairy farmers described in § 1030.12(b)) and handlers described in § 1030.9(c), including producer milk diverted pursuant to § 1030.13 but excluding packaged fluid milk products that are disposed of from such plant(s) as route disposition, is not less than 25 percent for September, 30 percent for each of the months of October and November, and 20 percent for all other months, subject to the following additional conditions:

* * * * *

2. Section 1030.13(d)(3) is revised to read as follows:

§ 1030.13 Producer milk.

* * * * *

(d) * * *

(3) Milk diverted to a nonpool plant(s) for the account of the operator of a pool plant, or a handler described in § 1030.9(b), may not exceed 70 percent during the months of September, October, and November, and 80 percent during the months of December through March of the total quantity of producer milk for which it is the handler (or, in the case of a cooperative the producer milk that the cooperative association causes to be delivered to or diverted from pool plants) subject to temporary revision of the specified percentages pursuant to § 1030.7(b)(5);

* * * * *

Signed at Washington, D.C., on June 30, 1982.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 82-18215 Filed 7-2-82; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

[Docket No. PRM-50-33]

National Emergency Management Association; Filing of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Receipt of Petition for Rulemaking from the National Emergency Management Association.

SUMMARY: The Commission is publishing for public comment this notice of receipt of a petition for rulemaking dated March 17, 1982, which was filed with the Commission by the National Emergency Management Association. The petition, which has been assigned Docket No. PRM-50-33, requests that the Commission amend its regulations in 10 CFR Part 50 to reduce the frequency of emergency training exercises at nuclear power plants involving state and local government.

DATE: Comment period expires September 7, 1982.

ADDRESSES: A copy of the petition for rulemaking is available for public inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, DC. A copy of the petition may be obtained by writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

All persons who desire to submit written comments concerning the petition for rulemaking should send their comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

FOR FURTHER INFORMATION CONTACT: John D. Philips, Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: (301) 492-7086 or Toll Free: 800-368-5642.

SUPPLEMENTARY INFORMATION: The petitioner states that the National Emergency Management Association (NEMA), which is comprised of directors of state emergency services programs, believes that the current requirement for an annual exercise, at each nuclear power plant site within a state is imposing an impossible burden on state resources.

The petitioner requests that 10 CFR Part 50, Appendix E, section IV.F.1. be revised to read as follows:

"1. Each licensee at each site shall exercise annually its onsite emergency plan to test as much of the licensee emergency plan as is reasonably achievable.[1]

The licensee exercises shall include participation by offsite agencies at the following frequencies:

a. at least once every two years with full participation [2] by local agencies and with at least partial participation [3] by States within the plume exposure EPZ.

b. at least once every 7 years with full participation by local agencies within the plume exposure EPZ and full participation by States within the plume exposure and ingestion EPZs.

b.1. these exercises shall be more frequent than once every 7 years as necesssary to enable full participation in an exercise by each State within a plume exposure pathway EPZ at least once every two years.

In support of its proposed amendments to 10 CFR Part 50 the petitioner states that NEMA acknowledges the need for appropriate plans, training, drills, and exercises to prepare for accidents but feels that the requirement for an annual full-scale exercise is placing a financial burden on state and local governments that they will be unable to carry on a continuing basis.

Dated at Washington, DC this 30th day of June 1982.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 82-18225 Filed 7-2-82; 8:45 am]

BILLING CODE 7590-01-M

[1] Site specific simulators may be used in lieu of the control room for exercises which do not require offsite authority participation. Use of site specific simulators during joint exercises for the purpose of generating displays in the TSC and EOF is acceptable provided appropriate measures are taken to assure the reliability and availability of the TSC and EOF equipment should an actual event occur during such use.

[2] "Full participation" when used in conjunction with emergency preparedness exercises means all involved offsite agencies shall physically and actively take part in the exercise to test all major elements of the integrated plans.

[3] "Partial participation" when used in conjunction with emergency preparedness exercises means involved offsite agencies shall actively take part in the exercise at least enough to test direction and control functions. "Direction and control functions" means that the participant shall demonstrate a) at least protective action decisionmaking, and b) communications capabilities among affected State agencies, local agencies and the affected licensee.

FEDERAL RESERVE SYSTEM

12 CFR Part 220

[Docket No. R-0389]

Credit by Brokers and Dealers; Extension of Comment Period for Revised Regulation T

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed revision of Regulation T; extension of comment period.

SUMMARY: On March 24, 1982, the Board proposed for public comment a completely revised and simplified Regulation T, credit by brokers and dealers (see 47 FR 13376, March 30, 1982). At the request of a significant number of interested parties the Board of Governors of the Federal Reserve System has extended from June 25, 1982 to July 26, 1982 the period for receipt of public comment on the revised Regulation T.

DATE: Comments must be received on or before July 26, 1982.

ADDRESSES: Comments, which should refer to Docket No. R-0389, may be mailed to the Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, D.C. 20551 or delivered to Room B-2223 between 8:45 a.m. and 5:15 p.m. Comments received may also be inspected at Room B-1122 between 8:45 a.m. and 5:15 p.m., except as provided in § 261.6(a) of the Board's Rule Regarding Availability of Information (12 CFR 261.6(a)).

FOR FURTHER INFORMATION CONTACT: At the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, contact: Laura Homer, Securities Credit Officer or John Kelly, Attorney, Division of Banking Supervision and Regulation (202) 452-2781, or Robert Rewald, Economist, Division of Research and Statistics (202) 452-3637. At the Federal Reserve Bank of New York, contact: Mindy Silverman, Assistant Counsel, (212) 791-5032 or James McNeil, Chief, Regulations Division, (212) 791-5914.

List of Subjects in 12 CFR Part 220

Banks, Banking, Brokers, Credit, Investments, Margin, Margin requirements, Reporting requirements, Securities.

Accordingly, pursuant to sections 3, 7, 8 and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78c, g, h and w) the Board proposes to extend the comment period on the completely revised Regulation T.

By order of the Board of Governors, acting through its Secretary under delegated authority, June 29, 1982.

William G. Wiles,

Secretary of the Board.

[FR Doc. 82-16130 Filed 7-2-82; 8:45 am]

BILLING CODE 6210-01-M

14 CFR Part 39

[Docket No. 82-NM-38-AD]

Airworthiness Directives: McDonnell Douglas Model DC-10 Series Airplanes With Operable Galley Lifts

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes a new Airworthiness Directive (AD) that would require modification of the galley lift electrical interlock system on McDonnell Douglas Model DC-10 Series airplanes. The modification would consist of installation of hermetically sealed switches, structural protection of the switch installation, replacement of the existing plunger type electrical interlock switch actuators with leaf spring actuators, and installation of additional warning placards. This AD is needed to assure reliable operation of the galley lift system's electrical interlocks, thus minimizing a potential operational hazard to personnel associated with galley lift electrical interlock system malfunctions.

DATES: September 7, 1982. All affected aircraft must be in compliance with the provisions of the AD no later than April 15, 1983.

ADDRESSES: The applicable service information may be obtained from: McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). This information also may be examined at FAA Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington 98168, or 4344 Donald Douglas Drive, Long Beach California 90808.

FOR FURTHER INFORMATION CONTACT: Gilbert L. Thompson, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, Federal Aviation Administration, Northwest Mountain Region, Los Angeles Area Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548-2831.

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. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above 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 FAA-public contact concerned with the substance of this proposal will be filed in the Rules 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, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 82-NM-38-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion: On September 19, 1981, a flight attendant, while executing her duties in the lower galley of a DC-10-30 aircraft enroute from Baltimore-Washington International Airport, U.S.A. to Gatwick International Airport, U.K., became trapped between the top of the service cart in the galley personnel lift and the ceiling of the lower galley and as a result sustained fatal injuries. In response to this incident, the FAA has conducted an extensive investigation into the total operational history of the DC-10 galley lift systems. In giving this investigation the greatest breadth possible, data relative to galley lift system operational performance was obtained from numerous sources: FAA Service Difficulty Reports, National Transportation Safety Board (NTSB) Reports, the manufacturer, the Association of Flight Attendants, previously submitted testimony, and actual field inspections. The FAA has learned, from collation of the data obtained, that several factors are contributing to the safety hazards associated with operation of the DC-10 galley lifts. These factors include elements of human factors, maintenance, and system design, each of which contributes to the overall system safety problem.

In the area of human factors, flight attendant knowledge of, and operator training procedures for, operation of the

DC–10 galley lift systems vary considerably. This results in some flight crews being well educated concerning galley lift operating procedures and safety factors, including electrical and mechanical interlocks, while others understand no more than the basic rudiments of normal operation. In contrast, crew members are instructed on how to override the interlock systems when malfunctions occur so that the passenger service does not suffer any interruption. Also, although the Minimum Equipment List disallows the use of galley cart/personnel lifts if the door electrical interlock switch system is inoperative, many operators have dispatched regularly using lifts with these switches inoperative. The lack of knowledge concerning proper use of the safety features provided in the DC–10 lift systems design, and the negative training resulting from intentional circumvention of these provisions, have a definite effect upon the occurrence of injuries sustained from the use of these lift systems. To help alleviate this problem, the McDonnell Douglas Corporation has initiated revisions to the DC–10 Flight Crew Operating Manual, Volume III, designed to provide DC–10 operators and their flight crews the pertinent descriptions and operating instructions for proper use of the galley lift systems. This revision, which consists of the addition of Chapter 01–35–01, was published May 1, 1982.

In investigating lift system problems involving maintenance and design related factors, fifteen incidents/accidents related to DC–10 cart/personnel lift malfunctions dating back to August 1973 were evaluated. One third of these cases involved malfunction of the electrical interlock switches due to foreign substance contamination or physical damage. In contrast, the lift system's control logic, including the STOP function logic, was evaluated and not found to be a causal factor in any of the fifteen cases. This evaluation was conducted to assess the validity of proposing that the STOP function be given priority over all other control functions. Due to the absence of a causal relationship, the proposed design changes do not involve modifications to the control logic. However, it is recognized that those accidents involving a failure of an interlock switch would not have occurred if the stop command logic had priority over all other control functions and was used at the time of the accident. Interested parties are encouraged to comment on the merit of this conclusion and provide additional data commensurate with such comments. Anyone knowledgeable of a control logic modification which will provide a priority override feature at each lift control station is further encouraged to submit design details of such as part of their reply. In pursuing the sources of contamination and physical damage, it was found that the switch location makes the switch susceptible to contamination from spillage of fluids in the galley area, cleaning fluids, etc. This can result in internal failure of the non-hermetically sealed switches, as well as contamination of the switch plunger actuator in such a manner as to prevent proper switch operation. In addition, the electrical interlock switch installations and door mechanical interlocks are being damaged by serving carts striking the lift center door jamb post and lift doors. Serving cart impact damage to the door jamb center post can cause distortion of the electrical interlock switch body (housing) and/or switch bracketry which may result in unreliable switch operation. Serving cart impact damage to galley lift doors can distort or "spring" the door sufficiently to impair mechanical interlock operation. Door damage also can cause misalignment of the door/interlock switch position to such a degree that the door, when closed, will not depress the interlock switch plunger actuator sufficiently to enable normal lift operation. This condition has induced the flight attendants to operate the lifts with the door open and interlock switches bypassed to facilitate passenger meal service.

To improve reliability of the electrical interlock switches and provide protection from physical damage, this proposed AD would result in design changes to the galley lift interlock system encompassing hermetically sealed switches and structural protection of the switch installation. In addition, the plunger design for mechanical actuation of the electrical interlock switches would be eliminated in favor of a more reliable leaf spring design. These proposed modifications would provide for reliable operation of the lift system's electrical interlocks and when coupled with the enhanced maintenance surveillance outlined in FAA Order 8340.1A, Change 55, dated October 30, 1981, and DC–10 Maintenance Review Board Documents as revised November 1981, Item 253600, should minimize the occurrence of galley lift electrical interlock system malfunctions. The date of April 15, 1983, is proposed by which all affected aircraft must be in compliance with the provisions of the AD, considering the availability of parts and consistent with the associated impact upon operational safety.

It is estimated that 119 U.S. registered airplanes would be affected by this AD, that it would take approximately 13.0 man-hours per airplane to accomplish the required actions, and that the average labor costs would be $35 per man-hour. The actual costs of modification parts are estimated to be $6,000 per aircraft. Based on these figures, the total cost impact of this AD on the U.S. fleet is estimated to be $768,145. No small entities within the meaning of the Regulatory Flexibility Act would be affected.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

McDonnell Douglas: Applies to McDonnell Douglas Model DC–10–10,– 10F, –15, –30, and –30F series airplanes with operable galley lifts, certificated in all categories. Compliance required by April 15, 1983, unless already accomplished. To minimize the potential operational hazard to personnel associated with galley lift electrical interlock system malfunctions, accomplish the following:

A. Replace the galley lift system electrical interlock switches with hermetically sealed switches as outlined in the Accomplishment Instructions of McDonnell Douglas DC–10 Service Bulletin 25–266, dated July 23, 1979, or later revisions approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Mountain Region.

B. Replace the plunger type interlock switch actuators with leaf spring actuators, install structural protection for the interlock switches, and install additional warning placards as outlined in the Accomplishment Instructions of McDonnell Douglas DC–10 Service Bulletin 25–307, original issue, or later revisions approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Mountain Region.

C. Alternate means of compliance with this AD which provide an equivalent level of safety may be used when approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Mountain Region.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this proposal who have not already received these documents from the manufacturer may obtain copies upon request to the McDonnell Douglas

Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1–750 (54–60).

These documents also may be examined at FAA Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington 98188, or 4344 Donald Douglas Drive, Long Beach, California 90808.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

Note.—For the reasons discussed earlier in the preamble: the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have significant economic impact on a substantial number of small entities. A regulatory evaluation has been prepared and has been placed in the public docket.

Issued in Seattle, Washington on June 24, 1982.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 82–17979 Filed 7–2–82; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket Number 81–NW–58–AD]

Airworthiness Directive; Boeing Model 727 and 737 Series Airplanes.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking; extension of comment period.

SUMMARY: This Document further extends the comment period for a Notice of Proposed Rulemaking issued on March 22, 1982 (47 FR 12186). That NPRM proposed the installation of a positive cockpit system to indicate normal and unwanted engine starter operation.

DATES: The comment period for this NPRM is hereby extended from May 31, 1982, to July 31, 1982.

ADDRESSES: Submit written comments on the proposed rule in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket, Docket No. 81–NW–58–AD, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

FOR FURTHER INFORMATION CONTACT: Mr. Kevin Mullin, Propulsion Branch, ANM–140S, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region, 9010 E. Marginal Way South, Seattle, Washington, telephone: (206) 767–2520.

SUPPLEMENTARY INFORMATION: Notice of Proposed Rulemaking (NPRM), Docket Number 81–NW–58–AD, was published in the **Federal Register** on March 22, 1982 (47 FR 12186). The proposed rule would require the installation of a cockpit system that would provide a positive indication of the normal and unwanted operation of the engine starters. This action is necessary to alert flight crews of unwanted starter operation so that they might take action before the starter is destroyed and damages other equipment or aircraft structure.

The original comment period is extended from May 31, 1982, to July 31, 1982, at the request of the Air Transport Association (ATA) in their Telex of May 19, 1982. The purpose of the request is to allow the ATA member airlines time to thoroughly analyze the available service difficulty information and present detailed comments relating to the NPRM and possible alternate methods of achieving an equivalent level of safety.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Since it has been determined that an extension of the comment period would be in the public interest in that a greater number of possible alternate solutions can be explored, the comment period for this NPRM is hereby extended until July 31, 1982.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

Note.—Since this action merely extends the time period for public comment on a Notice of Proposed Rulemaking and imposes no additional burden on any person, it may be made effective in less than 30 days. It is neither a proposed nor final rule and, therefore, is not subject to Executive Order 12291, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (47 FR 11031; February 26, 1979).

Issued in Seattle, Washington on June 21, 1982.

Robert O. Brown,

Acting Director, Northwest Mountain Region.

[FR Doc. 82–17993 Filed 7–2–82; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 82–AGL–14]

Proposed Alteration of Transition Area; Illinois

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate an additional amount of airspace northeast of the airport determined to be necessary to contain the existing Salem-Leckrone NDB Runway 18, Amendment 7, Standard Instrument Approach Procedure (SIAP).

The intended effect of this action is to insure segregation of the aircraft using approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions.

DATE: Comments must be received on or before August 2, 1982.

ADDRESS: Send comments on the proposal in triplicate to FAA Office of Regional Counsel, AGL–7, Attention: Rules Docket Clerk, Docket No. 82–AGL–14, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

An informal docket will also be available for examination during normal business hours in the Airspace, Procedures, and Automation Branch, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL–530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694–7360.

SUPPLEMENTARY INFORMATION: The development of the proposed procedure requires that the FAA alter the designated airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitudes for this procedure may be established below the floor of the 700-foot controlled airspace.

Aeronautical maps and charts will reflect the defined areas which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or 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-AGL-14." 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 concerened with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8058.

Communications must identify the notice 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 No. 11-2, which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area airspace near Salem, Illinois.

Section 71.181 of Part 71 of the Federal Aviation Regulations was published in Advisory Circular AC 70-3 dated January 29, 1982.

List of Subjects in 14 CFR Part 71

Transition areas, Aviation safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Salem, Illinois

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Salem-Leckrone Airport (latitude 38°38'45" N., longitude 88°57'45" W.); and within 4.2 miles each side of the 007° T bearing from Salem-Leckrone Airport, extending from the 5-mile radius area to 8.5 miles north of the airport.

(Secs. 307(a) and 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 11.65)

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 is certified that this—(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 or the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on June 16, 1982.

Monte R. Belger,

Acting Director, Great Lakes Region.

[FR Doc. 82-17988 Filed 7-2-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-ACE-08]

Transition Area; Webster City, Iowa; Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to alter the 700-foot transition area at Webster City, Iowa, by adding an extension to the transition area northwest of the Webster City Municipal Airport. This alteration will provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Webster City Municipal Airport utilizing the Fort Dodge, Iowa, VOR as a navigational aid.

DATE: Comments must be received on or before August 13, 1982.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Dwaine E. Hiland, Airspace Specialist, Operations, Procedures, and Airspace Branch, Air Traffic Division, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the supplemental proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before the closing date for comments will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this supplemental NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106 or by calling (816) 374-3408.

Communications must identify the notice number of this supplemental NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

In an NPRM published in the **Federal Register** on April 1, 1982 (47 FR 13835), the FAA proposed an amendment to Subpart G, § 71.181, of the Federal Aviation Regulations (14 CFR 71.181) by altering the 700-foot transition area at Webster City, Iowa. To enhance airport usage, an additional instrument approach procedure to the Webster City, Iowa, Municipal Airport is being established utilizing the Fort Dodge, Iowa, VOR as a navigational aid.

Subsequent to publication of the NPRM, the FAA has determined that the airspace set forth in the proposed Webster City transition area alteration description must be further altered. This is necessary because the approach procedure has been modified which, in turn, requires additional airspace in the form of an extension northwest of the airport.

The establishment of a new instrument approach procedure, based on this navigational aid, entails alteration of the transition area at Webster City, Iowa, at and above 700 feet above ground level (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposed to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), by altering the following transition area:

Webster City, Iowa

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Webster City Municipal Airport (Latitude 42° 26′ 15″N, Longitude 93° 52′ 10″W) and 4½ miles each side of the FOD 112°R extending from the 6-mile radius area to 7 miles northwest of the airport.

(Secs. 307(a) and 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)); Sec. 11.65 of the Federal Aviation Regulations (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 Kansas City, Missouri, on June 23, 1982.

Murray E. Smith,

Director, Central Region.

[FR Doc. 82-18124 Filed 7-2-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-AGL-12]

Proposed Designation of Transition Area; Michigan

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This notice proposes to designate a new controlled airspace area near Frankfort, Michigan, to accommodate a new instrument approach into Frankfort City-County Airport, Frankfort, Michigan, established on the basis of a request from the Frankfort Airport officials to provide that facility with instrument approach capability.

The intended effect of this action is to insure segregation of the aircraft using approach procedures in instrument weather conditons from other aircraft operating under visual weather conditions.

DATE: Comments must be received on or before August 2, 1982.

ADDRESS: Send comments on the proposal in triplicate to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 82-AGL-12, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

An informal docket will also be available for examination during normal business hours in the Airspace, Procedures, and Automation Branch, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois, 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200′ above ground to 700′ above ground. The development of the proposed instrument procedures requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace.

Aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or 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-AGL-12." 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 NPRM

Any person may obtain a copy of this notice of proposed rulemaking (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 notice 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 No. 11–2, which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a new 700-foot controlled airspace transition area near Frankfort, Michigan.

Section 71.181 of Part 71 of the Federal Aviation Regulations was published in Advisory Circular AC 70–3 dated January 29, 1982.

List of Subjects in 14 CFR Part 71

Transition areas, Aviation safety

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Frankfort, Michigan

That airspace extending upward from 700 feet above the surface within 5 miles of the Frankfort City-County Airport (latitude 44°37'30" N., longitude 86°12'30" W.) and 3 miles each side of the 184° bearing from the Frankfort Airport extending from 5 miles to 7½ miles.

(Secs. 307(a) and 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 11.65.)

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 is certified that this—(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 Des Plaines, Illinois, on June 16, 1982.

Monte R. Belger,

Acting Director, Great Lakes Region.

[FR Doc. 82–17989 Filed 7–2–82; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 82–AGL–13]

Proposed Alteration of Transition Area; Minnesota

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This notice proposes to alter the Faribault, Minnesota, transition area by designating an additional amount of airspace necessary for the establishment of an RNAV Runway 12 instrument approach procedure to serve Faribault Municipal Airport.

The intended effect of this action is to insure segregation of the aircraft using approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions.

DATE: Comments must be received on or before August 2, 1982.

ADDRESS: Send comments on the proposal in triplicate to FAA Office of Regional Counsel, AGL–7, Attention: Rules Docket Clerk, Docket No. 82–AGL–13, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

An informal docket will also be available for examination during normal business hours in the Airspace, Procedures, and Automation Branch, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL–530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694–7360.

SUPPLEMENTARY INFORMATION: The airspace involved would be an area approximately 1 mile by 5 miles located northwest of the airport and extending from the 5-mile radius to 6 miles.

The development of the proposed procedure requires that the FAA alter the designated airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitudes for this procedure may be established below the floor of the 700-foot controlled airspace.

Aeronautical maps and charts will reflect the defined areas which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or 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–AGL–13." 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 NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice 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 No. 11–2, which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR

Part 71) to alter the transition area airspace near Faribault, Minnesota.

Section 71.181 of Part 71 of the Federal Aviation Regulations was published in Advisory Circular AC 70-3 dated January 29, 1982.

List of Subjects in 14 CFR Part 71

Transition areas, Aviation safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Faribault, Minnesota

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Faribault Municipal Airport (latitude 44°19'30" N., longitude 93°18'30" W.), within 2½ miles each side of the 302° bearing from the Faribault Municipal Airport extending from the 5-mile radius to 6 miles, and within 1.25 miles each side of the 199° bearing from the Faribault Municipal Airport extending from the Faribault 5-mile radius to 9 miles southwest of the airport excluding the portion within the Owatonna, Minnesota, transition area.

(Secs. 307(a) and 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 11.65)

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 is certified that this—(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 Des Plaines, Illinois, on June 16, 1982.

Monte R. Belger,

Acting Director, Great Lakes Region.

[FR Doc. 82-17986 Filed 7-2-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-AGL-1]

Cancellation of Control Zone; South Dakota

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of Notice of Proposed Rulemaking.

SUMMARY: This action withdraws a proposal circularized by letter dated February 3, 1982, to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71). The proposed amendment would have canceled the existing Michell, South Dakota, control zone due to the non-availability of required weather observations. Subsequent to the circular being issued for Notice of Proposed Rulemaking, Mesaba Airlines assumed the responsibility for recording and providing the required weather observations. From April 1, 1982, until present, the observations have been in accordance with established procedures and all indications are that they will continue to be in the future. As a result, the FAA has determined that the proposed amendment is no longer required.

EFFECTIVE DATE: July 6, 1982.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7360.

List of Subjects in 14 CFR Part 71

Control zones, Aviation safety.

Withdrawal of the proposal

Pursuant to the authority delegated to me, effective upon publication in the **Federal Register**, the proposal to amend § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as described in Airspace Docket No. 82-AGL-1 and circularized on February 3, 1982, is hereby withdrawn.

Note.—The FAA certifies that this Withdrawal of Proposed Rulemaking only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It is certified that this—(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.

Issued in Des Plaines, Illinois, on June 22, 1982.

Paul K. Bohr,

Director, Great Lakes Region.

[FR Doc. 82-17987 Filed 7-2-82; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 240 and 249

[Release No. 34-18843; File No. S7-937]

Proposed Revision of Rule 6a-2, Form 1 and Form 1-A Under the Securities Exchange Act of 1934

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Commission is publishing for comment proposed amendments to the form prescribed by the Commission for applications for, or exemption from, registration as a national securities exchange, and the form for amendments to and/or supplementation of such registration or exemption statements. The proposed amendments are designed principally to eliminate obsolete and duplicative filing requirements and generally to bring these forms into conformity with the Securities Exchange Act of 1934, as amended by the 1975 Amendments. The Commission also is proposing amendments to its rule requiring national securities exchanges to file annual amendments to their registration or exemption statements in order to reflect the proposed amendments with respect to the form on which those statements are filed with the Commission.

DATE: Comments should be submitted on or before September 4, 1982.

ADDRESSES: Comments should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Room 892, 500 North Capitol Street, Washington, D.C. 20549. (Comments which will be received after July 15, 1982, should be addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549.) All comment letters should refer to File No. S7-937 and will be available for public inspection at the Commission's Public Reference Room, Room 6101, 1100 L Street, N.W., Washington, D.C. 20549 (after July 3, 1982, 450 5th Street, N.W., Washington, D.C.).

FOR FURTHER INFORMATION CONTACT: Judith W. Axe, Division of Market Regulation, Securities and Exchange Commission, Room 357, 500 North Capitol Street, Washington, D.C. 20549 (after July 15, 1982, 450 5th Street, N.W. Washington, D.C.), (202) 272-2398.

SUPPLEMENTARY INFORMATION:

I. Introduction

Section 5 (15 U.S.C. 78e) of the Securities Exchange Act of 1934 (the "Act") generally prohibits securities transactions on an exchange unless the exchange is registered with the Commission pursuant to Section 6 of the Act (15 U.S.C. 78f) or is specifically exempted from registration by the Commission. Section 6 sets forth the conditions for exchange registration, including the filing of an application for registration, in a form prescribed by the Commission, that contains the rules of the exchange and any other information and documents deemed necessary or appropriate by the Commission.[1]

Pursuant to Section 6, the Commission adopted Rule 6a–1 (17 CFR 240.6a–1) and Rule 6a–2 (17 CFR 240.6a–2).[2] Rule 6a–1 generally requires an applicant for registration as a national securities exchange, or for exemption from registration, to file an application with the Commission on Form 1 together with accompanying exhibits.[3] Rule 6a–2 generally requires each registered or exempted exchange to update its statement by filing an annual amendment on Form 1–A, setting forth any changes in the information contained in the statement or in specified exhibits which have not been reported previously in an annual amendment.

Forms 1 and 1–A were last amended on January 1, 1950, simultaneously with the adoption of Rules 6a–1 and 6a–2. Since that time, the enactment of the Securities Acts Amendments of 1975 ("1975 Amendments")[4] has altered significantly the regulatory scheme applicable to national securities exchanges, and technological advances have greatly changed the manner in which securities exchanges operate. The Commission believes that it is appropriate at this time to amend Rule 6a–2 and Forms 1 and 1–A to reflect these changes. In addition, as a result of its experience in administering Rules 6a–1 and 6a–2 and reviewing Forms 1 and 1–A, the Commission preliminarily believes that certain of the information currently required by the forms either duplicates information which is otherwise available to the Commission or imposes collection and reporting burdens on exchanges that outweigh the value of the information provided. The proposed amendments are intended to eliminate such unnecessary and unjustified requirements. In this regard, the proposed regulations for the most part are deregulatory in nature; the Commission believes that they will reduce the burdens associated with both the preparation by exchange officials and the review by Commission staff members of Forms 1 and 1–A.

[1] Pursuant to Section 6(b), the Commission may not grant registration unless it makes the findings contained therein.

[2] Securities Exchange Act Release No. 4383 (January 1, 1950), 14 FR 7759 (December 29, 1949).

[3] Rule 6a–1 also requires an exchange, promptly after discovering that any information in its statement or any exhibit or amendment thereto was inaccurate when filed, to file with the Commission an amendment (on Form 1–A) correcting such inaccuracy.

[4] Pub. L. No. 94–29 (June 4, 1975).

II. Synopsis of Proposals

A. Form 1

The Form 1 application for registration or exemption from registration as a national securities exchange consists of a cover sheet, an informational statement and a set of 18 exhibits. The statement is comprised of 22 questions ("Items") which generally relate to the organization of the exchange (Item 1–8), its membership requirements (Items 9–13), and the manner in which business is conducted on the exchange (Items 14–20). More detailed information is provided by the lists and documents which comprise the exhibits to Form 1.[5] Finally, each exchange is required to indicate its agreement to (i) comply, and enforce compliance by its members, with the Act and (ii) furnish to the Commission copies of all amendments to its rules (Items 21 and 22).

The Commission has reviewed Form 1 and has concluded that a number of the items in the informational statement are obsolete or duplicative and should be eliminated. Other items in the informational statement, as well as certain of the exhibits, require modification to reflect changes in the Act since the time of their adoption and to improve the usefulness of the information provided.

The discussion below highlights only the major substantive changes which are being proposed to Form 1. Reference should be made to the text of the proposal for a complete review of all proposed changes.

Information Contained in Exchange Rules: Current Items 5, 10–15, 17–18 and 20. There are a number of items in the Form 1 statement which are designed to elicit information about the exchange which generally is included in the rules of the exchange.[6] The items in question relate to such matters as the election of exchange officers; the duties and obligations of each class of exchange membership, including the capital requirements imposed by the exchange and the financial statements the exchange requires its members to file; and exchange disciplinary rules (Items 5, 10, 11, 12 and 13 respectively). Further items require the exchange to provide information concerning the days and hours of trading on the exchange; whether trading is continuous or call; whether the exchange provides for odd-lot trading and, if so, how differentials are determined; the type of information recorded regarding orders received on the exchange floor; and exchange policies with respect to limitation or prohibition of listing securities on the exchange within a specified period after issuance (Items 14, 15, 17, 18 and 20 respectively). These matters also are normally the subject of exchange rules. Since the rules of the exchange (and its affiliates and subsidiaries) are required to be submitted as Exhibits (A) (1), (2) and (3) to Form 1, the Commission does not believe it is necessary to have the statement portion of Form 1 request information generally found in exchanges' rules.[7] Therefore, the Commission is proposing to delete Items 5, 10–15, 17–18 and 20 from the Form 1 statement in order to eliminate the duplicative reporting they require.[8]

Affiliates and Subsidiaries: Current Item 8. (Proposed Item 7). This item seeks information with respect to the

[5] Specifically, the exhibits include: (i) Copies of the rules of the exchange, its affiliates and subsidiaries (Exhibits A (1), (2) and (3)); (ii) a complete set of the forms used by the exchange regarding applications for membership or for employment by or affiliation with a member (Exhibit B); (iii) a complete set of the financial statements, reports or questionnaires required of members (Exhibit C); (iv) the forms used in connection with listing applications and agreements (Exhibit D); (v) current financial data, *i.e.*, balance sheets and income and expense statements for the exchange, its affiliates and subsidiaries (Exhibits E and F); (vi) a list of the officers, directors and committee members of the exchange, its affiliates and subsidiaries (Exhibits G and H); (vii) a list of exchange members, both individuals and firms (Exhibits I and J); (viii) a list of nonmembers who are extended a rate lower than the fixed commission rate for business transacted on the exchange (Exhibit K); and (ix) schedules of securities listed and admitted to unlisted trading privileges on the exchange (Exhibits L and M).

[6] The term "rules of an exchange," as defined in Section 3(a)(27) of the Act, includes an exchange's constitution, articles of incorporation, by-laws, and rules or instruments corresponding to the foregoing, and such of the stated policies, practices and interpretations of the exchange as the Commission, by rule, may determine to be necessary or appropriate in the public interest or for the protection of investors to be deemed to be rules of such exchange.

[7] Furthermore, changes in exchange rules are readily available to the Commission and the public. Pursuant to Section 19(b) of the Act and Rule 19b–4 thereunder, proposed rules and rule changes generally must be submitted to the Commission, published for public comment, and approved by the Commission, before they take effect.

[8] As a result of the deletions of these items, Items 6, 7, 8, 9 and 16 would be renumbered as 5, 6, 7, 8, and 9 respectively.

exchange's current affiliates and subsidiaries. The Commission is proposing to amend the item to require the exchange also to provide information with respect to any affiliate or subsidiary which ceased to be associated with the exchange during the previous year.

Member Activity Breakdown: Current Item 16. (Proposed Item 8). This item, which requires the exchange to provide information with respect to the number of members engaged in specified activities or functions (*e.g.*, floor broker, specialist, odd-lot dealer), would be amended to reflect changes in the types of functions performed by exchange members as well as the development of new categories of membership (*e.g.*, electronic membership, physical access membership).

Transaction Reporting: Current Item 19. This item requires the exchange to describe the methods by which transactions on the exchange are reported to members of the exchange and the public. Since transaction reporting by exchanges is, for the most part, governed by transaction reporting plans filed with, and declared effective by, the Commission pursuant to Rule 11Aa3–1 (17 CFR 240.11Aa3–1), the Commission believes that inclusion of this item in the informational statement is unnecessary and duplicative. The Commission therefore proposes deletion of this item.

Required Agreements: Current Items 21 and 22. Items 21 and 22 solicit agreements which Section 6(a) of the Act (as it existed prior to the 1975 Amendments) required a registration statement to contain but which have been rendered obsolete by the 1975 Amendments. Specifically, Section 6(a) previously required an exchange to agree (i) to comply, and to enforce compliance by its members with the provisions of the Act, and any amendment thereto and any rule or regulation made or to be made thereunder; and (ii) to furnish to the Commission copies of any amendments to the rules of the exchange forthwith upon their adoption.

Under the 1975 Amendments, the requirement that exchanges enforce compliance with the Act has been made explicit under Section 6(b)(1) and 19(g) of the Act.[9] Similarly, Section 19(b) of the Act requires the filing of all proposed rule changes with the Commission and provides for prior Commission review and approval of such rule changes (subject to certain exceptions). As a result, the agreements required by current Items 21 and 22 are no longer necessary and the Commission therefore proposes to delete both items.

Exchange Forms: Exhibit B. Exhibit B would be amended to eliminate paragraph (2) which deals with approval of a firm as a "member firm" of the exchange. Since paragraph (1) deals with applications for "membership" in the exchange, and "member" is defined in Section 3(a)(3)(A) of the Act, as amended by the 1975 Amendments, to include member firms, paragraph (2) is now redundant. In addition, existing paragraphs (3) and (4) would be consolidated into a new paragraph (2) which would require the filing of all forms pertaining to applications for approval of any "person associated with a member." That term, which is defined in Section 3(a)(22) of the Act, includes those persons presently referred to in paragraphs (3) and (4) of the exhibit.

Amendments also are being proposed to Exhibit B to reflect the prohibition of fixed commission rates found in Section 6(e)(1) of the Act, which was added by the 1975 Amendments.[10] Specifically, Exhibit B(5), dealing with an application to be extended a lower rate of commission than is charged the general public, would be deleted because it seeks information about a practice which no longer is permitted under the Act.[11]

Financial Statements: Exhibits E and F. These exhibits are designed to obtain information concerning the financial status of the exchange and its affiliates and subsidiaries. These exhibits would be amended to require audited annual financial statements in order to better enable the Commission to carry out its oversight of the exchanges.[12]

Officers, Governors and Committees: Exhibit G. This exhibit, which requires a list of current officers, governors and committee members of the exchange, would be amended to require information about any individuals who held those offices or positions and who resigned or were terminated during the previous year. This information would help assure that the Commission has full records of the individuals who held positions of authority at the exchange at any given time.

List of Members Firms: Exhibit J. This exhibit;, which requires an alphabetical list of all member firms of the exchange, would be amended to delete subsection (4), which currently requires that the exchange provide a list of the partners or officers and directors of each such member firm. In view of the frequency with which personnel changes are made within these organizations, there appears to be little value in requiring the exchanges to provide this information.

Proposed Exhibit M. A new exhibit, Exhibit M, would be added to require information about securities admitted to trading on the exchange subject to an exemption from registration under Section 12(a) of the Act. This information, together with the information in Exhibits K and L, (current Exhibits L and M) regarding listed securities and securities admitted to unlisted trading privileges, will provide the Commission with a complete list of all securities traded on the exchange.

B. Form 1–A and Rule 6a–2

Form 1–A is the form used by an exchange to amend its application for registration or exemption from registration as a national securities exchange. The Form includes amended versions of any items of the Form 1 statement which have changed in the previous year, and, pursuant to Rule 6a–2, either amended or completely new versions of the exhibits to Form 1. Because the annual amendments are tied to the specific items and exhibits in Form 1,[13] all of the changes proposed on Form 1 also would apply to annual amendments filed by the exchanges.

Rule 6a–2. Rule 6a–2 divides the information which an exchange is required to include in its annual Form 1–A submission into three categories: (i) Changes in the information contained in the statement or Exhibits A–D which have not been previously reported in an annual amendment; (ii) Exhibits E and F, completed as of the end of the latest

[9] That requirement includes associated persons of members as well as the members themselves. In addition, Section 6(b)(1) of the Act, as amended by the 1975 Amendments, requires the Commission, as a condition of registration, to make a finding that the exchange is so organized and has the capacity to enforce compliance with the Act.

[10] Pursuant to Section 6(e)(1), since May 1, 1976, no national securities exchange has been permitted to impose or fix any schedule of commissions, allowances discounts, or other fees to be charged by its members.

[11] Similarly, current Exhibit K, which requires a list of persons who are extended a lower rate of commission for exchange transactions, also would be deleted as no longer consistent with the Act. As a result of the deletion of Exhibit K, Exhibits L and M would be renumbered as Exhibits K and L, respectively.

[12] Some exchanges have attempted to comply with these requirements by filing consolidated financial statements covering the exchange and one or more of its affiliates and subsidiaries. The Commission wishes to clarify that an exchange may submit consolidated statements in addition to, but not in lieu of, the separate financial statements required by the exhibits.

[13] Form 1–A consists in its entirety of a cover sheet accompanied by a set of instructions on how properly to prepare an annual amendment to Form 1.

fiscal year; and (iii) the remaining Exhibits, G–M, updated as of the latest practicable date within three months of the date on which the annual amendment is filed. The Commission is proposing to amend Rule 6a–2 to move Exhibits A(1), (2) and (3) from the first to the third category, thereby requiring that exchanges annually submit a complete, updated set of their rules. Requiring these materials to be filed each year would enable the Commission to maintain a historical public record of exchange rules which would supplement the requirement contained in Section 19(b) of the Act that exchanges file with the Commission all changes in their rules. The Commission does not believe such a requirement would be burdensome to exchanges. In this regard, it should be noted that this requirement can be met by merely providing a xeroxed copy of the exchange's rules and that several exchanges already include copies of their rules in their Form 1–A each year. Moreover, when coupled with deletion of a number of items in the information statement and the requirement that rule changes be filed as part of the annual amendment, the Commission believes that the overall burden on exchanges would be reduced.

Instructions to and Format of the Forms. In addition to changes to the content of the forms, several changes are being proposed with respect to the preparation and physical format of the forms. These amendments are designed to simplify the preparation of the forms by exchange staff, as well as to expedite Commission review of the completed forms.

Instruction numbers 3 and 4 of Form 1, and numbers 2 and 4 of Form 1–A require that the forms be "typed or printed on good quality unglazed white paper, 8-½ by 13 inches in size and shall have a margin of at least 1-½ inches on the left." These instructions would be amended to require the use of 8-½ x 11 inch paper, to accommodate the Commission's micrographics filing program.[14]

Exhibits B, C, and D of Form 1 require the exchanges to provide sets of forms and documents relating to such matters as: approval of member organizations and registered representatives thereof; members' financial statements; and applications for listing securities. A footnote is being proposed to these three exhibits which would require the exchanges to provide a table of contents to each exhibit, listing the forms contained therein. Where this has been done by some exchanges in the past, it has served as a checklist for the exchange to assure that all relevant forms are included, and additionally has expedited the Commission staff's review of these forms.

Finally, because of the number of changes which are being proposed to the forms and for purposes of clarity, the Commission intends to request, pursuant to Rule 6a–1(d), that each exchange file, as its 1983 Form 1–A annual amendment, a complete new registration statement and all exhibits which are prescribed to be filed in connection therewith.[15] This request is intended to avoid the confusion that would otherwise result due to the renumbering of some items and exhibits, and to assure that all of the exchanges answer each new item and exhibit. The Commission does not believe that a special, one-time request that exchanges file a complete new registration statement and exhibits will present any significant burden on the exchanges, especially since most of the exchanges continuously update their registration forms and exhibits, in the process of preparing for the submission of the annual amendement.

III. Regulatory Flexibility Act Considerations

The Regulatory Flexibility Act, which became effective on January 1, 1981, imposes new procedural steps applicable to agency rulemaking which has a "significant economic impact on a substantial number of small entities." [16] The Chairman of the Commission has certified pursuant to the Regulatory Flexibility Act that the proposed amendments to Forms 1 and 1–A, prescribed by the Commission for applications for, or exemption from, registration as a national securities exchange, and for amendments to and/or supplementation of such registration or exemption statements, respectively, and Rule 6a–2,[17] if adopted, will not have a significant economic impact on a substantial number of small entities, or any other entities. The amendments to Forms 1 and 1–A are designed to eliminate duplicative and obsolete disclosure requirements, to bring the contents of the Forms into conformity with the Act as amended in 1975, and to provide the Commission with information which more accurately describes the current securities exchanges and the markets they provide.

List of Subjects in 17 CFR Parts 240 and 249

Reporting requirements, Securities.

IV. Text of Amendments

The proposed amendments to Forms 1 and 1–A are intended to bring the Forms into conformity with the Securities Exchange Act as revised by the 1975 amendments, to update their contents to properly reflect the current trading environment, and to eliminate obsolete and duplicative requirements. Accordingly, pursuant to its authority under the Securities Exchange Act of 1934 [15 U.S.C. 78a et seq., as amended by Pub. L. No. 94–29 (June 4, 1975)] and particularly Sections 3, 5, 6, 17, 19 and 23 thereof [15 U.S.C. 78c, 78e, 78f, 78q, 78s and 78w], the Commission proposes to amend Title 17, Chapter II of the Code of Federal Regulations as follows:

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

1. By revising § 240.6a–2 to read:

[14] The Commission is proposing to adopt a uniform size (8-½ x 11 inch) for all applications, statements reports, documents and amendments thereto filed with the Commission in order to achieve maximum cost-efficiency in the Commission's micrographics filing program. (Securities Exchange Commission Release No. 18794) (June 7, 1982), 47 FR 25372 (June 11, 1982). In addition, as the Release pointed out, the Judicical Conference of the United States has adopted the 8-½ x 11 inch paper size standard for use throughout the federal judiciary effective January 1, 1983. Many state courts also have adopted the letter size requirement.

[15] Rule 6a–1(d) states that "[w]henever the number of changes to be reported in an amendment, or the number of amendments filed, are so great that the purpose of clarity will be promoted by the filing of a new complete statement and exhibits, an exchange may, at its election, or shall, upon request of the Commission, file as an amendment a complete new statement together with all exhibits which are prescribed to be filed in connection with Form 1."

[16] Although Section 601(b) of the Regulatory Flexibility Act defines the term "small entity," the statute permits agencies to formulate their own definitions. The Commission has adopted definitions of the term small entity for purposes of Commission rulemaking in accordance with the Regulatory Flexibility Act. Those definitions, as relevant to this proposed amendment, are set forth in Rule 0–10, 17 CFR 240.0–10. *See* Securities Exchange Act Release No. 18452, (January 28, 1982), 47 FR 5215 (February 4, 1982). A national securities exchange is a "small business" or "small organization" under Rule 0–10 if the exchange has been exempted from the reporting requirements of Section 240.11Aa3–1. Of the 10 exchanges registered with the Commission only the Spokane and Intermountain Stock Exchanges have such an exemption.

[17] The amendments to Rule 6a–2 are being made to reflect the changes being made to Forms 1 and 1–A and would have no discrete impact on securities exchanges.

§ 240.6a-2 Annual amendments to registration statements or exemption statements of exchanges.

On or before June 30 of each year, each exchange registered as a national securities exchange or exempted from such registration shall file an annual amendment setting forth:

(a) All changes, and the effective dates thereof, which have been affected in any of the information contained or incorporated in the statement, or in exhibits B, C and D, and which have not previously been reported in an annual amendment. Such amendment shall bring the statement and Exhibits B, C and D up to date as of the latest practicable date within one month of the date on which the amendment is filed. In the event that no changes have occurred in any of this material during the period covered by the amendment, a statement to that effect shall be set forth in the amendment.

(b) Complete exhibits E and F as of the end of the latest fiscal year of the exchange, and of each affiliate and subsidiary listed in answer to Item 7 of the statement. In the event that Exhibit F is inapplicable to the exchange for the reason that it has no affiliate or subsidiary, the amendment shall include a statement to that effect in lieu of the information called for in Exhibit F.

(c) Complete exhibits A(1), A(2), A(3), G, H, I, J, K, L and M. The information contained in these exhibits shall be up to date as of the latest practicable date within 3 months of the date on which the annual amendment is filed.

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

2. By revising Form 1 in § 249.1 to read as follows:

(Form 1 does not appear in the Code of Federal Regulations)

Securities and Exchange Commission, Washington, D.C.

Form 1

Application for Registration or Exemption From Registration as a National Securities Exchange

On the basis of the attached statement and exhibits, the undersigned hereby applies for registration* exemption from registration* as a national securities exchange, pursuant to Section 6 of the Securities Exchange Act of 1934 and the rules and regulations thereunder.

_____
Exchange

By _____
Name Title

Date: _____

(SEAL)

Attest: _____
Name Title

*Strike out inapplicable words.

Instructions for Form 1 and Accompanying Statement and Exhibits

1. Form 1 and the accompanying statement and exhibits shall be filed in duplicate, each of which shall be signed and attested by duly authorized officials of the exchange.

2. An exchange may use the printed Form 1 and statement. If the space provided in the statement for an answer to any item is insufficient, the answer may be typed on a separate insert page or pages which shall be incorporated into the statment by reference thereto in the space provided for the item.

3. If the exchange does not use the printed Form 1 and statement it shall type or print a complete Form 1 and statement containing both the items in each and the answers thereto. Form 1 and the accompanying statement and exhibits shall be typed or printed on good quality unglazed white paper, 8½ x 11 inches in size and shall have a margin of at least 1½ inches on the left.

4. If the information called for by any exhibit is available in printed form, the printed material may be used provided it does not exceed 8½ x 11 inches in size.

5. If any item of the statement is inapplicable, a statement to that effect shall be made following the item. If any exhibit called for is inapplicable, a statement to that effect shall be furnished in lieu of such exhibit.

6. All answers to items of the statement shall be stated as briefly as completeness will permit, and may be expanded upon or qualified by reference to applicable pages, articles, sections or paragraphs of any exhibit.

STATEMENT

Securities and Exchange Commission, Washington, D.C.

Statement to be Filed in Connection With an Application for Registration or Exemption from Registration as a National Securities Exchange under the Securities Exchange Act of 1934.

Organization

1. State the exact name of the exchange:

2. State the address and telephone number of the exchange:

3. (a) State the form of organization of the exchange: (e.g., association, corporation, etc.)

(b) State the date of organization in present form. If originally organized in another form also give date and form of original organization:

(c) Name the state and provide reference to any statute thereof under which the exchange is organized:

(d) State the name of each exchange which has been merged into, absorbed by, or consolidated with the subject exchange since September 1, 1934, giving the date when each merger, absorption, or consolidation occurred:

4. State the date upon which the fiscal year of the exchange ends:

5. State the name and address of counsel for the exchange:

6. State the name and address of the person hereby authorized to receive service of process and notices on behalf of the exchange:

7. For each organization which during the previous year has been affiliated with or subsidiary to the exchange, either directly or indirectly, through security ownership, joint membership or otherwise, provide the following information:

(a) Name and address of the organization:

(b) Form of organization: (e.g., association, corporation, etc.)

(c) Name of state and reference to any statute thereof under which organized:

(d) Date of organization in present form:

(e) Brief description of the nature and extent of affiliation:

(f) Brief description of its business or functions:

(g) Name of any of the organizations identified above which ceased to be associated with the exchange during the previous year, and a brief statement of the reasons for the termination of the association:

8. State the classes of membership (*e.g.*, full membership, associate membership, physical access membership, electronic access membership, etc.) and indicate the number of members in each category.

9. State as nearly as practicable the number of persons who are engaged primarily in the following activities of functions on or through the facilities of the exchange:[1]

(1) Floor brokers:

(2) Specialists:

(3) Odd lot dealers:

(4) Other market makers:

(5) Proprietary traders (on the exchange floor):

(6) Inactive or other function:

(b) State the estimated average total number of members in attendance at security trading sessions:

Exhibits

Exhibits to be filed in connection with (i) an Application for Registration or Exemption from Registration as a National Securities Exchange pursuant

[1] Where more than one type of person engages in any of the six types of activities or functions enumerated in this item, identify each such type (e.g., proprietary trader, Registered Competitive Trader and Registered Competitive Market Maker) and state the number of members in each.

to Section 6 of the Securities Exchange Act of 1934 and Rule 6a–1 thereunder or (ii) an Annual Amendment pursuant to Rule 6a-2.[2]

Exhibit A(1)

A copy of the constitution, articles of incorporation or association with all amendments thereto, and of existing by-laws or rules or instruments corresponding thereto, whatever the name, of the exchange.

Exhibit A(2)

A copy of all written rulings, settled practices having the effect of rules, and interpretations of the Governing Board or other committee of the exchange in respect of any of the provisions of the constitution, by-laws, rules or trading practices of the exchange, which are not included in the material submitted under Exhibit A(1).

Exhibit A(3)

A copy of the constitution, articles of incorporation or association with all amendments thereto, and of existing by-laws or rules or instruments corresponding thereto, whatever the name, of each affiliate and subsidiary listed in answer to Item 7 of the Statement.

Exhibit B

A complete set of all forms[3] pertaining to:

(1) Application for membership[4] in the exchange.

(2) Application for approval as a person associated with a member[5] of the exchange.

(3) Matters similar to any of the foregoing.

Exhibit C

A complete set of all forms of financial statements, reports or questionnaires required of members, relating to such matters as members' financial responsibility or minimum capital requirements.

Exhibit D

A complete set of documents, comprising the exchange's listing applications, including the agreements required to be executed in connection therewith, and a schedule of listing fees.

Exhibit E

Audited annual financial statements of the exchange which (1) are for the latest fiscal year; (2) are prepared in accordance with generally accepted accounting principles; and (3) are covered by a report prepared by an independent public accountant.

Exhibit F

Audited annual financial statements for each affiliate and subsidiary listed in Item 7 of the statement, which (1) are for the latest fiscal year; (2) are prepared in accordance with generally accepted accounting principles; and (3) are covered by a report prepared by an independent public accountant.

Exhibit G

A list of the present officers, governors, members of all standing committees,[6] or persons performing functions similar to any of the foregoing, whatever their title or technical status may be, of the exchange, who presently hold or have held their offices or positions during the previous year, indicating for each:

(1) Name.

(2) Title.

(3) Dates of commencement and termination of term of office or position.

(4) Length of time each has held the same office or position.

(5) Type of business in which each is primarily engaged (*e.g.*, floor broker, specialist, odd lot dealer, etc.).

Exhibit H

A list of the present officers, directors, members of all standing committees or persons performing functions similar to any of the foregoing, whatever their title or technical status may be, of each affiliate and subsidiary listed in answer to Item 7 of the Statement, indicating for each:

(1) Name.

(2) Title.

Exhibit I

A list as of latest practicable date [7] alphabetically arranged of all individual members of the exchange indicating for each: [8]

(1) Name.

(2) Date of election to membership.

(3) Name of firm with which he is associated and his relationship thereto (*e.g.*, partner, officer, director, employee).

(4) Business address.

Exhibit J

A list as of latest practicable date alphabetically arranged of all member organizations of the exchange indicating for each:

(1) Name.

(2) Form of organization (*e.g.*, sole proprietorship, partnership, corporation, etc.).

(3) Principal place of business and telephone number.

(4) Designate the individuals whose membership it uses.

Exhibit K

A schedule of securities listed on the exchange indicating for each:

(1) Name of issuer.

(2) Description of security.

Exhibit L

A schedule of securities admitted to unlisted trading privileges on the exchange showing for each:

(1) Name of issuer.

(2) Description of security.

Exhibit M

A schedule of unregistered securities admitted to trading on the exchange which are exempt from registration under Section 12(a) of the Act, indicating for each:

(1) Name of issuer.

(2) Description of security.

(3) Specific statutory exemption claimed (e.g., Rule 12a–6).

3. By revising Form 1–A in § 249.1a to read as follows: (Form 1–A does not appear in the Code of Federal Regulations)

Securities and Exchange Commission, Washington, D.C.

Form 1–A

Amendment to an Application for Registration or Exemption From Registration as a National Securities Exchange

Amendment No. ——

Designate the type of amendment as follows:

Annual Amendment (Rule 6a–2) period covered ———— to ———— ☐

Other Amendment (Rule 6a–1(c) or (d)) ☐

The undersigned exchange hereby submits the attached material as an

[2] If any exhibit called for is inapplicable, a statement to that effect shall be furnished in lieu of such exhibit.

[3] Provide separate tables of contents listing (by title and/or number) the forms included in Exhibits B, C, and D.

[4] The terms "member" and "membership" are used interchangeably. Unless the context otherwise requires, "member" has the same meaning as that provided in Section 3(a)(3)(A) of the Act.

[5] The term "person associated with a member" has the same meaning as that provided in Section 3(a)(2) of the Act.

[6] For Exhibits G and H, group members of each standing committee together.

[7] For Exhibits I, J, K, L and M, indicate the date as of which each list or schedule is prepared.

[8] For Exhibits I and J, if more than one class of membership is provided for by the constitution and rules of the exchange, either (1) list separately accordingly to class; or (2) indicate the class of membership applicable.

amendment to its application for registration* exemption from registration* as a national securities exchange in respect of the items and/or exhibits listed below:

Exchange

By _____
Name Title

Date: _____

(SEAL)

Attest: _____
Name Title

Instructions for Form 1–A

1. Amendments on Form 1–A and the material attached thereto shall be filed in duplicate, each of which shall be signed and attested by duly authorized officials of the exchange. Each Form 1–A shall be dated and numbered in the order of filing. The type of amendment, whether annual or other, shall be specified in the space provided on the Form.

2. An exchange may use the printed Form 1–A. If it does not use the printed Form 1–A it shall type or print a complete Form 1–A on good quality unglazed white paper, 8½ x 11 inches in size, and shall have a margin of at least 1½ inches on the left. All material filed with such form shall comply with the same requirements.

3. If the information called for by any exhibit is available in printed form, the printed material may be used provided it does not exceed 8½ x 11 inches in size.

4. Any number of items or exhibits being amended may be listed on one Form 1–A.

* * * * *

V. Solicitation of Comments

All interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make submissions should submit three copies thereof to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than September 4, 1982. (Comments which will be received after July 15, 1982, should be addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549.)

Reference should be made to File No. S7–937. All submissions will be made available for public inspection at the Commission's Public Reference Section, Room 6101, 1100 L Street, N.W., Washington, D.C. (after July 15, 1982, 450 5th Street, N.W., Washington, D.C.).

*Strike out inapplicable words.

By the Commission.

George A. Fitzsimmons,

Secretary.

June 25, 1982.

Securities and Exchange Commission, 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 amendments to Rule 6a–2 and Forms 1 and 1–A set forth in Securities Exchange Act Release No. 18843, if promulgated, will not have a significant economic impact on a substantial number of small entities. Forms 1 and 1–A are prescribed by the Commission for applications for, or exemption from, registration as a national securities exchange, and for amendments to and/or supplementation of such registration or exemption statements, respectively. The proposed amendments are designed to eliminate duplicative and obsolete disclosure requirements and to provide the Commission with information which more accurately describes the current securities exchanges and the markets they provide.

Dated: June 25, 1982.

John S. R. Shad,

Chairman.

[FR Doc. 82–18206 Filed 7–2–82; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79–76–120 (Oklahoma-2)]

High-Cost Gas Produced From Tight Formations; Notice of Proposed Rulemaking

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 recieve 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 Oklahoma that the "Cleveland Sand" of the "Kansas City group," be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on July 30, 1982. Public hearing: no public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on July 15, 1982.

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

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8511, or John Roy Johnson, (202) 357–8731.

SUPPLEMENTARY INFORMATION:

Issued June 30, 1982.

I. Background

On May 24, 1982, the Oklahoma Corporation Commission (Oklahoma) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the "Cleveland Sand" of the "Kansas City group," located in Ellis County, Oklahoma, 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 Oklahoma's recommendation that the "Cleveland Sand" of the "Kansas City group," be designated a tight formation should be adopted. Oklahoma's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

Oklahoma has recommended that the "Cleveland Sand" in Section 6 through 8 and 16 through 18, Township 20 North, Range 24 West; Sections 1 through 6 and 11 through 13, Township 20 north, Range 25 West; and Sections 35 and 36, Township 21 North, Range 25 West, in the Gage Southwest Field in Ellis County, Oklahoma, be designated a tight formation. The "Cleveland Sand" is a depositional unit of Pennsylvanian, Early Missourian age and occurs as a lenticular sandstone trending northwest-southeast on the northwestern flank of the Anadarko Basin. It consists of an argillaceous, fine- to very fine-grained sandstone that is composed of quartz, feldspar, clay, mica, and micaceous metamorphic rock fragments. The top of the recommended interval in found at a depth of 7,850 to 8,300 feet and ranges from 71 to 114 feet below the base of the "Checkerboard limestone" (a drillers' term). The base of the interval is marked

by the top of the Marmaton Group of Des Moinesian age.

The gross thickness of the "Cleveland Sand" ranges from 40 to 60 feet and averages 54 feet; the net sandstone thickness ranges from 5 to 32 feet and averages 19 feet.

III. Discussion of Recommendation

Oklahoma claims in its submission that evidence gethered through information and testimony presented at a public hearing held April 28, 1982, by the Oklahoma Corporation Commission 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 esxpected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

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

Oklahoma 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 Oklahoma that the "Cleveland Sand" of the "Kansas City group," as described and delineated in Oklahoma's recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views, or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before July 30, 1982. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79–76–120 (Oklahoma-2), 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, N.E., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that he wishes to make an oral presentation and therefore requests a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than July 15, 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 Oklahoma's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—CEILING PRICES

Section 271.703 is amended by adding new paragraph (d)(123) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.*

* * * * *

(123) *"Cleveland Sand" of the "Kansas City Group" in Oklahoma.* RM79–76–120 (Oklahoma-2).

(i) *Delineation of formation.* The designated interval is found in Sections 6 through 8 and 16 through 18, Township 20 North, Range 24 West; Sections 1 through 6, 11 through 13, Township 20 North, Range 25 West; and Sections 35 and 36, Township 21 North, Range 25 West, in the Gage Southwest Field, northwestern Oklahoma, in Ellis County. It is a depositional unit of Pennsylvanian, Early Missourian age and occurs as a lenticular argillaeous feldspathic sandstone trending northwest-southeast on the northwestern flank of the Anadarko Basin.

(ii) *Depth.* The depth to the top of the designated interval ranges from 7,850 to 8,300 feet. The top of the designated interval ranges from 71 to 114 feet below the base of the "Checkerboard limestone" (a drillers' term), and the base of the interval is marked by the top of the Marmaton Group of Des Moinesian age. The gross thickness of the "Cleveland Sand" ranges from 40 to 60 feet and averages 54 feet; the net sandstone thickness ranges from 5 to 32 feet and averages 19 feet.

[FR Doc. 82–18243 Filed 7–2–82; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 31

[LR–23–82]

Withholding Social Security or Railroad Retirement Tax From Sick Pay

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to temporary regulations.

SUMMARY: In the Rules and Regulations portion of this **Federal Register**, the Internal Revenue Service is publishing temporary regulations that relate to withholding social security or railroad retirement tax from sick pay. The text of those temporary regulations also serves as the comment document for this proposed rulemaking.

DATES: Written comments and requests for a public hearing must be delivered by September 7, 1982. The regulations are proposed to be effective with respect to sick pay payments made on or after January 1, 1982.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Reveune, Attention: CC:LR:T (LR–23–82), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Pamela F. Olson of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202–566–3459).

SUPPLEMENTARY INFORMATION:

Background

The temporary regulations in the Rules and Regulations portion of this issue of the **Federal Register** add a new Part 32 to Title 26 of the Code of Federal Regulations. The final regulations, which this document proposes be based on those temporary regulations, would be added to Part 31 of Title 26 of the Code of Federal Regulations. Section 32.1 would become § 31.3121(a)(2)–2, § 32.2 would become § 31.3231(e)–2, and Part 32 would be deleted.

The regulations would require an employer or third party making a payment on account of sickness or accident disability on or after January 1, 1982, to withhold, deposit, and pay the applicable social security or railroad retirement taxes based on the amount of the payment and provide a receipt of the amount of any such payment to the employee pursuant to section 6051. The regulations would allow third parties to transfer to the employer liability for paying the employer portion of the tax and responsibility for providing a receipt to the employee if they promptly (1) withhold the employee share of the tax, (2) deposit such portion pursuant to section 6302, and (3) notify the employer for whom services are normally rendered of the amount of the payment. Notification of the employer would be considered to be prompt if such notice is mailed on or before the required date for the deposit of the employee share of the tax by the third party. For purposes of the employer's paying the employer portion of the tax, payment to the employee would be deemed to have been made on the date that the employer receives notice of such payment from the third party.

The proposed regulations define "employer for whom services are normally rendered" as the last employer for whom the employee worked. Alternatives to this rule were considered for multiemployer plans. These alternatives included (1) allowing each plan to establish its own definition of "employer for whom services are normally rendered," (2) allocating the burden among all of the employers for whom the employee performed services over some period prior to the disability, (3) defining "employer for whom services are normally rendered" as the employer for whom the employee worked the most hours over some period prior to the disability, and (4) providing no definition of "employer for whom services are normally rendered." All of these alternatives were rejected in favor of the last employer rule because it was believed to be the rule which was most feasible administratively for the multiemployer plans, the employers, and the Service. For purposes of multiemployer plans which have purchased insurance to provide benefits to covered employees, the trust fund would be considered to be the third party making payments on account of sickness or accident disability provided the insurer withholds and deposits the tax imposed on the employee and notifies the plan of the payments. In order to relieve itself of liability, any such notified multiemployer plan which would itself be treated as the third party payer must, within 6 days of receipt of notification from the insurance company, notify the last employer for whom the employee worked.

The proposed regulations would not apply to a payment which is made under a workmen's compensation law, the Railroad Retirement Act, the Railroad Unemployment Insurance Act for days of sickness related to on-the-job injury, or which is unrelated to absence from work, is made after the expiration of six calendar months following the last calendar month in which the employee worked, or is attributable to a contribution by the employee.

The proposed regulations would allow a third party to request and rely on certain information from the employer in order to avoid overpayment of tax with respect to any employee receiving a payment on account of sickness or accident disability.

Employees of State and local governments may or may not be participants in the social security system. State and local governments that have elected to become part of the social security system do so by means of an agreement with the Secretary of Health and Human Services. Under these agreements, State governments make contributions equivalent to the social security tax which are deposited in Federal Reserve banks and accounted for to the Social Security Administration. Third parties making payments to employees of State and local governments should, therefore, contact the State or local government to determine the proper procedures to follow to insure correct and timely deposits and accurate wage reports.

The regulations are necessary because of the amendments made to section 3121(a) and 3231(e) by Pub. L. 97-123 (95 Stat. 1659). These statutory changes are effective with respect to payments made on or after January 1, 1982, on account of sickness or accident disability. These regulations are proposed to be issued under the authority contained in sections 3121(a) and 3231(e) (95 Stat. 1662 and 1663; 26 U.S.C. 3121(a) and 3231(e)) and 7805 (68A Stat. 917; 26 U.S.C. 7805) of the Internal Revenue Code of 1954.

Non-Applicability of Executive Order 12291

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

Regulatory Flexibility Act

Although this document is a notice of proposed rulemaking which solicits public comment, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. Chapter 6).

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register.**

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 82-18185 Filed 6-30-82; 4:00 pm]

BILLING CODE 4830-01-M

VETERANS ADMINISTRATION

38 CFR Part 21

Veterans' Benefits; Courses Taken by Nonmatriculated Students

AGENCY: Veterans Administration.

ACTION: Proposed regulation.

SUMMARY: This proposed regulation states how the VA (Veterans Administration) will determine whether a degree-seeking student, who has not matriculated, is in a program of education. The law states that a veteran or eligible person must be in a program of education before he or she can receive educational assistance allowance from the VA. This will better acquaint the public with the standards the VA will use to implement the provision of law.

DATES: Comments must be received on or before August 5, 1982. It is proposed to make this amendment effective the date of final approval.

ADDRESSES: Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue,

N.W., Washington, D. C. 20420. All written comments received will be available for inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays) until August 16, 1982. Persons visiting the Veterans Administration Central Office in Washington, D. C. for the purpose of inspecting comments will be received by the Central Office Veterans Services Unit in room 132. Visitors to a VA field station will be informed that the records are available for inspection only in Central Office and will be furnished the address and room number.

SUPPLEMENTARY INFORMATION: Section 21.4252 is amended to state when the VA will approve the enrollment of a nonmatriculated, degree-seeking veteran or eligible person.

The law requires veterans and eligible people to be in a program of education in order to receive educational assistance allowance. The courses in a program of education must be recognized as necessary to reach the goal of the program. When a degree-seeking student takes occasional courses without matriculating, it is difficult for the VA to determine if the student is actually in a program of education. This proposed regulation states how the VA will make this determination.

The VA has determined that this proposed regulation is not a major rule as that term is defined by Executive Order 12291, Federal Regulation. The annual effect on the economy will be less that $100 million. It will not result in any major costs or prices for anyone. It will have no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Administrator of Veterans' Affairs hereby certifies that this proposed regulation, 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 (RFA), 5 U.S.C. 601–612. Pursuant to 5 U.S.C. 605(b), this regulation therefore is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. The reason for this certification is that only a small percentage of educational institutions which are small entities as defined in RFA do not already have rules which are as strict or stricter than those contained in the proposed § 21.4252(l)(1). Furthermore, the VA is not aware of any educational institutions which are small entities offering courses that will be affected by proposed § 21.4252(l)(2). The VA does not think that it is likely that small entities will begin offering these courses in the foreseeable future.

The governmental jurisdictions supporting the public colleges which have programs affected by § 21.4252(l)(3) are not small entities as defined by RFA.

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs—education, Loan programs—education, Reporting requirements, Schools, Veterans, Veterans Administration, Vocational education, Vocational rehabilitation.

(The Catalog of Federal Domestic Assistance numbers are 64.111, 64.117 and 64.120.)

Approved: June 17, 1982.

Robert P. Nimmo,

Administrator.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

The Veterans Administration proposes to amend 38 CFR Part 21 to read as follows:

In § 21.4252, paragraph (l) is added as follows:

§ 21.4252 Courses precluded.

* * * * *

(l) *Courses taken by a nonmatriculated student who is pursuing a degree.* The provisions of this paragraph apply to veterans and eligible persons who are pursuing a degree, but who have not matriculated. The Veterans Administration considers a student to have matriculated when he or she has been formally admitted to a college or university as a degree-seeking student.

(1) Some colleges or universities admit students provisionally, pending receipt of test results or transcripts. The Veterans Administration may approve such a veteran's or eligible person's enrollment in a course or subject only if the veteran or eligible person matriculates during the first two terms, quarters or semesters following his or her admission.

(2) The first portion of the courses leading to a single degree may be offered at one college or university. The remaining courses are not offered at that college or university, but are offered at a second college or university which grants the degree based upon the combined credits earned by the student. If the student is not required to matriculate during the portion of the program offered at the first college or university, the Veterans Administration may approve an enrollment in a course or subject that is part of that portion of the program only if the college or university granting the degree certifies, concurrently with the student's enrollment in the first portion of the program, that—

(i) Full credit will be granted for the subjects taken in the portion of the curriculum offered at the first college or university,

(ii) In the last 5 years at least three students who have completed the first part of the program have been accepted into the second part of the program;

(iii) At least 90 percent of those who have applied for admission to the second part of the program, after successfully completing the first part, have been admitted.

(iv) The student will be required to matriculate during the first two terms, quarters or semesters following his or her admission to the second part of the program.

(3) The first portion of the upper division subjects or courses in a baccalaureate degree program may be given at a public, 2-year college while the remainder may be offered at a public, 4-year college or university. When the college or university does not require the student to matriculate while pursuing the upper division study at the 2-year college, the Veterans Administration may approve an enrollment in course offered in the program at the 2-year college only if the college or university granting the baccalaureate degree certifies that—

(i) Full credit is granted for the course upon the student's transfer to the college or university granting the baccalaureate degree,

(ii) The courses taken at the 2-year college will be acceptable in partial fulfillment for the baccalaureate degree, and

(iii) The student will be required to matriculate during the first two terms, quarters or semesters following his or her admission to the college or university granting the baccalaureate degree.

(4) Except as provided in paragraph (l), (1), (2), and (3) of this section, the Veterans Administration will not approve a veteran's or eligible person's enrollment in a course or subject if the veteran or eligible person—

(i) Is pursuing a degree, and

(ii) Is not matriculated.

(5) Nothing in this paragraph shall prevent a State approving agency from including more restrictive matriculation

requirements in its approval criteria. (38 U.S.C. 1652)

[FR Doc. 82-18179 Filed 7-2-82; 8:45 am]
BILLING CODE 8320-01-M

VETERANS ADMINISTRATION

DEPARTMENT OF DEFENSE

Office of the Secretary

38 CFR Part 21

Extension of the Post-Vietnam Era Veterans' Educational Assistance Program

AGENCY: Veterans Administration and Department of Defense.

ACTION: Proposed regulations.

SUMMARY: These proposed regulations, issued jointly by the Veterans Administration and the Department of Defense, are necessary because President Reagan has extended VEAP (the Post-Vietnam Era Veterans' Educational Assistance Program). The Veterans Administration will no longer contribute to the fund for training that occurs after December 31, 1981. These contributions will now be made by the Secretary of Defense. The Veterans' Education and Employment Assistance Act of 1976 requires this change in funding following an extension of the program.

DATES: Comments must be received on or before August 5, 1982. It is proposed that these regulations be made effective January 1, 1982.

ADDRESSES: Interested persons are invited to submit written comments, suggestions or objections regarding this proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. All written comments received will be available for public inspection at the above address only between 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), until August 16, 1982. Persons visiting the Veterans Administration Central Office in Washington, D.C. for the purpose of inspecting comments will be received by the Central Office Veterans Services Unit in room 132 of the above address. Visitors to VA field stations will be informed that the records are available for inspection only in Central Office and will be furnished the address and room number.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer (225), Assistant Director for Policy and Program Administration, Education Service, Department of Veterans Benefits, Veterans Administration, Washington, DC 20420 (202-389-2092).

SUPPLEMENTARY INFORMATION: Section 21.5054 is revised to permit individuals to participate in VEAP after December 31, 1981. Sections 21.5132 and 21.5138 are revised to provide that the Veterans Administration will not longer contribute to the fund for training that occurs after December 31, 1981. These contributions will now be made by the Secretary of Defense. The Veterans' Education and Employment Assistance Act of 1976 requires this change in funding following an extension of the program.

The agencies have determined that these proposed regulations contain no major rules as that term is defined by Executive Order 12291, Federal Regulation. The annual effect on the economy will be less than $100 million. They will not result in any major increases in costs or prices for anyone. They will have no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Administrator of Veterans' Affairs and the Secretary of Defense hereby certify that these proposed regulations will not, if promulgated, have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. Pursuant to 5 U.S.C. 605(b), these proposed regulations therefore are exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. The reasons for these certifications are as follows:

These regulations regulate individuals and provide for internal shifts within the Federal government in the funding for this program.

They will have no significant impact on small entities (i.e. small businesses, small private and nonprofit organizations, and small governmental jurisdictions.)

Approved: March 19, 1982.

Charles T. Hagel,

Deputy Administrator.

Approved: June 17, 1982.

R. Dean Tice,

Deputy Assistant Secretary of Defense.

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs-education, Loan programs-education, reporting requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

PART 21—PROTECTION OF PRIVACY

It is proposed to amend 38 CFR Part 21 as follows:

1. Section 21.5054 is revised as follows:

§ 21.5054 Dates of participation.

An individual may participate after December 31, 1976. An individual was not eligible for benefits before July 1, 1977 unless discharged after January 1, 1977 for a service-connected condition. The first date on which an individual on active duty enrolled in a course, or courses or a program of education leading to a secondary school diploma or an equivalency certificate may receive benefits is subject to the eligibility requirements of § 21.5040(b) (4) and (5). (38 U.S.C. 1631 (a) and (b); Pub. L. 96-466, 94 Stat. 2171)

2. In § 21.5132, paragraph (b) (2) and (3) is revised as folows:

§ 21.5132 Criteria used in determining benefit payments.

* * * * *

(b) *Contributions.* * * *

(2) The amount the Veterans Administration has contributed to the fund for the individual. This is twice the individual's contribution. The Secretary of Defense will make this contribution instead of the Veterans Administration for all payments made for training that occurs after December 31, 1981.

(3) Any additional amount the Secretary of Defense has contributed to the fund for the individual. (38 U.S.C. 1631)

3. In § 21.5138, paragraph (b) (6), (7) and (10) is revised as follows:

§ 21.5138 Computation of benefit payments and monthly rates.

* * * * *

(b) *Computation of benefit payment.* The Veterans Administration will compute benefits payments as follows for all training except for those individuals to whom § 21.5136(b)(1) or § 21.5139 applies. (38 U.S.C. 1631; Pub. L. 96-466, 94 Stat. 2171)

* * * * *

(6) Enter two times the amount in line 11.....(12)———

(This is the Veterans Administration's portion of benefit payments for training completed before January 1, 1982. The Secretary of Defense will contribute this portion of the benefit payment for training that occurs after December 31, 1981.)

(7) Enter the amount of the additonal contributions, if any, remaining in the fund which the Secretary of Defense contributed for the individual.....(j)———

* * * * *

(10) Divide line k by line 1. Enter the

quotient.....(13)——

(This is the Department of Defense's portion for training completed before January 1, 1982. For training completed after December 31, 1981, this is the second part of the Department of Defense's portion.) (38 U.S.C. 1631)

* * * * *

[FR Doc. 82-18240 Filed 7-2-82; 8:45 am]
BILLING CODE 8320-01-M

VETERANS ADMINISTRATION

38 CFR Part 36

Loan Guaranty; State and Local Housing Authorities Title Limitations and the Acceptability of Age Restrictions on VA Guaranteed Loans

AGENCY: Veterans Administration.

ACTION: Proposed Regulations.

SUMMARY: The VA (Veterans Administration) is proposing to amend its regulations to enable veterans to participate simultaneously in affordable housing programs sponsored by State and local government agencies and to obtain VA guaranteed loans. These amendments, if adopted, would aid low- or moderate-income families seeking to obtain housing.

The VA is also proposing to amend its regulations to authorize the acceptance of properties securing VA guaranteed loans when the sale, lease, or occupancy of the dwelling unit is restricted on the basis of age. VA guaranteed loans could then be used to obtain housing in retirement communities or other developments with age restrictions.

DATES: Comments must be received on or before August 5, 1982. It is proposed to make these amendments effective on the date of approval of the final regulations.

ADDRESSES: Interested persons are invited to submit written comments, suggestions, or objections regarding this proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420. All written comments received will be available for public inspection at the above address only between 8 a.m. and 4:30 p.m., Monday through Friday (except holidays) until August 16, 1982. Persons visiting the Veterans Administration Central Office in Washington, D.C. for the purpose of inspecting comments will be received by the Central Office Veterans Services Unit in room 132 of the above address. Visitors to VA field stations will be informed that the records are available for inspection only in Central Office and will be furnished the address and room number.

FOR FURTHER INFORMATION CONTACT: Mr. George D. Moerman, Assistant Director for Loan Policy (264), Loan Guaranty Service, Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420, 202-389-3042.

SUPPLEMENTARY INFORMATION: On April 10, 1981, the VA published an Advance Notice of Proposed Regulations (46 FR 21389) requesting comment on whether to develop regulations which would allow veterans to simultaneously participate in the programs of State and local housing agencies and the VA guaranteed home loan program. Seventeen comments were received, all of which were favorable. The restrictions in the State and local programs which preclude VA guaranteed loans fall into two categories: restrictions on loan assumptions and title restrictions. The loan restrictions were the subject of a separate regulatory action on October 20, 1981 (46 FR 51384). It is now proposed to amend §§ 36.4253(b)(5), 36.4350(b)(5) and 36.4358(c)(5) to accommodate the requirements of certain State and local housing programs concerning title restrictions.

One of the benefits of the VA loan programs is the right of the veteran obtaining a home or mobile home with a VA guaranteed loan to sell, lease, rent or otherwise dispose of the property as he or she chooses. This finds expression in present §36.4253(b)(5), 36.4350(b)(5) and 36.4358(c)(5) all of which limit and in some cases prohibit restrictions on the veteran's sale of the property. The prohibition is based on the general proposition that restrictions on the veteran's right to sell, lease or otherwise convey the property is an undesirable impediment upon the veteran homeowner's right to use and enjoy his/her property.

In recent years an increasing number of homes have been financed under plans of State and local government agencies to make housing affordable for those who otherwise might not be able to purchase a home. These programs offer an advantage to persons eligible to participate: housing at a reduced price. Such programs have taken a variety of forms, and additional varieties are likely to appear. One method grants developers a waiver of certain zoning, subdivision, or occupancy requirements in return for the eventual sale of some of the homes at below market prices. An example of this approach would be allowing a developer to construct more units per acre on land zoned for a smaller number. In return, the developer agrees to sell the additional units under the guidelines of the affordable housing program.

Rules for participation in these programs have been established by the housing authorities. They are usually based on income (sometimes with regard to family size) of the applicant in relation to area median income or other designated income level. Since these programs are intended to provide affordable housing for targeted groups of individuals and families, the housing agencies have devised ways for assuring that the benefits of the program accrue only to the intended beneficiaries. Often, restrictions are imposed on the resale of the property, either generally or for a prescribed number of years. The controls include rights of first refusal, age restrictions, rental restrictions, occupancy requirements, income restrictions, an agreement to forfeit all or part of any excess proceeds from a sale, or other deed, and/or mortgage restrictions which prevent the home seller from freely selling his/her home. The controls are designed to prevent, for example, an individual from entering the program, acquiring a home, and immediately selling the home to an ineligible party, who would then receive the benefit.

By itself a restriction on the homeowner's right to convey a home is usually undesirable. However, it is desirable that a purchaser be able to acquire the home in the first place, and the restrictions can be considered a part of the price which must be paid if the program benefits are to reach the intended beneficiaries. It is possible that by agreeing to the restrictions, the purchaser acquires a home otherwise not affordable or at a price otherwise not available.

Accordingly, it is proposed to amend §§ 36.4253(b)(5), 36.4350(b)(5), and 36.4358(c)(5) to permit restrictions like those discussed above, established by a State, Territorial, or local government agency for the purpose of providing assistance to low and moderate income purchasers. The following governmentally imposed restrictions are considered to be reasonable in nature and necessary to preserve the integrity of such programs: (1) An option by the housing authority to either purchase or designate an eligible purchaser, within 30 days of receipt of a notice from the homeowner that he/she intends to sell. This covenant must not restrict the homeowner's rights for more than 10 years; (2) A right to specify the maximum resale price at which a homeowner may sell his/her home. This

covenant must not restrict the homeowner's rights for more than 10 years, and the maximum resale price must equal at least the original home purchase price plus a reasonable portion of the increased costs of housing in the area between the date of original purchase and resale plus the value of any capital improvements added by the homeowner; or (3) Such other reasonable restrictions imposed by the housing authority as necessary to insure either that a property acquired under a low- or moderate-income program will be made available to an eligible purchaser or to prevent a purchaser from receiving a windfall profit, if the restriction has been approved by the Administrator.

To the extent that any restriction has an impact on the value of the property, it will be reflected in the VA determination of reasonable value, and reflected in the maximum amount which a veteran may borrow on a VA guaranteed loan.

The VA is also proposing to amend §§ 36.4253(b)(5), 36.4350(b)(5) and 36.4358(c)(5) to authorize the acceptance of properties as security for VA guaranteed loans when the properties have title or deed restrictions limiting the sale, lease, or occupancy of dwelling units on the basis of age. For instance, one development might require that no children under the age of 18 may reside more than 30 days in a dwelling unit, while another might require that one of the purchasers of a dwelling must have attained the age of 65. Age restrictions may limit the ability of a person to sell or lease a home, or they may restrict who may occupy the home. In this case a person has a more limited market of individuals to whom he/she may sell the property. In addition, a person could be placed in the difficult position of having to move from his/her home if the family composition no longer met the age restriction requirements, (e.g., the retired couple living in a retirement community who must assume the care of grandchildren upon the death of the parents).

Some State courts have upheld the validity of age restrictions in housing. The median age of the average American is increasing, and many homeowners prefer to live in "childless" or "retirement" communities. The VA neither encourages nor discourages the purchase by veterans of homes in communities with age restrictions. We do believe, however, the VA should allow within public policy limitations, the purchase by a veteran of the home of the veteran's choice. We are therefore proposing to amend §§ 36.4253(b)(5), 36.4350(b)(5), and 36.4358(c)(5) to allow VA guaranteed loans for homes which are restricted as to sale, lease, or occupancy on the basis of age, except where the Administrator determines that the restriction would work an undue hardship upon the owner in case of a sudden or unforeseen event, or be likely to increase the risk of the veteran losing his/her home through violation of the age restriction which would thereby increase the chance of the veteran defaulting on his/her monthly loan payments.

With regard to both the proposed acceptance of title restrictions imposed by State and local housing assistance authorities and the proposed acceptance of developments with title or other limitations based on age, the restrictions imposed must be fully explained to the veteran-applicant. The veteran's written consent to the restrictions must accompany the application for home or mobile home loan guaranty or the report of a home or mobile home loan processed on the automatic basis. In addition, the proposed amendments, if adopted, will authorize the Administrator to refuse to participate in or to discontinue participation in a State or local housing program requiring deed restrictions or a condominium or planned unit development with age restrictions if the restrictions are found to be detrimental to the best interests of veterans or to the Government.

Comments are specifically requested on the reasonableness of these proposed regulations. For instance, as to deed restrictions, is it reasonable time limit to require that housing authorities wishing to exercise a purchase option must do so within 30 days of notification by the home seller of his/her intent to sell? Should the housing authority restrictions be accepted even if they restrict the owner's property rights for periods of longer than 10 years? Should other deed restrictions be presumed reasonable in the regulations? As to age restrictions, are our concerns as to the inheritance of a property in a retirement community by a minor child or the problems of a retired couple who suddenly become the guardians of a minor child reasonable? Will many condominiums or planned unit developments with age restrictions be prevented from participating in the VA program because of these regulatory safeguards? Should other safeguards be considered as to State and local housing authority restrictions or age restrictions?

The Administrator hereby certifies that these proposed regulations will not, in themselves, if promulgated, 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), these proposed regulations are therefore exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. The proposed regulations, if adopted, should indirectly aid small government jurisdictions who wish to assist low- and moderate-income families obtain housing and should indirectly aid small businesses who wish to build homes or lend funds to such families. The proposed regulations should have no adverse impact upon small organizations. No compliance costs or reporting burdens will be imposed by these proposed regulations upon small entities.

The proposed amendments have been reviewed pursuant to Executive Order 12291 and have been found to be nonmajor regulations. The regulations provide the opportunity for veterans to obtain VA guaranteed loans and also participate in State and local affordable housing programs.

The regulations will not impact on the public or private sectors as a major rule. They will not have an annual effect on the economy of $100 million or more, cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 38 CFR Part 36

Condominiums, Handicapped, Housing, Loan programs—housing and community development, Mobile homes, Veterans.

(Catalog of Federal Domestic Assistance Program numbers, 64.114 and 64.119)

The amendments are proposed under authority granted to the Administrator by sections 210(c), 1803(c) and 1819(g) of title 38, United States Code.

Approved: June 1, 1982.

Robert P. Nimmo,

Administrator.

PART 36—LOAN GUARANTY

The Veterans Administration proposes to amend 38 CFR Part 36 as follows:

1. In § 36.4253(b)(5), subdivision (iv) is added as follows:

§ 36.4253 Title and lien requirements.

* * * * *

(b) * * *
(5) * * *
(iv) Notwithstanding the provisions of paragraphs (b)(5) (i), (ii), and (iii) of this section, a property shall not be considered ineligible pursuant to paragraph (a) of this section if:
(A) The veteran obtained the property under a program established by a State or political subdivision thereof designed to assist low- or moderate-income purchasers, and as a precondition to participating in the program a purchaser must agree to one or more of the following restrictions:
(*1*) If the property is resold within a period of not more than 10 years after the veteran acquires title, the veteran must first offer the property to the government housing agency, or a low- or moderate-income purchaser designated by such agency, provided the option to purchase is exercised within 30 days after notice by the veteran to the agency of the veteran's intention to sell;
(*2*) If the property is resold within a period of not more than 10 years after the veteran acquires title, a governmental agency may specify a maximum price which the veteran may receive for the property upon resale; or
(*3*) Such other restriction approved by the Administrator designed to insure either that a property acquired under such program again be made available to low- or moderate-income purchasers, or to prevent a private purchaser from obtaining a windfall profit on the resale of such property, while assuring that the veteran has a reasonable opportunity to dispose of the property without undue difficulty at a reasonable price.
The maximum sale price of a property under any of the restrictions of paragraph (b)(5)(iv)(A) of this section shall not be less than the lowest of the following: The price designated by the veteran as the asking price; the appraised value of the property; or the original purchase price of the property, increased by a factor reflecting all or a reasonable portion of the increased costs of housing in the area between the date of original purchase and resale, plus the reasonable value of any capital improvements made by the veteran, plus a reasonable real estate commission; or
(B) A restriction on title is established limiting the sale, lease, or occupancy, of a dwelling to persons based on age, including prohibitions against the permanent occupancy of the dwelling by children. The Administrator may, however, refuse to approve a property with such a restriction if its operation would work an undue hardship upon the owner in the case of sudden, unforeseen events or be likely to result in an increased risk of default. Examples of restrictions that might work an undue hardship include, but are not limited to, requirements for an immediate sale if the owner-occupant became the guardian of a minor child upon the death of the child's parents, and restrictions that did not permit persons younger than the specified age who inherit the property either to rent such property to a qualified occupant, or sell such property within a reasonable period of time to a qualified buyer at a fair market price; and
(C) The veteran is fully informed and consents in writing to the housing restrictions. A copy of the veteran's consent statement must be forwarded with the application for mobile home loan guaranty or the report of a mobile home loan processed on the automatic basis; (38 U.S.C. 1819(g))
* * * * *

2a. In § 36.4350, the introductory portion of paragraph (b)(5)(ii) is amended and (b)(5)(ii)(*b*)(*5*) as published in FR Doc. 76–29306 at 41 FR 44040, October 6, 1976 is corrected to read "(iii)". A new subdivision (iv) is added. Such subdivisions to read as follows:

§ 36.4350 Estate of veteran in real property.

* * * * *
(b) * * *
(5) * * *
(ii) A condominium estate established by the filing for record of the Master Deed, or other enabling document before December 1, 1976 will not fail to comply with the requirements of paragraph (a) of this section by reason of:
* * * * *
(iii) Any property subject to a restriction on the owner's right to convey to any party of the owner's choice, which restriction is established by a document recorded on or after December 1, 1976, will not qualify as security for a guaranteed or insured loan. A prohibition or restriction on leasing an individual unit in a condominium will not cause the condominium estate to fail to qualify as security for such loan, provided the restriction is in accordance with § 36.4358(c);
(iv) Notwithstanding the provisions of paragraph (b)(5)(i), (ii), and (iii) of this section, a property shall not be considered ineligible pursuant to paragraph (a) of this section if:
(*a*) The veteran obtained the property under a program established by a State or political subdivision thereof designed to assist low- or moderate-income purchasers, and as a precondition to participating in the program a purchaser must agree to one or more of the following restrictions:
(*1*) If the property is resold within a period of not more than 10 years after the veteran acquires title, the veteran must first offer the property to the government housing agency, or a low- or moderate-income purchaser designated by such agency, provided the option to purchase is exercised within 30 days after notice by the veteran to the agency of the veteran's intention to sell;
(*2*) If the property is resold within a period of not more than 10 years after the veteran acquires title, a governmental agency may specify a maximum price which the veteran may receive for the property upon resale; or
(*3*) Such other restriction approved by the Administrator designed to insure either that a property acquired under such program again be made available to low- or moderate-income purchasers, or to prevent a private purchaser from obtaining a windfall profit on the resale of such property, while assuring that the veteran has a reasonable opportunity to dispose of the property without undue difficulty at a reasonable price.
The maximum sale price of a property under any of the restrictions of paragraph (b)(5)(iv)(*a*) of this section shall not be less than the lowest of the following: The price designated by the veteran as the asking price; the appraised value of the property; or the original purchase price of the property, increased by a factor reflecting all or a reasonable portion of the increased costs of housing in the area between the date of original purchase and resale, plus the reasonable value of any capital improvements made by the veteran, plus a reasonable real estate commission; or
(*b*) A restriction on title is established limiting the sale, lease, or occupancy, of a dwelling to persons based on age, including prohibitions against the permanent occupancy of the dwelling by children. The Administrator may, however, refuse to approve a property with such a restriction if its operation would work an undue hardship upon the owner in the case of sudden, unforeseen events or be likely to result in an increased risk of default. Examples of restrictions that might work an undue hardship include, but are not limited to, requirements for an immediate sale if the owner-occupant became the guardian of a minor child upon the death of the child's parents, and restrictions that did not permit persons younger than the specified age who inherit the property either to rent such property to a qualified occupant, or sell such property within a reasonable period of time to a

qualified buyer at a fair market price; and

(c) The veteran is fully informed and consents in writing to the housing restrictions. A copy of the veteran's consent statement must be forwarded with the application for home loan guaranty or the report of a home loan processed on the automatic basis; (38 U.S.C. 1803(c)).

* * * * *

§ 36.4350 [Amended]

b. In 38 CFR Part 36, § 36.4350(b)(5)(ii)(*b*)(*6*)–(*8*), the codification is changed from figures appearing in italics (*6*)–(*8*) to those appearing in arabic numbers (6)–(8).

3. In § 36.4358, paragraph, (5) is revised as follows:

§ 36.4358 Rights and restrictions.

* * * * *

(c) * * *

(5) *Right of first refusal.* The right of a unit owner to sell, transfer, or otherwise convey his or her unit in a condominium shall not be subject to any right of first refusal or similar restriction if the declaration or similar document is recorded on or after December 1, 1976. If the declaration was recorded prior to December 1, 1976, the right of first refusal must comply with § 36.4350(b)(5)(ii). Provided, however, restrictions on the basis of age or restrictions established by a State, Territorial, or local government agency as part of a program for providing assistance to low- and moderate-income purchasers shall be governed by § 36.4350(b)(5)(iv). (38 U.S.C. 1803(c))

[FR Doc. 82-18178 Filed 7-2-82; 8:45 am]
BILLING CODE 8320-01-M

POSTAL SERVICE

39 CFR Part 111

Poisons and Controlled Substances; Mailability; Withdrawal of Proposal

AGENCY: Postal Service.

ACTION: Withdrawal of proposal.

SUMMARY: The Postal Service withdraws a proposed amendment which would have revised regulations on the mailing of poisons, poisonous drugs and medicines, and controlled substances with the intent of bringing them more strictly within the letter of the underlying statute. Public comments received on the proposal generally opposed the change and favored continued use of the mails to distribute prescription medicines in accordance with current regulations. In place of changes in regulations, the Postal Service is now considering seeking clarifying legislation concerning its authority to permit such mailings.

FOR FURTHER INFORMATION CONTACT: George C. Davis, Assistant General Counsel, Consumer Protection Division, Law Department, Room 9014, 475 L'Enfant Plaza West, S.W., Washington, D.C. 20260; (202) 245–4385.

SUPPLEMENTARY INFORMATION: In March, 1980, the Postal Service proposed amending the Domestic Mail Manual to limit the mailing of poisons and controlled substances to shipments between persons in the categories established by 18 U.S.C. 1716 (1976) (45 FR 20118, 26983, 38419). This proposal was prompted by concern within the Postal Service that the broadly-phrased postal regulations permit mailings which are not permissible under section 1716. That provision prohibits the mailing of "[a]ll kinds of poisons" but allows the Postal Service to permit mailings, to and from all persons, of such poisonous articles as "are not outwardly or of their own force dangerous or injurious to life, health, or property," provided the mailings satisfy the requirements of postal regulations imposing requirements for preparation and packaging. 18 U.S.C. 1716(b) (1976). But, with respect to "poisonous drugs and medicines," the statute only grants the Postal Service discretion to limit such mailings to shipments between narrowly defined classes of persons specified by the statute (e.g., manufacturers, dealers, licensed physicians, etc.). 18 U.S.C. 1716(d), (e) (1976). We have been concerned that nothing in the statute specifically authorizes the Postal Service to permit the mailing of such substances to or from persons not within the specified classes (e.g., from a physician to his or her patient). *See, Bruce v. United States,* 202 F.2d 98 (8th Cir. 1912). It has been argued that the Postal Service may either limit mailings of these substances to those within the specified classes or allow unrestricted mailings. Following the former alternative would seem to preclude legitimate mailings of pharmaceuticals to patients while the latter would seem to open the mails to free traffic in abuseable pharmaceuticals.

The Postal Service received 47 comments on the published proposal. The majority objected to it. The most frequently expressed concern was that the elderly, the infirm, and those living in the nation's rural areas could not readily obtain prescription medicines if they were not allowed to receive them through the mails. Several of the comments also referred to the problems the proposal would cause for people traveling a considerable distance from their regular pharmacist. Support for the proposal was expressed by pharmacists concerned about the potential commercial disadvantage that large-scale mail order marketing of prescription drugs might present.

Because the issue, as reflected in the comments, is one of national policy regarding the availability and marketing of prescription drugs, and considering that the underlying statute is written in antiquated language which is not as clear as it might be, the Postal Service has decided to withdraw the proposed amendments to its rules. We are considering instead the submission of a legislative proposal for congressional consideration to amend 18 U.S.C. 1716 to clarify that mailings now taking place under present regulations are permissible. This will establish in the appropriate forum an opportunity for the presentation and consideration of all views relevant to the question of distribution by mail of prescription drugs containing controlled substances.

The Postal Service welcomes any suggestions as to the issues which a clarifying amendment to section 1716 should address and what it should say.

Therefore, the Postal Service is withdrawing its Proposed Rule, (39 CFR Part 111) which was published at 45 FR 20118, March 27, 1980, and the comment period extended at 45 FR 26983, April 22, 1980, and 45 FR 38419, June 9, 1980.

(39 U.S.C. 101, 401(2), (10), 3661(a); 18 U.S.C. 1716)

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 82-18245 Filed 7-2-82; 8:45 am]
BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL-2159-8]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking; extension of the comment period.

SUMMARY: On May 26, 1982 (47 FR 22976), EPA proposed rulemaking on Indiana's Floyd County SO_2 SIP strategy. Public comments were due by June 25, 1982. Indiana and a local utility requested a 30-day extension of the public comment period. Indiana wishes

to obtain the concurrence of the Indiana Air Pollution Control Board prior to submitting its comments. EPA, therefore, is extending the public comment period until July 25, 1982.

DATE: Comments on the Floyd County SO_2 revision to the Indiana State Implementation Plan (SIP) and on EPA's proposed action must be submitted by July 25, 1982.

ADDRESSES: Comments on the SIP revision and on EPA's proposed action should be addressed to Gary Gulezian, Chief, Regulatory Analysis Section, EPA Region V (5AP–11), 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Robert Miller, (312) 886–6031.

List of Subjects in 40 CFR Part 52

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

Dated: June 22, 1982.

Alan Levin,

Regional Administrator.

[FR Doc. 82–18193 Filed 7–2–82; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Parts 122 and 264

[SWH–FRL 2158–8]

Hazardous Waste Permit Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of Public Meeting.

SUMMARY: This notice announces a public meeting to discuss the hazardous waste permit program. The purpose of the meeting is to obtain public comment and suggestions on methods to simplify, expedite and reduce the costs of preparing and processing hazardous waste permit applications.

DATE: July 22, 1982, 9:00 a.m. to 12 noon.

ADDRESS: The public meeting will be held at the Environmental Protection Agency, Room 2409, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: For general information contact the RCRA Superfund Hotline, 800/424–9346 (382–3000 in Washington, D.C.). For specific information contact John H. Skinner, Director, State Programs and Resource Recovery Division, Office of Solid Waste, (202) 755–9107 or David Sussman, (202) 382–4692.

SUPPLEMENTARY INFORMATION: EPA is responsible for administering the Federal program for issuing permits to hazardous waste treatment, storage and disposal facilities under the Resource Conservation and Recovery Act (RCRA). Procedures for issuing these permits have been promulgated at 40 CFR Part 122 and technical standards which apply to permitted facilities have been promulgated at 40 CFR Part 264. RCRA permits will be issued by EPA or by States authorized for that purpose under section 3006 of the Act.

There are approximately 10,500 existing hazardous waste management facilities in the United States subject to the RCRA permit program. These facilities are currently operating under interim status as provided by section 3005(e) of RCRA and will eventually all be issued RCRA permits. New hazardous waste management facilities cannot begin construction or operation without a RCRA permit. (See 40 CFR 122.22(b)). Also a RCRA permit is required in order for certain existing facilities to expand or add new processes. (See 40 CFR 122.23 (b) and (c) for regulations governing changes in facilities during interim status.)

EPA intends that RCRA permits provide for full protection of public health and the environment as required by the statute and that the requirements for public participation in the permitting process are fully complied with. At the same time EPA intends to expedite the issuance of permits to new hazardous waste management facilities and to expansions of existing facilities. This is important so that the RCRA permit process does not impede the development of new hazardous waste processing capacity or impede other industrial development dependent on that capacity.

Expediting issuance of permits to new facilities and expansions of existing facilities should enhance protection of public health and the environment by adding new capacity constructed in conformance with the RCRA technical standards. EPA believes that the RCRA permit program can be administered in a manner that will achieve these goals but it will take a concerted cooperative effort by EPA, State and local agencies, the regulated community and the public at large.

The purpose of the July 22, 1982 public meeting is to obtain suggestions and comment from the interested public, industry and State agencies on methods of expediting the issuance of RCRA permits. The meeting will cover the following items:

1. EPA will discuss its overall permitting strategy including, permit issuance priorities, scheduling and relationship between EPA and State agencies.

2. The following draft documents will be discussed:

a. An applicant's guide for preparing a permit application for hazardous waste storage facilities.

b. A training course for applicants for storage facility permits.

c. A model permit for hazardous waste storage in containers, tanks and piles.

d. A RCRA permit writer's guide.

3. There will be a discussion of EPA plans to develop model permits, permit applicant guides and training materials for hazardous waste incinerators and land disposal facilities.

4. There will be a discussion of EPA plans for Class Permits. Under this approach standardized permits would be issued to classes of facilities using simplified application and processing procedures.

5. There will be a discussion of the need for special permitting procedures for mobile treatment facilities.

6. EPA will ask for public and industry suggestions of ways to simplify, expedite and reduce the cost of preparing and processing applications.

Also at the meeting EPA will discuss the formation of a task force (subject to Federal Advisory Committee Act constraints) to carry out further work in this area, and will solicit sugestions for members of that task force.

The meeting is open to the general public. EPA is especially interested in participation and comments from individuals who will be preparing permit applications and individuals who are familiar with similar permit programs at the Federal, State or local levels. To this end, invitations have been extended to the following organizations and other groups to participate:

1. American Institute of Iron and Steel.
2. American Mining Congress.
3. American Petroleum Institute.
4. Association of State and Territorial Solid Waste Management Officials.
5. Chemical Manufacturers Association.
6. Conservation Foundation.
7. Environmental Defense Fund.
8. Ferroalloys Association.
9. Government Refuse Collection and Disposal Association.
10. Hazardous Waste Treatment Council.
11. National Conference of State Legislatures.
12. National Paint and Coatings Association.
13. Natural Resources Defense Council.
14. National Solid Waste Management Association.
15. Synthetic Organic Chemical Manufacturers Association.

16. Utility Solid Waste Advisory Group.

Dated: June 21, 1982.

Rita M. Lavelle,

Assistant Administrator.

[FR Doc. 82-18192 Filed 7-2-82; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 433

Medicaid Program; Interest on Disputed Medicaid Claims

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Proposed rule.

SUMMARY: This proposal would clarify HCFA policies relating to disallowances of State claims for Federal matching of State Medicaid expenditures.

Before the enactment of the Omnibus Reconciliation Act of 1980 (Pub. L. 96-499), States were permitted to retain, interest-free, the Federal matching funds for State Medicaid expenditures that had been disallowed, until there was a final Federal determination under the administrative appeals process. If the determination upheld part or all of the disallowance, the State returned only that amount and did not pay the Federal government any interest.

Section 961(a) of the Omnibus Reconciliation Act of 1980 changed these procedures by giving the State the options, if it appeals a disallowance, of returning the disallowed funds to HCFA, or of retaining the disallowed funds held by the State until there is a final determination but paying interest on any portion of the disallowance that is sustained on appeal.

The statute is self-implementing, and the proposed regulations are intended simply to specify the procedures to be followed when a State chooses to retain the funds.

DATES: To assure consideration, comments should be mailed by September 7, 1982.

ADDRESS: Address comments in writing to: Administrator, Department of Health and Human Services, Health Care Financing Administration, P.O. Box 17076, Baltimore, Maryland 21235.

If you prefer, you may deliver your comments to Room 309-G Hubert H. Humphrey Building, 200 Independence Ave, S.W., Washington, D.C., or to Room 789, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland.

In commenting, please refer to BPO-16-P. Agencies and organizations are requested to submit comments in duplicate.

Comments will be available for public inspection, beginning approximately two weeks after publication, in Room 309-G of the Department's office at 200 Independence Ave., S.W., Washington, D.C., 20201 on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (202-245-7890).

Because of the large number of comments we receive, we cannot acknowledge or respond to them individually. However, in preparing the final rule, we will consider all comments and will respond to them in the preamble to that rule.

FOR FURTHER INFORMATION, CONTACT: Gilda Martin, (301) 597-1399.

SUPPLEMENTARY INFORMATION:

Background

In the Medicaid program, the Federal government shares with the States the cost of services furnished to beneficiaries. The Federal government's share is determined by a formula based on the State's per capita income with special provisions for administrative expenditures. (See section 1903 of the Social Security Act and 42 CFR 433.10 and 433.15.) To obtain the Federal government's share (which is called Federal financial participation, or FFP), each State requests from HCFA (the Federal agency that administers the Medicaid program), on a quarterly basis, the amount the State estimates will be the FFP for the following fiscal quarter. On the basis of these estimates, we advance the funds by awarding a grant, and after the end of the quarter the State sends in a quarterly expenditure report that reflects the actual expenditures incurred by the State. We review the report and determine whether the State has claimed reimbursement for any expenditures that are not allowable.

If we determine that the State erroneously requested FFP on any of its claims, a notice of disallowance for those claims is issued. At the point of disallowance a claim may be "paid" or "unpaid". Under section 1116(d) of the Act and the procedures in 45 CFR Part 16, States are entitled to appeal disallowances to the Department's Grant Appeals Board. If the State does appeal, it retains the funds for claims that have been paid until the appeal is resolved. However, if we issue the notice of disallowance before we issue the final grant award for the quarterly expenditures, we do not pay the unapproved claim and we hold the funds during any subsequent appeal. If the State does not file an appeal of a paid claim, we subtract the amount of the disallowance from the State's next quarterly grant. In effect, the adjusted grant is our retroactive payment of the actual FFP due the State.

If the review of the quarterly expenditure report precedes the issuance of the grant award for those expenditures, we may defer payment of a claim pending the submission by the State of additional information and documentation to substantiate the allowability of the claim (45 CFR 201.15). Once the claim is deferred, the State's next grant award is adjusted to subtract payment of the claim. If further review of the claim establishes it as unallowable, we formally notify the State of the disallowance and of its appeal rights; if we meet certain time limits specified in the deferral regulation (45 CFR 201.15), the funds involved in a deferred claim are held by us, rather than by the State at the time of the disallowance. If we do not meet the time limits for review of a deferred claim, the State receives its payment of the deferred amount in a subsequent grant and retains it, subject to a later determination concerning whether it should be disallowed.

Statutory Amendment

Section 961(a) of the Omnibus Reconciliation Act (Pub. L. 96-499) amended section 1903(d) of the Social Security Act by adding a new paragraph (5). This paragraph was then amended by section 2163 of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35). Under the provisions of the new paragraph, a State that disagrees with HCFA's decision to disallow a claim, and appeals the disallowance under section 1116(d) of the Social Security Act, has the option of returning the disputed amount to HCFA or of retaining the funds, as it does now, pending the final determination of the Grant Appeals Board. If the State chooses to retain the funds and the Board's final determination upholds all or part of the disallowance, the State must pay interest on any funds it retained that the Board has ruled were properly disallowed. The interest is computed at the rate (determined by the Secretary) based on the average of the bond equivalent of the weekly 90-day Treasury bill auction rates during the period for which the State owes the interest. The period over which interest may be charged begins on the date the amount was formally disallowed and ends on the date of the Board's final determination. Under the 1980 Act, this period will not exceed 12 months for

disallowances made before October 1, 1981. However, the limitation to the duration of the interest period is eliminated by section 2163 of the Omnibus Budget Reconciliation Act of 1981, which was effective August 13, 1981. The law does not affect any disallowance, regardless of when it is made, for any services furnished before October 1, 1980.

A decision on an appealed disallowance may sometimes take up to two years. Although, in a majority of appeals, States are not upheld and return a substantial amount of money to HCFA, the procedure in use before the enactment of the 1980 Act allowed States to benefit, in effect, from an interest-free loan. During the appeals process, the Federal government lost the benefit of the funds and was required to borrow additional funds to meet its cash needs. The purpose of the statutory amendment is to save the Federal government the additional interest expense incurred during the administrative appeals process when the disallowance is upheld.

Provisions of the Regulations

The provisions of the new regulations would parallel the statute with clarifying or implementing policy as discussed below.

The new regulations would add a new section, 42 CFR 433.38, Interest Charged on Disallowed Claims, to the Medicaid regulations. We would have a cross-reference in the new section to 45 CFR Part 201, Subpart B, Review and Audits. That subpart contains the Department's rules on action taken in disallowance situations in several Federal programs, including Medicaid.

A. Notice of State's Options

Under the proposed regulations, a disallowance notice would inform the State about the actions it should take if it wishes to retain disallowed funds. The State would have 30 days from the date of receipt of the notice of disallowance (as established by a certified mail receipt) to notify the HCFA Regional Administrator in writing that it intends to retain the disallowed funds pending a decision on the State's appeal by the Grant Appeals Board. If the State does not notify the Regional Administrator that it wishes to retain the funds, we would recover the amount of payment in controversy in the next grant award after the 30 days. (We would allow time for a letter mailed near the end of the 30 days to reach us before recovering the money.)

B. Amount of Interest

The proposed regulations would define how the interest owed by the State would be calculated if the State had retained any funds that remained disallowed in the final determination.

To establish the interest rate, we would total the bond equivalent rates of each weekly auction of 90-day Treasury bills in effect after the date of the disallowance and before the date of the Board's final determination and divide the total by the number of rates considered. The bond equivalent rate is the true discount rate. (31 CFR, Part 306, Appendix to subpart E.) The true discount rate is determined by:

(1) Subtracting the sale price of the bill from its face value to obtain the amount of discount;

(2) Dividing the amount of the discount by the number of days the bill is to run to obtain the amount of discount per day;

(3) Multiplying the amount of discount per day by the actual number of days in the year from date of issue (365 ordinarily, but 366 if February 29 falls within the year from the date of issue) to obtain the amount of discount per year; and

(4) Dividing the amount of discount per year by the sale price of the bill to obtain the true discount rate.

For example: 90-day bill (The bill actually runs 91 days)

Principal amount—maturity value	$100.00
Sale price of bill	−95.965
Amount of discount	4.035

$4.035 − 91x365 − $95.965 = 16.865 (true discount rate)

If the true discount rates, determined in this manner, for each weekly auction in effect between the date of disallowance and the date of final determination were 17.865, 16.865, and 15.865, the total of these rates, divided by three, would result in an average rate of 16.865. This average rate would be applied as the interest rate under the provisions of the proposed regulation.

As indicated above, interest charges would begin on the date of the disallowance letter and end on the date of the Board's final determination. However, consistent with the 1980 Act, the regulations would specify that we would not charge interest for more than 12 months for disallowances issued between October 1, 1980 and August 13, 1981, when the 1981 Act became effective.

C. Limitations on Applicability

1. Any interest charged to a state under the proposed regulations would be applied only to the amount of FFP disallowed for services furnished on or after October 1, 1980.

2. Funds retained by the Federal government because of a deferral would not be subject to the provisions of the proposed regulations. That is, if we defer a claim and later disallow it within the time limits of 45 CFR 201.15, we would not transfer the funds in dispute to the State to hold during the appeals process. Since the State does not have the funds in its possession at the time of a timely disallowance following deferral, it may not "retain" them. Deferred claims that are disallowed, therefore, fall outside the scope of these proposed regulations because the State would never have received possession of the disputed funds. As such, there would be nothing for the State to retain. We reach this conclusion because there is nothing in the legislative history for section 961 that would indicate any Congressional dissatisfaction with the Department's deferral procedures. In the absence of any such indication, it is unlikely that congress intended to nullify the deferral process. Therefore, these proposed regulations would exclude from coverage any claim that HCFA has deferred and disallowed in a timely fashion.

3. The date of the "final determination", which ends the interest period, would be the date of the decision (under 45 CFR 16.10) of the Grant Appeals Board on the claim in dispute; it does not include any judicial decisions. The final determination would be that of the Grant Appeals Board. The Conference Report accompanying the Reconciliation Act [House Report No. 96–1479, 96th Cong., 2nd Sess. 152–153 (1980)] indicates that, although the House and Senate bills would have permitted States to retain disputed claims throughout all appeals, the Conference Committee agreed that section 961 gave the States the option to retain disputed funds only through completion of the administrative appeals process.

If the State were to withdraw its appeal to the Board on all or part of the disallowed claim, we would charge the State interest on that portion on which it withdrew its appeal through the date on which the State notifies HCFA in writing of the amount on which it is withdrawing the appeal.

D. Procedures for Recovery of Retained Funds and Interest

If the Board's final determination upholds the disallowance and the State has retained the disallowed funds during the administrative appeals process, we would offset, from the next

Medicaid grant awarded to the State after the final determination, an amount equal to that specified in the final determination, plus interest on the amount disallowed.

The grant award would show the amount of FFP and interest deducted from the grant as calculated under the provisions of the proposed regulations.

Impact Analyses

Executive Order 12291

The Secretary has determined that the proposed regulations do not meet the criteria for a "major rule", as defined by Section 1(b) of Executive Order 12291. That is, the proposed regulations will not—

- Have an annual effect on the economy of $100 million or more;
- Result in a major increase in costs or prices for consumers, any industries, any government agencies or any geographic regions; or
- Have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or import markets.

These proposed regulations are intended to implement legislation that imposes an interest charge on disallowed funds that a State retains pending completion of the administrative appeals process. We estimate that the legislation would save the Federal government about $5 million each year beginning with fiscal year 1982. This figure is projected based on the following information.

In our estimate we are assuming that:

(1) The bond equivalent rate remains approximately the same as it has been the past few quarters;

(2) The amount of disallowed claims appealed remains stable;

(3) The amount of the disallowed claims held by the State at the time the disallowance is issued and the percentage upheld by the Board remain stable;

(4) The amount appealed in FY 82 for expenditures incurred before October 1, 1980 is insignificant; and

(5) The average length of an appeal is nine months.

For the first nine months of fiscal year 1981, State claims for $64 million have been disallowed (all of which are for expenditures incurred before October 1980). Based on the criteria above and at a bond equivalent rate of 15 percent, we project that the States will incur interest of $5 million for fiscal year 1982. (The amount for FY 1981 will be insignificant since there will be a relatively small amount disallowed by September 30, 1981, for expenditures for services furnished after September 30, 1980.)

The statute is self-implementing; these proposed regulations establish the procedures to be followed when a State chooses to retain funds during the appeal of a disallowance.

Regulatory Flexibility Act

Section 603(a) of Pub. L. 96–354 (the Regulatory Flexibility Act of 1980) requires that each Federal agency prepare, and make available for public comment, an initial regulatory flexibility analysis (IRFA) when the agency is required by the Administrative Procedure Act (5 U.S.C. 553) to publish a notice of proposed rulemaking. The IRFA is intended to explain what effect regulatory actions by agencies would have on small businesses and other small entities.

As defined by the Regulatory Flexibility Act, the term "small entities" includes "small governmental jurisdictions". The latter term is defined as local governments (cities, counties, towns, townships, villages, school districts, or other special districts) with a population of less than 50,000 persons.

As explained above, the legislation requires a State agency to pay interest on disallowed claims that the State retains during the administrative appeals process, if the Grant Appeals Board upholds the disallowance. The proposed regulations establish the procedures to be used to implement the legislation. Because Medicaid State agencies do not fall into the category of small governmental jurisdictions, the Secretary certifies, under section 605(b) of the Regulatory Flexibility Act, that the proposed regulations will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 42 CFR Part 433

Administrative practice and procedure, Assignment of rights, Claims, Contracts (agreements), Cost allocation, Federal financial participation, Federal matching provision, Grant-in-Aid program—health, Mechanized claims processing and information retrieval systems, Medicaid, State fiscal administration, Third party liability.

PART 433—DRY BEAN CROP INSURANCE

42 CFR Part 433 is amended as follows:

1. The authority citation for Part 433 is revised to read as follows:

Authority: Secs. 1102, 1902(a)(25), 1903(d)(2), 1903(d)(5), 1903(o), 1903(p), and 1912 of the Social Security Act (42 U.S.C. 1302, 1396a(a)(25), 1396b(d)(2), 1396b(d)(5), 1396b(o), 1396b(p), and 1396k), unless otherwise noted.

2. The Table of Contents is amended by adding a new § 433.38 to subpart B as follows:

Subpart B—General Administrative Requirements

* * * * *

Sec.

433.38 Interest charge on disallowed claims for FFP.

3. A new § 433.38 is added as follows:

§ 433.38 Interest charge on disallowed claims for FFP.

(a) *Basis and scope.* This section is based on section 1903(d)(5) of the Act, which requires that the Secretary charge a State interest on the Federal share of claims that have been disallowed but have been retained by the State during the administrative appeals process under section 1116(d) of the Act and that the Secretary later recovers after the administrative appeals process has been completed. This section does not apply to—

(1) Claims that have been deferred by the Secretary and disallowed within the time limits of 45 CFR 201.15, Deferral of claims for Federal financial participation; or

(2) Claims for expenditures that have never been paid on a grant award; or

(3) Disallowances of any claims for services furnished before October 1, 1980, regardless of the date of the claim submitted to HCFA.

(b) *General principles.* HCFA will charge a State interest on FFP when—

(1) HCFA has notified the Medicaid agency under 45 CFR 201.14 that a State claim for FFP is not allowable;

(2) The agency has appealed the disallowance to the Grant Appeals Board under 45 CFR Part 16 and has retained the FFP during the administrative appeals process; and

(3) The Board has made a final determination upholding part or all of the disallowance, or the agency has withdrawn its appeal on all or part of the disallowance.

(c) *State procedures.* (1) If the Medicaid agency has appealed a disallowance to the Board and wishes to retain the disallowed funds until the Board issues a final determination, the agency must notify the HCFA Regional Administrator of its decision to do so.

(2) The agency must mail its notice to the HCFA Regional Administrator within 30 days of the date of receipt of

the notice of the disallowance, as established by the certified mail receipt accompanying the notice.

(3) If the agency does not notify the HCFA Regional Administrator within the time limit set forth in paragraph (c)(2) of this section, HCFA will recover the amount of the disallowed funds from the next possible Medicaid grant award to the State.

(d) *Amount of interest charged.* (1) If the agency chooses to retain disallowed funds while awaiting the Board's final determination and that determination shows that any amount was properly disallowed, HCFA will offset from the next Medicaid grant award to the State the amount of the disallowance specified in the Board's final determination, plus interest on that amount.

(2) If the agency chooses to retain disallowed FFP and later withdraws its appeal on part or all of the FFP, interest will be charged on that portion of the FFP that had been retained by the agency through the date HCFA receives written notice from the agency of the amount of FFP for which it is withdrawing its appeal.

(3) The interest charge is at the rate HCFA determines to be the average of the bond equivalent of the weekly 90-day Treasury bill auction rates during the period for which interest will be charged.

(e) *Duration of interest.* (1) Except as specified in paragraph (d)(2) of this section, the interest charge on the amount of disallowed FFP retained by the agency will begin on the date of the disallowance notice and end on the date of the final determination by the Board or on the date the agency notifies HCFA in writing that it is withdrawing its appeal, either on all or on a specified portion of the disallowed amount.

(2) HCFA will not charge interest on FFP retained by an agency for more than 12 months for disallowances of FFP made between October 1, 1980 and August 13, 1981.

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

Dated: May 17, 1982.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

Approved: June 14, 1982.

Richard S. Schweiker,

Secretary.

[FR Doc. 82-18194 Filed 7-2-82; 8:45 am]

BILLING CODE 4120-03-M

FEDERAL MARITIME COMMISSION

46 CFR Parts 502, 522, 531, 536, and 540

[Docket No. 82-33]

Filing and Service Fees

AGENCY: Federal Maritime Commission.

ACTION: Proposed rule.

SUMMARY: This would establish fees for licensing and regulatory activities which are currently not subject to any charges. Specifically, new fees are proposed for filing complaints, petitions for declaratory orders and general petitions, special dockets, informal adjudication of small claims, conciliation services, tariff special permission applications (domestic and foreign), temporary tariff filings and applications for passenger vessel certification.

DATE: Comments due on or before September 7, 1982.

ADDRESSES: Comments (Original and 15 copies) and requests for further information should be directed to: Secretary, Federal Maritime Commission, 1100 L. Street, N.W., Room 11101, Washington, D.C. 20573.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, (202) 523-5725.

SUPPLEMENTARY INFORMATION: The Independent Offices Appropriations Act of 1952 (Title V) provides that "any work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, or similar thing of value or utility performed, furnished, provided, granted, prepared, or issued by any Federal agency * * * to or for any person * * * shall be self-sustaining to the full extent possible." In order to meet this objective, Title V authorizes the head of each agency to prescribe by regulation such fees and charges as are determined "to be fair and equitable taking into consideration direct and indirect cost to the government, value to the recipient, public policy or interest served and other pertinent facts." (31 U.S.C. 483a).

This statute also provides that the fees and charges shall be as uniform as practicable and subject to such policies as the President may prescribe. On September 23, 1959, the Bureau of the Budget, now the Office of Management and Budget, issued Circular No. A-25, which sets forth general policies for developing a fair, equitable and uniform system of charges for certain government services. Circular No. A-25 requires that a reasonable charge be made to recipients of a measurable unit or amount of Federal Government service from which they derive a benefit in order that the Government recover the full cost of rendering that service. The Circular further calls for a periodic reassessment of costs, with related adjustment of fees, if necessary, and the establishment of new fees where none exists.

The Commission conveys special benefits to identifiable recipients above and beyond those which accrue to the public at large. It is, therefore, appropriate that these recipients should pay a reasonable charge for the benefits received.

The Commission's current schedule of filing and service fees has been in effect since August 15, 1979. Most of the fees established at that time are no longer representative of the Commission's actual cost for providing such services. The Commission, therefore, proposes to update its fees schedules to remedy the disparity between costs incurred and revenues collected for special services provided even though total costs will not be recovered through this means. In addition, the Commission is proposing to establish several new fees for services it provides. The proposed new fees are set forth in this Notice. The proposed schedule amending current fees is set forth in Docket No. 82-32.

In arriving at these fees, considerable effort has been directed towards selecting those services provided by the Commission which are readily identifiable and provide a service of value and utility to a recipient at its request, and assigning to each a fair and equitable assessment. A summary schedule of fees and costs and a detailed summary of the data used to arrive at these fees are available from the Secretary of the Commission upon written request.

Accordingly, the establishment of filing and service fees is proposed for the following services.

The Commission's Rules of Practice and Procedure provide for the filing of complaints, petitions for declaratory orders, general petitions, special docket applications, small claims and requests for conciliation services (46 CFR 502.62, *et seq.*). All of these filings or applications for relief require initial administrative processing by the Office of the Secretary in order to review their purpose, record their assignment to the proper office for processing and to ensure they are properly docketed or documented. The proposed fee for each complaint or petition is $50. In addition to documentation and processing requirements, these items require a docket binder and publication notice in the **Federal Register**. Petitions for

intervention and petitions for reconsideration are not included. The proposed fee for special docket applications, small claims and conciliation service is $25. These items require initial administrative processing but they do not require docket binders nor Federal Register notices.

Section 18(b)(3) of the Shipping Act, 1916 (46 U.S.C. 817b) and the Commission's Rules of Practice and Procedure (46 CFR 502.91, *et seq.*) enable a carrier to file an application for permission to refund or waive collection of a portion of freight charges if a tariff error was clerical, administrative or inadvertent. This special docket procedure allows an applicant to adjust rates for a shipper without resorting to possible costly and lengthy formal proceedings. This procedure contemplates written documentation, thus eliminating the need for oral hearings. Therefore, the proposed fee of $25 is not a barrier to filing a special docket application and it may provide an incentive for the elimination of tariff errors.

The Commission's Rules of Practice and Procedure (46 CFR 502.304) also provide a procedure which enables a claimant to seek recovery of damages or overcharges from a common carrier in the amount of $5,000 or less. Through this informal procedure for adjudication of small claims, claimants may avoid the use of costly and lengthy formal proceedings for settlement of claims. The need for oral hearings is eliminated since this procedure relies on written documentation and correspondence. The proposed fee of $25 is not a barrier to utilization of this procedure.

We are not now considering an assessment of fees for filing of agreements under section 15 of the Shipping Act, 1916 (46 U.S.C. 814), exclusive of connecting carrier agreements, nor fees for filing of dual rate contracts in light of legislation now pending before the Congress which could, if enacted, result in considerable changes in the processing of such filings.

Connecting carrier agreement requirements (46 CFR 524.4(b)) concerning nonexclusive transshipment arrangements are being amended to include an $8.50 proposed filing fee. These agreements are filed with the Commission for information purposes. The administrative cost of processing this routine type of agreement is reasonable and the proposed filing fee would recover most of the direct cost associated with recording, analyzing and filing the agreement.

The requirements of filing special permission applications in tariffs in the domestic offshore commerce are being amended to include the $90 proposed fee (46 CFR 531.18). Rate changes or the issuance of new or initial rates to take effect on short notice and other waivers of domestic tariff filing requirements are permitted upon a showing of good cause to the Commission. Recipients of domestic tariff special permission authority benefit by obtaining relief from specific tariff rules which would otherwise prove to be economically more costly or time-consuming.

Temporary tariff filings in the foreign commerce are permitted in order to facilitate the filing of rate changes as quickly as possible and to eliminate the delay necessitated by preparation and filing of permanent revised pages. Temporary tariff filings impose a considerable workload burden upon the Commission staff due to the double handling of temporary tariff changes—once when the temporary filing is received and once again when the permanent page replaces the temporary filing. A limited number of carriers and conferences utilize temporary tariff filing procedures. Imposing the proposed filing fee for the use of the temporary filing procedure is not unduly burdensome on the carriers or conferences benefiting from the procedure. The temporary tariff amendment requirements (46 CFR 536.10(c)) are being amended to include the proposed $3 per filing fee.

Recipients of foreign tariff special permission authority benefit by obtaining relief from specific tariff rules which would otherwise prove to be economically more costly or time-consuming. Issuance of new or initial rates or increases in rates are permitted to go into effect on less than statutory notice upon a showing of good cause in the special permission application. However, evaluation of the justification provided by the applicant requires a considerable amount of Commission staff effort, and administrative processing also adds to the costs of reviewing each application. The special permission application requirements (46 CFR 536.15) are being amended to include the $90 proposed fee.

Passenger vessel operators or other persons seeking to establish financial responsibility under section 3 of Pub. L. 89–777 (46 U.S.C. 817e) in order to carry passengers are required to obtain a certificate (performance) from the Commission which allows them to do business in the United States and requires them to indemnify passengers for nonperformance of transportation to which passengers would be entitled.

The requirements for filing a performance certificate application (46 CFR 540.4) are being amended to include a $1,600 proposed filing fee. The Commission is authorized to issue a certificate only after determining that the financial responsibility of the applicant is adequate. After the certificate is issued and unearned passenger revenue is received by the applicant, the Commission must determine that a minimum of 110 percent of revenue remains available for protection of the passengers in case of nonperformance of the voyage. The certification, revenue verification and post voyage conclusion processes consume extensive time and effort by the Commission. The proposed filing fee would help offset the costs of providing this service to the applicants and it would not be an undue burden upon them.

Passenger operators seeking to establish financial responsibility under section 2 of Pub. L. 89–777 (46 U.S.C. 817d) in order to carry passengers are required to obtain a certificate (casualty) because it allows them to do business in the United States and to meet any liability arising from death or injury to passengers or other persons on voyages.

The requirements for filing a casualty certificate application (46 CFR 540.23) are being amended to include an $800 proposed filing fee. The Commission is authorized to issue a certificate as evidence of adequate financial responsibility to meet liability which may be incurred for death or injury on voyages. The proposed filing fee would help offset the costs of providing this service to applicants and would not be an undue burden upon them.

List of Subjects in 46 CFR Parts 502, 524, 531, 536, and 540

Maritime carriers, Freight forwarders, Practice and procedure, Fees and user charges.

Therefore, pursuant to 5 U.S.C. 553, section 43 of the Shipping Act, 1916 (46 U.S.C. 841a), and Title V of the Independent Offices Appropriations Act of 1952 (31 U.S.C. 483a), notice is hereby given that the Federal Maritime Commission proposes to amend Title 46 of the Code of Federal Regulations as follows:

PART 502—RULES OF PRACTICE AND PROCEDURE

1. Part 502—*Rules of Practice and procedure* is proposed to be amended in the following respects.

a. In § 502.62 the title is proposed to be amended and a new sentence is proposed to be added reading as follows:

§ 502.62 Complaints and fee.

* * * The complaint shall be accompanied by remittance of a $50 filing fee.

b. In § 502.68 the title is proposed to be amended and a new sentence is proposed to be added to paragraph (a) reading as follows:

§ 502.68 Declaratory orders and fee.

(a) * * * Petitions shall be accompanied by remittance of a $50 filing fee.

* * * * *

c. In § 502.69 the title is proposed to be amended and a new sentence is proposed to be added reading as follows:

§ 502.69 Petitions—general and fee.

* * * Petitions shall be accompanied by remittance of a $50 filing fee.

d. In § 502.92 the title is proposed to be amended and a new sentence is proposed to be added to paragraph (a)(3) reading as follows:

§ 502.92 Special docket applications and fee.

* * * * *

(a)(3) * * * The application for refund or waiver must be acompanied by remittance of a $25 filing fee.

* * * * *

e. In § 502.182 the title is proposed to be amended and a new sentence is proposed to be added reading as follows:

§ 502.182 Complaint and memorandum of facts and arguments and filing fee.

* * * The complaint shall be accompanied by remittance of a $50 filing fee.

f. In § 502.304 the title is proposed to be amended and a new sentence is proposed to be added to paragraph (b) reading as follows:

§ 502.304 Procedure and filing fee.

* * * * *

(b) * * * Such claims shall be accompanied by remittance of a $25 filing fee.

g. In § 502.404 the title is proposed to be amended and a new sentence is proposed to be added to paragraph (a) reading as follows:

§ 502.404 Procedure and fee.

(a) * * * The request shall be accompanied by remittance of a $25 service fee.

* * * * *

PART 524—EXEMPTION OF CERTAIN AGREEMENTS FROM THE REQUIREMENTS OF SECTION 15, SHIPPING ACT, 1916

2. Part 524—*Exemption of Certain Agreements from the Requirements of Section 15, Shipping Act, 1916* is proposed to be amended by adding a new sentence to § 524.4(b) reading as follows:

§ 524.4 Conditions for exemption of transshipment agreements.

* * * * *

(b) * * * Such agreements shall be accompanied by a filing fee remittance of $8.50.

* * * * *

PART 531—PUBLISHING, FILING AND POSTING OF TARIFFS IN DOMESTIC OFFSHORE COMMERCE

3. Part 531—*Publishing, Filing and Posting of Tariffs in Domestic Offshore Commerce* is proposed to be amended by adding a new subparagraph (3) to § 531.18(a) as follows:

§ 531.18 Applications for special permission.

(a) * * *

(3) An application for special permission shall be accompanied by a $90 filing fee.

* * * * *

PART 536—PUBLISHING AND FILING TARIFFS BY COMMON CARRIERS IN THE FOREIGN COMMERCE OF THE UNITED STATES

4. Part 536—*Publishing and Filing Tariffs by Common Carriers in The Foreign Commerce of the United States* is proposed to be amended in the following respects.

a. In § 536.10 a new sentence is proposed to be added to paragraph (c)(5) reading as follows:

§ 536.10 Amendments to tariffs.

* * * * *

(c) * * *

(5) * * * A filing fee remittance of $3 per page shall accompany each permanent filing received to replace a temporary filing.

* * * * *

b. In § 536.15 a new sentence is proposed to be added to paragraph (b) reading as follows:

§ 536.15 Applications for special permission.

* * * * *

(b) * * * Such applications shall be accompanied by a filing fee remittance of $90.

* * * * *

PART 540—SECURITY FOR THE PROTECTION OF THE PUBLIC

5. Part 540—*Security for the Protection of the Public* is proposed to be amended in the following respects.

a. in § 540.4 a new sentence is proposed to be added to paragraph (b) reading as follows:

§ 540.4 Procedure for establishing financial responsibility.

* * * * *

(b) * * *An application for a Certificate (Performance) shall be accompained by a filing fee remittance of $1,600.

* * * * *

b. In § 540.23 a new sentence is proposed to be added to paragraph (b) reading as follows:

§ 540.23 Procedure for establishing financial responsibility.

* * * * *

(b) * * *An application for a Certificate (Casualty) shall be accompanied by a filing fee remittance of $800.

* * * * *

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 82-18197 Filed 7-2-82; 8:45 am]

BILLING CODE 6730-01-M

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46 CFR Parts 503, 542, 543, and 544

[Docket No. 82-32]

Filing and Service Fees

AGENCY: Federal Maritime Commission.

ACTION: Proposed rule.

SUMMARY: This would revise existing fees for licensing and regulatory activities. Fees for public information, financial responsibility for water pollution and financial responsibility for oil pollution are being amended.

DATE: Comments due on or before September 7, 1982.

ADDRESSES: Comments (Original and 15 copies) and requests for further information should be directed to: Secretary, Federal Maritime Commission, 1100 L Street, N.W., Room 11101, Washington, D.C. 20573.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, (202) 523-5725.

SUPPLEMENTARY INFORMATION: The Independent Offices Appropriations Act of 1952 (Title V) provides that "any work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, or similar thing

of value or utility performed, furnished, provided, granted, prepared, or issued by any Federal agency * * * to or for any person * * * shall be self-sustaining to the full extent possible." In order to meet this objective, Title V authorizes the head of each agency to prescribe by regulation such fees and charges as are determined "to be fair and equitable taking into consideration direct and indirect cost to the government, value to the recipient, public policy or interest served and other pertinent facts." (31 U.S.C. 483a)

This statute also provides that the fees and charges shall be as uniform as practicable and subject to such policies as the President may prescribe. On September 23, 1959, the Bureau of the Budget, now the Office of Management and Budget, issued Circular No. A–25, which sets forth general policies for developing a fair, equitable and uniform system of charges for certain government services. Circular No. A–25 requires that a reasonable charge by made to recipients of a measurable unit or amount of Federal Government service from which they derive a benefit in order that the Government recover the full cost of rendering that service. The Circular further calls for a periodical reassessment of costs, with related adjustment of fees, if necessary, and the establishment of new fees where none exists.

The Commission conveys special benefits to identifiable recipients above and beyond those which accrue to the public at large. It is, therefore, appropriate that these recipients should pay a reasonable charge for the benefits received.

The Commission's current schedule of filing and service fees has been in effect since August 15, 1979. Most of the fees established at that time are no longer representative of the Commission's actual cost for providing such services. The Commission, therefore, proposes to update its fees schedule to remedy the disparity between costs incurred and revenues collected for special services provided even though total costs will not be recovered through this means.

Accordingly, the revision of filing and service fees is proposed for the following services and benefits. A summary schedule of fees and costs and a detailed summary of the data used to arrive at such fees are available from the Secretary of the Commission upon written request.

The Commission's rules on public information (46 CFR 503.43) contain the fees to be charged for services provided to the public. These fees are being revised to equate them with the current costs of providing services. Subparagrah (c)(5) is deleted to eliminate confusion over the single tariff page copy exception to charging for copies made. The fees for having one's name placed on the mailing list of a specific docket (§ 503.43(e)) and the "Automobile Manufacturer's Measurements" publication (§ 503.43(f)) will remain unchanged.

The Commission's rules on vessel certification for water pollution (46 CFR Part 542) and for oil pollution (46 CFR Parts 543 and 544) are being revised to set the new application fee at $75 and the certificate fee at $40. The new application fee is a $25 reduction from the previous fee and is based upon costs associated with processing new applications. The $40 certificate fee is a $20 increase over the previous fee, and is based upon the costs of processing certificates, responding to inquiries about certificates and administering the program to ensure it is effective. The other major change is the rewording of 542.13(d) to delete redundant language that is no longer applicable.

List of Subjects in 46 CFR Parts 503, 542, 543 and 544

Maritime Carriers, Freight Fowarders, Practice and Procedure, Fees and User Charges.

Therefore, pursuant to 5 U.S.C. 553, section 43 of the Shipping Act, 1916 (46 U.S.C. 841a), and Title V of the Independent Offices Appropriations Act of 1952 (31 U.S.C. 483a), notice is hereby given that the Federal Maritime Commission proposed to amend Title 46 of the Code of Federal Regulations as follows:

PART 503—PUBLIC INFORMATION

1. Part 503 would be amended in the following respects.

§ 503.43 [Amended]

In § 503.43 "Fees for services," in paragraph (b), "$3" would be amended to read "$5"; in paragraph (c)(1) "$5" would be amended to read "$7"; in paragraph (c)(3) "$5" would be amended to read "$7"; in paragraph (c)(4) "$1" would be amended to read "$2.50"; paragraph (c)(5) would be deleted; in paragraph (d)(1) "$175" would be amended to read "$195"; in paragraph (d)(2) "$50" would be amended to read "$120"; in paragraph (d)(3) "$12.50" and "$2" would be amended to read "$16.50" and "$8.25" respectively; in paragraph (g) "$2.50" and "$1.50" would be amended to read "$4.25" and "$4" respectively; in paragraph (h) "$10" would be amended to read "$13."

§ 503.69 [Amended]

In § 503.69 (b)(2) "$2" would be amended to read "$5."

PART 542—FINANCIAL RESPONSIBILITY FOR WATER POLLUTION

2. Part 542 would be amended in the following respects.

In § 542.13 "Fees," the references in paragraphs (d) and (e) to "$100" and "$20" would be amended to read "$75" and "$40" respectively and in paragraph (f) the reference to "$10" would be amended to read "$20." Additionally, the first sentence of paragraph (d) would be amended to read as follows.

§ 542.13 Fees.

* * * * *

(d) Each applicant who submits Application Form FMC–321 for the first time shall pay an initial, nonrefundable application fee of $75.

PART 543—FINANCIAL RESPONSIBILITY FOR OIL POLLUTION—ALASKA PIPELINE

3. Part 543 would be amended in the following respects.

§ 543.9 [Amended]

In § 543.9 "Fees," the references in paragraphs (d) and (e) to "$100" and "$20" would be amended to read "$75" and "$40" respectively and in paragraph (f) the reference to "$10" would be amended to read "$20."

PART 544—FINANCIAL RESPONSIBILITY FOR OIL POLLUTION—OUTER CONTINENTAL SHELF

4. Part 544 would be amended in the following respects.

§ 544.12 [Amended]

In § 544.12 "Fees," the references in paragraphs (d) and (e) to "$100" and "$20" would be amended to read "$75" and "$40" respectively and in paragraph (f) the reference to "$10" would be amended to read "$20."

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 82–18199 Filed 7–2–82; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[BC Docket No. 82-320; FCC 82-267]

Suburban Community Policy, Berwick Doctrine, and de Facto Reallocation Policy

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission solicits comment on a proposal to eliminate three policies: The Suburban Community Policy, which is applicable in the licensing of AM radio stations, and the Berwick Doctrine and the de facto real-location policy which are applicable in the licensing of commercial FM radio and television stations. The Commission believes that these policies are no longer necessary as tools for the implementation of section 307(b) of the Communications Act, 47 U.S.C. 307(b), which requires the Commission to "make such distribution of licenses, frequencies, hours and operation and of power among the several states and communities as to provide a fair, efficient, and equitable distribution of radio service to each of the same.". Other rules and policies can be relied on to assure that licensees serve their designated communities. The effect of this action would be to expedite the licensing process for radio and television stations.

DATES: Comments are due on August 5, 1982, and reply comments are due on August 25, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mary Catherine Kilday, Broadcast Bureau, at (202) 632-3922.

SUPPLEMENTARY INFORMATION: In the matter of The Suburban Community Policy, the *Berwick* Doctrine, and the *De Facto* Reallocation Policy; BC Docket No. 82-320.

Notice of Proposed Rulemaking

Adopted: June 10, 1982.

Released: June 29, 1982.

I. Introduction

1. The Commission today initiates a rulemaking proceeding seeking comment on three of our long-standing policies, the suburban community policy, the *Berwick* doctrine, and the *de facto* reallocation policy. This action is prompted by the remand of two cases by the United States Court of Appeals for the District of Columbia, *Communications Investment Corporation* v. *FCC*, 641 F.2d 954 (1981) (*CIC*), and by our desire to review and evaluate all of our rules and policies. The *CIC* court determined that the Commission had failed to follow its own and court precedent in authorizing, without a hearing, a transmitter location which objectors claimed constituted *de facto* reallocation of two class C FM stations from their city of license to a larger community. The court derived from the precedents nine factors [1] for determining when an evidentiary hearing is required on *de facto* reallocation and *Berwick* doctrine issues before a transmitter location can be approved. The court, however, recognizing Commission discretion over hearing designations, stated in the ordering clause, "We recognize * * * that the Commission, by modifying its policies and practices, could affect the nature of and the extent to which an evidentiary hearing is required." 641 F.2d at 978.

2. We have reviewed the *de facto* reallocation policy and the *Berwick* doctrine, which are applicable in the licensing of commercial FM radio and television stations. We have also reviewed the suburban community policy, the AM radio corollary to the *Berwick* doctrine and the policy from which the *Berwick* doctrine was derived. Because these policies are tools to aid in the implementation of section 307(b) of the Communications Act of 1934, 47 U.S.C. 307(b), we will discuss that statutory requirement before setting out the results of our review and our reasons for proposing elimination of these policies in all phases of licensing for radio and television stations.

II. Section 307(b)

3. Section 307(b) requires the Commission "make such distribution of licenses, frequencies, hours and operation and of power among the several states and communities as to provide a fair, efficient, and equitable distribution of radio service to each of the same." [2] Congress enacted section 307(b) in order to assure that broadcast facilities were distributed equitably throughout the nation and not concentrated in and around large population centers. The Commission implemented section 307(b) in commercial FM radio and TV by establishing and incorporating in its rules a Table of Assignments [3] for each service. These tables provide for a distribution of channels to specific communities throughout the United States based, in part, on fixed mileage separations. A party wishing to locate an FM radio or television station in a community not listed in the Table must petition for a rulemaking to amend the Table to add the desired community. This rulemaking proceeding is followed by a separate licensing proceeding which, if there is more than one applicant for the channel, includes a comparative hearing. Commission rules permit a station to be located within 15 miles (TV or Class B/C FM) [4] or 10 miles (Class A FM) of the community listed in the Table of Assignments. [5] If multiple applicants vie for a single frequency within the 15-mile or 10-mile limit, and these applications propose different communities of license, then a second section 307(b) determination must be made during the hearing.

4. In contrast, AM and noncommercial FM frequencies [6] are allocated on a demand basis, with an applicant requesting the desired community and providing engineering exhibits to show the absence of harmful

[1] The nine factors are: The ratio of the population of the city of license to that of the larger city; the ratio of the distance between the proposed site and the city of license to the distance between the site and the larger community; the ratio of the signal strength in the city of license to the signal strength in the larger city; a loss area in the city of license or surrounding areas; whether the proposed site is already in use by larger city stations; whether the station is commonly owned with an AM station in the larger city and plans to share programming, staff or facilities with it; whether the station has evinced a prior intent to locate in the larger city; whether the station proposes to move its studio to the larger city; and whether there is a unique advantage to the site proposed.

[2] In September, 1981, the Commission recommended to Congress the deletion of section 307(b) on the basis that a fair and equitable distribution of service now exists and further implementation runs counter to the public interest by delaying authorization of service. *FCC News*, Report No. 5068, Mimeo 003451 (September 17, 1981). The Congress has not acted on the recommendation. We have continued to implement our statutory obligations under section 307(b) and will do so for as long as that section is a part of the Communications Act. Similarly, the proposals we make today will not cause us to diminish our statutory responsibilities under section 307(b).

[3] 47 CFR 73.202 contains the FM Radio Table of Assignments and 47 CFR 73.606 contains the Television Table of Assignments.

[4] A Class A FM station is designed to render service to a relatively small community, city, or town, and the surrounding rural area. A Class B FM station is designed to render service to a sizeable community, city, or town, or to the principal city or cities of an urbanized area, and to the surrounding area. A Class C FM station is designed to render service to a community, city, or town, and large surrounding area.

[5] 47 CFR 73.203(b) and 73.607(b).

[6] For the noncommercial FM service, there is a limited Table of Assignments for allocations near the Mexican Border. *See* 47 CFR 73.504. These allocations can be changed only by rulemaking. They do not, however, include most noncommercial FM stations.

interference to existing stations. Section 307(b) considerations are made during the one-step proceeding to process the construction permit application. This can result in a hearing if petitions to deny are filed raising substantial and material questions of fact or where there are mutually exclusive applications.

5. Objectives and priorities guide the Commission's section 307(b) determinations. These set-up preferences for applicants proposing to serve communities lacking service or with fewer services than other nearby communities. Consequently, an incentive exists for applicants to specify unserved or underserved communities as their city of license while actually intending to serve larger nearby communities. Concern that Commission allocations might not result in service to the communities designated led to the policies which are the subjects of this Notice.

III. The Suburban Community Policy; the Berwick Doctrine; the de Facto Reallocation Policy

6. The suburban community policy was enunciated by the Commission in 1965. *Policy Statement on section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities,* 2 FCC 2d 190 (1965) (*The 1965 Policy Statement*). The Commission stated that where:

> The applicant's proposed 5 mV/m daytime contour would penetrate the geographic boundaries of any community with a population of over 50,000 persons and having at least twice the population of the applicant's specified community * * * a presumption will arise that the applicant realistically proposes to serve that larger community rather than its specified community.

Id. at 193. The policy placed the burden on the applicant to include in the application material rebutting the presumption. Failing that, an evidentiary hearing would be held to determine whether the application should be treated as a proposal for the specified community or for the larger community.

7. In 1975, the Commission limited the application of the suburban community policy to situations involving competing applicants in a hearing context. *Amendment of Part 73 of the Commission's Rules Regarding AM Station Assignment Standards,* 54 FCC 2d 1 (1975). The Commission decided to relax application of the policy due to concern that retention of the presumption would be inconsistent with the new acceptability criteria adopted in the proceeding. Because a hearing would have to take place when multiple applicants were competing from one allocation whether or not this issue was involved, the Commission elected to maintain the presumption in that instance only.

8. The *Berwick* doctrine applied the public interest considerations underlying the AM suburban community policy statement to FM radio and television. *Berwick Broadcasting Corporation,* 20 FCC 2d 393 (1969). The *Berwick* doctrine, involves

> * * * an applicant's *intent* to direct its programming efforts and overall broadcast operations toward a nearby larger community rather than to the smaller suburban community which it has specified as its community of license.

Hall Broadcasting Co., 71 FCC 2d 235, 237 (1979). In such a situation, an evidentiary hearing would be required to determine the community the applicant realistically intended to serve. Because of the difference in the systems for allocating AM radio on the one hand, and FM radio and TV on the other,

> a petitioner seeking to raise a *Berwick* issue is not entitled to the presumption created by the *[1965] Policy Statement,* and must come forward with allegations tending to establish that the applicant will not realistically serve his specified community.

Public Service Broadcasters, Inc., 50 FCC 2d 1038, 1039 (1975).

9. *De facto* reallocation issues arise only in FM radio and TV authorization proceedings, the services allocated by means of Tables of Assignments.

> *[D]e facto* reallocation involves an attempt to utilize a channel assigned to one community in order to establish a broadcast service in another community, thereby depriving the assigned community of service from that channel.

Hall Broadcasting Co., Inc., supra, at 237. The Commission has made clear that in assessing allegations of *de facto* reallocation, its primary concern is whether there would be both a removal of the channel from one city and its effective use to provide service to another city. Both elements must be present. *Central Alabama Broadcasters, Inc.,* 68 FCC 2d 1339, 1340 (1978); *Hall Broadcasting Co., Inc., supra.*

III. Discussion

10. The initial issue to be considered is whether departure from these existing policies would be inconsistent with the intent of section 307(b) of the Communications Act. The Act does not mandate that the Commission apply any specific criteria or use any particular system to assure that Section 307(b) is complied with. The legislative history underlying Section 9 of the Radio Act of 1927, the predecessor to section 307(b), shows that the Commission was intended to retain considerable flexibility in setting policy in this area:

> We have recognized * * * that it is not the right of a community to demand a station, not a right of a particular state to demand a station, but it was the right of the entire people to service that should determine the distribution of those stations; and it is written here in express language that it shall be the duty of this commission * * * to make such a distribution of stations, licenses and power as will give all the communities and states fair and equitable service, and that is the sound basis on which legislation of this character should be founded. We have done that.

68 Cong. Rec. 2580 (1927) (Statement of Congressman White). The broad powers conferred on the Commission by section 307(b) and by collateral sections 303(a), (b), (d), (h), and (r) have been construed by the Courts as vesting considerable discretion in the Commission to determine how channels should be allocated to best attain the Section 1 goal of making available, so far as possible, to all the people of the United States, a rapid, efficient, nationwide radio service. See e.g., *FCC* v. *Pottsville Broadcasting Co.,* 309 U.S. 134 (1940), *National Broadcasting Co.* v. *United States,* 319 U.S. 190 (1943).

11. Thus, the general question we seek to resolve in this proceeding is whether any legitimate public policy considerations are served by the application of the suburban community, *Berwick* and *de facto* reallocation criteria to determine an applicant's compliance with section 307(b). We are aware that these issues, to a considerable extent, may lend themselves to resolution in the context of *ad hoc* adjudications rather than by rulemaking, see, e.g., *SEC* v. *Chenery Corp.,* 322 U.S. 194, *reh. denied,* 332 U.S. 733 (1947). However, although the policy predicates of these different tests are generally very similar, our interpretation and application of them has begun to exhibit a certain asymmetry. For example, the four cases from which the CIC majority constructed its nine-factor test were decided between 1963 and 1969.[7] However, other cases decided before commission action in the *CIC* cases arrived at contrary conclusions—as the reviewing court in *CIC* duly noted. The Court's holding in *CIC* was not dissimilar to a 1972 opinion regarding the suburban community policy. In *Northern Indiana Broadcasters, Inc.* v. *FCC,* 459 F.2d 1351

[7] The cases were: *Wometco Enterprises, Inc.* v. *FCC,* 314 F.2d 266 (D.C. Cir. 1963); *Louisiana Television Broadcasting Corp.* v. *FCC,* 347 F.2d 808 (D.C. Cir. 1965); *Santa Fe Television, Inc.,* 18 FCC 2d 741 (1969); *Berwick supra.*

(D.C. Cir. 1972), the Court found that AM applicants were left "devoid of any guidelines as to the type and degree of evidence required to rebut the Commission's Policy Statement," and stated that it was "incumbent" upon the Commission to clarify them. Finally, we note that although we decided on May 20, 1982 to stop entertaining *Berwick* doctrine issues during rulemaking proceedings to amend the FM Table of Assignments, *Report and Order* in BC Docket No. 80–130, 47 F.R. 26624, we have not taken similar action with respect to the TV Table of Assignments, despite the similarity of the policies involved. Therefore, we believe that a generic rulemaking is in order to definitively and uniformly resolve these related policy issues, and to assure that, in reaching our ultimate determinations, we will be able to "supply a reasoned analysis indicating that prior policies and standards are being deliberately changed, not casually ignored." *Greater Boston Television Corp.* v. *FCC*, 444 F.2d 841, 352 (D.C. Cir.), *cert. denied*, 403 U.S. 923 (1971).

12. The first major issue we seek to explore is whether the application of the suburban community, *Berwick*, and *de facto* reallocation criteria may no longer be necessary to further any legitimate public policy concerns under section 307(b). In this regard, it is germane to consider the relative maturity of the radio and television industry in terms of station assignments. We believe that our actions over the years to obtain a satisfactory implementation of section 307(b) has resulted in a substantial dispersion of radio and television services throughout the United States. The Commission has found that "there is not part of the contiguous 48 states which lacks at least some aural broadcast service, and almost no place * * * where multiple skywave services are not available." *Clear Channel Broadcasting in the AM Broadcast Band*, 78 FCC 2d 1345, 1356 (1980). Similarly, in the television service, the Commission has stated that the "Table of Assignments * * * was designed to provide service to as large a part of the population as was possible and at the same time to provide local outlets for as many communities as possible * * * the goals of the Table have been largely achieved * * * *Inquiry Into the Future Role of Low-Power Television Broadcasting*, FCC 80–503, 45 F.R. 69178, 69179 (Oct. 17, 1980). At the end of fiscal 1981,there were 9,451 authorized AM and FM radio stations and 1,176 authorized VHF and UHF TV stations. In addition, many areas receive radio and television service beyond stations' predicted service areas via 633 FM and 4,761 TV translators, 4,400 cable systems and sophisticated home antennas and receiver systems. This amplitude of programming outlets will increase even further in the near future. The Commission has recently established a new low-power television service that promises to provide video services to rural areas that now receive the fewer broadcast signals. Rural areas also stand to benefit from the direct broadcast satellite proposal that the Commission has under consideration.[8] In sum, there is now a well dispersed system of video and aural services already in place with more in the offing. In light of this fact, it may be less necessary for the Commission to scrutinize these issues as rigorously as it did in former days, when the allocations structure was relatively new and therefore, the need to take particular care to establish a "fair and equitable" general distribution of stations may have been correspondingly greater. We request comment on this issue.

13. Our second principal concern is that this detailed scrutiny, if no longer necessary, may impose unwarranted costs on the parties and the public. In a number of instances, these policies, rather than making the distribution of services more fair and equitable, serve only to delay new service and additional competition. Several general situations can illustrate these points. For example, because a section 307(b) preference can be dispositive when selecting among basically qualified candidates in a comparative hearing,[9] allegations are frequently made that FM radio and TV competitors do not intend to serve their designated communities, but rather a larger nearby one.[10] These allegations, often not well founded and propounded by licensees in the larger market, are merely tactical actions intended to delay or to prevent new competition.[11] Resolution of them requires the parties to expend large sums for legal and engineering counsel [12] and the Commission to allocate increasingly scarce resources. Moreover, in some circumstances *Berwick* doctrine and *de facto* reallocation questions are susceptible of relitigation in television licensing cases. Even though the Commission by way of rulemaking, may have amended the Table of Assignments and, arguably, resolved the section 307(b) issue, mutually-exclusive applicants may still reargue the issue at the comparative hearing stage.[13] Finally, we would note that it is unnecessary to have a comparative situation to bring the problems associated with these policies into play. *Berwick* doctrine and *de facto* reallocation issues also come up in uncontested proceedings for FM radio and television channels. We request interested parties to comment with specificity on the issue of the costs imposed by these policies and whether or not they are warranted by offsetting benefits. We also seek comment on how we should proceed if the Commission's decision results in the deletion of the policies. For instance, should these issues, as a matter or equity, continue to be applied to applications which have been filed and cut-off as if the policies had not been eliminated? Should the issues be deleted for cases in hearing, at the time the *Report and Order* in this proceeding becomes effective? We welcome suggestions on these questions of implementation.

14. Another area of concern is the realization that in seeking comment on the abolition of these policies, we are risking a return to the situation the policies were designed to correct, namely the acquisition of a section 307(b) preference by designating a suburban community while proposing power adequate to cover a nearby metropolitan area. We find that situation no more palatable now than we did in 1965 when the suburban community policy went into effect. We believe that a solution may be found in a redefinition of community. We seek comment on whether community could be redefined for section 307(b) purposes to mean the metropolitan area effectively covered by the signal of the proposed service. By utilizing such a definition, the comparative preference

[8] *Notice of Proposed Policy Statement and Rulemaking*, General Docket No. 80–603, 45 F.R. 30124, June 1, 1981. On October 28, 1981, we announced our acceptance of eight interim direct broadcast satellite applications. *Public Notice* No. FCC 81–507, Mimeo No. 30225.

[9] *FCC* v. *Allentown Broadcasting Corp.*, 349 U.S. 348 (1955).

[10] The suburban community presumption arises automatically in AM radio comparative proceedings whenever the requisite populations and 5 mV/m signal penetration are involved. By contrast, proponents of the issues must raise the *Berwick* doctrine and the *de facto* reallocation issue in FM and TV licensing proceedings.

[11] *See* "Petition for Extraordinary Relief" filed by Son Broadcasting, Inc. in BC Docket No. 80–436, on May 8, 1981 at 25–26 and Att. 3. In a review of 50 cases which a key-word search of the Lexis "FCC Library" reported from 1966 to April, 1981, the Commission raised the *de facto* reallocation *sua sponte* only two times.

[12] The *CIC* court quoted from the pleadings of one of the parties, that a hearing on the *de facto* reallocation issue in that proceeding would have meant a delay of up to two years and an estimated cost of $50,000 for attorneys' fees.

[13] The ten and fifteen-mile rule, discussed above at paragraph 3, can give rise to a new round of pleadings on section 307(b), including *Berwick* and *de facto* reallocations issues.

for designating a suburb, while proposing power sufficient to cover the metropolitan area, would be removed. If the power proposed in the application would permit service to the entire metropolitan area and not just the designated suburb, the application would be treated as one for the metropolitan area. If the power were adequate to serve the suburb only, then the application would be so treated, with the attendant prospect of a section 307(b) preference.

15. The possibility of a new concept of community raises several other questions on which we invite comment. For instance, if a new definition is possible, should we use it in licensing all three services, even though the problems the definition is attempting to solve are less troublesome in the services allocated by Tables of Assignments? Also, should we use the popoulation criteria in the current suburban community policy, e.g., central city of 50,000 persons, suburb of 25,000 persons, as the trigger bringing into play the new community definition? Or should we use a Standard Metropolitan Statistical Area (SMSA), or similar measure, as the trigger?

16. If this proposal results in the elimination of the policies in question, we will be able to rely on other rules and policies, already in place, to assure that licensees serve their designated communities. For example, FM radio and TV rules contain Tables of Assignments, specifically adopted to fulfill the mandate of section 307(b), that distribute stations to communities throughout the United States and its territories. For AM and FM radio and for television, Commission rules require that the station be licensed to its principal community [14] and that it maintain a main studio in its principal community.[15] The rules also establish guidelines for AM, FM and TV transmitter locations designed to assure that stations cover their communities of license with designated minimum signal strengths.[16] Since "programming is of the essence of radio service * * *" *En Banc Programming Inquiry*, 44 FCC 2303, 2311 (1960), the Commission has enunciated policy guidelines requiring a licensee to "discover and fulfill the tastes, needs and desires of his service area." *Id.* at 2312. We believe that compliance with these rules and policies is a more accurate means of determining whether a licensee will be operating so as to serve its community than the inquiry necessitated under the suburban community policy, the *Berwick* doctrine and the *de facto* reallocation policy.

17. In conclusion, our review of the suburban community policy, the *Berwick* doctrine, and the *de facto* reallocation policy leads us to believe that they no longer may serve the public interest and should, therefore, be abolished. We believe that they may be employed to thwart competition and diversity of media voices. We believe that the authorization of service process for radio and television would be made less costly and more timely without these policies. We believe that the importance of these policies in furthering the mandate of section 307(b) has been diminished due to the dispersion of radio and television service throughout the United States. We believe that we can be assured that licensees will direct their service to the specified community of license through the implementation of other rules and policies we have on the books. We invite comment on the views expressed in this Notice and on our proposal. Because we have two cases on remand which will await the outcome of this proceeding, we will be compelled to adhere to strict deadlines on the comment periods: 30 days for comments and 20 days for reply comments.

18. Regulatory Flexibility Act Initial Analysis.

I. Reason for Action

This proposal was prompted by a remand from the Court of Appeals for the District of Columbia inviting our review of reallocation policies and by the Commission's ongoing review and evaluation of all rules and policies.

II(a). Objective

To seek comment on whether or not these policies, designed to fulfill the mandate or § 307(b) of the Communications Act, continue to serve the public interest in light of the substantial dispersion of radio and television service that exists throughout the United States and the costs involved in implementation.

II(b). Legal Basis

The legal basis for seeking comment on these policies is found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

III. Description, Potential Impact and Number of Small Entities Affected

The time and costs involved in licensing AM, FM, and TV stations will be reduced. Small entities will no longer face the time and costs involved in hearings designated to resolve these issues. It has been estimated that attorneys' fees alone can run $50,000 when a hearing is required in the licensing process; delays can be up to two years.

IV. Recording, Record Keeping and Other Compliance Requirements

None after licensing.

V. Federal Rules Which Overlap, Duplicate or Conflict With These Policies

None.

VI. Any Significant Alternative Minimizing Impact on Small Entities and Consistent with Stated Objectives.

None.

Filing Responses to this Notice

19. For purposes of this non-restricted Notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the time a Public Notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its fact that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, Section 1.1231 of the Commission's rules, 47 CFR 1.1231.

20. Pursuant to applicable procedures set forth in § 1.415 of the Commission's

[14] 47 CFR 73.1120.

[15] 47 CFR 73.1125. "The Commission has frequently ruled that a station is identified by the place where its studios are kept, not the location of its transmitter or antenna." *Community Telecasting Co. v. FCC*, 255 F.2d 891, 893 (1958).

[16] 47 CFR 73.188(AM); 73.315(FM); 73.685(TV).

rules, interested parties may file comments on or before August 5, 1982, and reply comments on or before August 25, 1982. All relevant and timely comments and reply comments will be considered by the Commission before further action is taken in this proceeding. The Commission may also consider any other relevant information brought to its attention.

21. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a written summary indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the *Report and Order*. In accordance with the provision of § 1.419 of the FCC's Rules and Regulations, an original and 5 copies of all comments, replies or other documents filed in this proceeding shall be furnished to the FCC. Participants filing the required copies who also desire that each Commissioner receive a personal copy of the comments may file an additional 6 copies. Members of the general public who wish to express their interest by participating informally in this proceeding may do so by submitting one copy of their comments, without regard to form, provided that 82–320 is specified in the heading. Such informal participants who desire that responsible members of the staff receive a personal copy may file an additional five copies. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room (Room 239) at headquarters in Washington, D.C. (1919 M Street, N.W.). Further information concerning this proceeding may be obtained from Mary Catherine Kilday, Broadcast Bureau, 202–632–3922.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Concurring Opinion of Commissioner Abbott Washburn in Which Commissioner Joseph R. Fogarty Joins

Re: Notice of Proposed Rulemaking to Eliminate the Suburban Community Policy, the Berwick Doctrine and the de Facto Reallocation Policy

I concur in this item to emphasize that the three policies at issue were designed for a specific purpose. That purpose, valid then as now, flowed from section 307(b) of the Communications Act and was to insure that licensees served their communities of license. Technologies like Direct Broadcast Satellite (DBS) and Low Power Television which are not yet available to the public do not serve communities today; and to the extent that translators, cable television and DBS deliver programming designed for an audience other than a particular local one, neither do they address the local audience's unique needs. Until these and other technologies develop, the elusive goal of broad-based local service to the community persists, as does the statutory obligation of this Commission to help achieve it. Commissioner Fogarty and I disagreed with the majority's decision to ask the Congress for repeal of 307(b). But I trust that there is unanimity on the Commission to enforce it as long as it remains a part of the Act, and that a proposal to eliminate these three imperfect Commission policies does not reflect a premature—and impermissible—abandonment of 307(b).

[FR Doc. 82–18165 Filed 7–2–82; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[BC Docket No. 82–193; RM–4043]

FM Broadcast Station in Hope, Arkansas; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension for filing reply comments.

SUMMARY: This action extends the time for filing reply comments in response to a request by Newport Broadcasting Company, with respect to a proceeding involving a proposed channel allocation to Hope, Arkansas. Counsel states that additional time is needed to prepare an informed response to comments in support of the Hope proposal.

DATE: Reply comments must be filed on or before July 8, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Hope, Arkansas); order extending time for filing reply comments.

Adopted: June 17, 1982.

Released: June 23, 1982.

By the Chief, Policy and Rules Division.

1. On April 2, 1982, the Commission adopted a Notice of Proposed Rule Making, 47 FR 16807, published April 20, 1982, in the above-referenced proceeding. Comments have been filed and reply comments were due June 8, 1982.

2. We now have before us for consideration a request for extension of time for filing reply comments to and including July 8, 1982, submitted by counsel for Newport Broadcasting Company ("Newport"), licensee of Station KHPA(FM), Hope, Arkansas.

3. Counsel states that it was recently apprised that supporting comments were filed by Freddie Riley, the initial proponent herein, as well as James Mason. Yet, it states that these pleadings have not been available for public inspection in the Commission's Public Reference Room and that Riley's filing was not discovered until June 8, 1982, the date heretofore established for filing reply comments. In view of this oversight, counsel seeks additional time in which to review these filings, and to enable it to prepare an informed response.

4. Although counsel does not indicate the consent of other parties regarding this extension, a certificate of service is attached.

5. Section 1.46(b) of the Commission's Rules states that extension requests must be filed seven days in advance of the deadline. Although this request was not received within the required time frame, the Commission is of the view that, under the circumstances cited, additional time is warranted in which to formulate reply comments. The Commission believes it would be in the public interest to have this material available to it in arriving at a decision herein.

6. Accordingly, It is ordered, That the request for extension of time filed on behalf of Newport Broadcasting Company is granted and the time for filing reply comments in BC Docket No. 82–193 (RM–4043) is extended to and including July 8, 1982.

7. This action is taken pursuant to authority contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and §§ 0.204(b) and 0.281 of the Commission's Rules.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82–18145 Filed 7–2–82; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[BC Docket No. 82–323; RM–4088]

FM Broadcast Station in Ishpeming, Michigan; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to substitute Channel 298 for Channel 296A as Ishpeming, Michigan and modify the Class A license accordingly, in response to a petition filed by the licensee, Taconite Broadcasting, Inc.

DATES: Comments must be filed on or before August 2, 1982, and reply comments on or before August 17, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Ishpeming, Michigan), Notice of Proposed Rule Making, BC Docket No. 82–323, RM–4088.

Adopted: June 15, 1982.

Released: June 18, 1982.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed on March 18, 1982, by Taconite Broadcasting, Inc. ("petitioner"),[1] which seeks to substitute Class C Channel 298 for Channel 296A at Ishpeming, Michigan, and to modify the license for Station WMQT(FM) (Channel 296A) to specify operation on Channel 298.

2. Ishpeming (population 7,538),[2] in Marquette County (population 74,101), is located in Michigan's upper peninsula approximately 16 kilometers (10 miles) southwest of Marquette, Michigan. It is served by fulltime AM Station WJPD, daytime-only AM Station WUPY, FM Station WJPD–FM (Channel 222) and FM Station WMQT (Channel 296A).

3. In support of the proposal the petitioner claims that Ishpeming is one of the principal cities in the peninsula area, and that Marquette County geographically is one of the largest counties in the nation. The city and county population are said to be sufficiently large enough to warrant a Class C channel. The proposed assignment would adequately serve the outlying portions of the city, particularly in light of the hilly terrain intervening between Ishpeming and the northern, eastern and southern extremes of the county. Taconite further claims that the substitution of Channel 298 for Channel 296A would further the Commission's policy of avoiding an intermixture of classes of channels in the same community. See *Rome, New York*, 43 Fed Reg. 10343, published March 13, 1978. It also asserts that it could eliminate the unfair and disproportionate commercial advantage now maintained by its Class C competitor, in addition to expanding the service area.

4. According to the information submitted by the petitioner, the proposed substitution of channels will have a minimal impact on the allocation of the co-channel and adjacent channels since there are no communities in the precluded area with a population over 1,000 persons. Thus, we find that preclusion appears to present no obstacle in the substitution of channels.

5. Inasmuch as the proposed Class C facility would provide expanded service to the area and remove the intermixture that currently exists at Ishpeming, we believe comments should be submitted on the proposal. The transmitter site is restricted to 1.7 miles southwest of the city to meet spacing requirements to Sault Saint Marie, Canada (Channel 297). Station WMQT would have to change its transmitter site from its present location in order to comply with the spacing requirements. In accordance with established policy we shall propose to modify the license of Station WMQT (FM) (Channel 296A) to specify operation on Channel 298. However, if another party should indicate an interest in the Class C assignment, then the modification could not be implemented. See *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976). Instead, an opportunity for the filing of a competing application must be provided.

6. Canadian concurrence in this assignment is required since Ishpeming, Michigan, is located within 320 kilometers (200 miles) of the U.S.-Canadian border.

7. In view of the apparent need for a wide coverage area station, the Commission proposes to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, as it pertains to Ishpeming, Michigan, as follows:

City	Channel No.	
	Present	Proposed
Ishpeming, Michigan	222, 296A	222, 298

8. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

9. Interested parties may file comments on or before August 2, 1982, and reply comments on or before August 17, 1982, and are advised to read the Appendix for the proper procedures.

10. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

11. For further information concerning this proceeding, contact Montrose Tyree, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to the authority found in Sections 4(i), 5(d)(l), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) and 0.204(b) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in

[1] Taconite Broadcasting, Inc. is the licensee of Stations (WUPY(AM) and WMQT(FM), Ishpeming, Michigan.

[2] Population figures are taken from the 1980 U.S. Census.

the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleading, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 82-18138 Filed 7-2-82; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 82-332; RM-4070]

FM Broadcast Stations in Oakes, North Dakota; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the substitution of Class C FM Channel 222 for unused Channel 252A at Oakes, North Dakota, in response to a petition filed by Kingsley H. Murphy, Jr.

DATES: Comments must be filed on or before August 9, 1982, and reply comments must be filed on or before August 26, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202)632-7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

In the matter of Amendment of § 73.202(b) Table of Assignments, FM Broadcast Stations. (Oakes, North Dakota) (BC Docket No. 82-332; RM-4070); Notice of proposed rule making.

Adopted: June 16, 1982.

Released: June 24, 1982.

By the Chief, Policy and Rules Division:

1. Kingsley H. Murphy, Jr. ("petitioner") has filed a petition for rule making requesting the substitution of Class C Channel 222 for unused Channel 252A at Oakes, North Dakota. The assignment can be made in conformity with the minimum distance separation requirements of § 73.207 of the Commission's Rules, and petitioner states that he will apply for the channel, if assigned.

2. Oakes (population 2,112), in Dickey County (population 7,207), is located approximately 216 kilometers (135 miles) southeast of Bismarck, North Dakota. It is served by daytime only AM Station KDDR, licensed to the petitioner herein, and is assigned unused and unapplied for FM Channel 252A.

3. Petitioner states that Oakes' population increased over 21% between 1970-1980, and that he expects this trend will continue as a federally funded irrigation project is completed. According to petitioner, Oakes is a major retail area for southeastern North Dakota, and has its contingent of professional offices and other facilities which serve the city and surrounding area. It has one local weekly newspaper available to its residents.

4. In support of his request for a wide-coverage area Class C channel, petitioner states that other than its existing daytime only AM station, the closest broadcast facility to Oakes is AM Station KOVC in Valley City, North Dakota, which is approximately 60 miles away. Moreover, petitioner asserts that none of the counties surrounding Oakes has any local aural service.

5. Petitioner advises that assignment of Channel 222 will cause preclusion on the co-channel, as well as the first and second adjacent channels, 223 and 224A. Petitioner provided a list of those communities containing a population in excess of 5,000 persons which would sustain preclusion as a result of the proposed assignment, and advised that alternate channels are available thereto.

6. Petitioner indicates that the proposed Class C assignment would provide a first FM service to sparsely populated areas comprising 9,369 square kilometers (3,660 square miles), wherein 23,459 persons reside.

7. The Commission does not normally assign high-power Class C channels to communities the size of Oakes, absent some showing that a significant amount of first or second service could be provided. Here, the provision of first service is substantial. Additionally, no expression of interest in the Class A allocation has been received. In view of these considerations, we believe a sufficient showing has been made to justify proposing a Class C assignment to Oakes.

8. Since Oakes is located within 320 kilometers (200 miles) of the United States-Canadian border, the proposed substitution of Channel 222 for 252A at Oakes, North Dakota, requires our coordination with the Canadian Government.

9. In light of the foregoing, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Oakes, North Dakota	252A	222

10. The Commission's authority to institute rule making proceedings showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

11. Interested parties may file comments on or before August 9, 1982, and reply comments on or before August 26, 1982, and are advised to read the Appendix for the proper procedures.

12. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

13. For further information concerning this proceeding, contact Nancy Joyner, Broadcast Bureau, (202)632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) and 0.204(b) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 82–18141 Filed 7–2–82; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[BC Docket No. 82–322; RM–4105]

FM Broadcast Station in Robstown, Texas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes a noncommercial educational FM channel assignment to Robstown, Texas, in response to a petition filed by Robstown Independent School District.

DATES: Comments must be filed on or before August 2, 1982, and reply comments on or before August 17, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N., Lipp, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

In the matter of Amendment of § 73.504(a), Table of Assignments, Noncommercial Educational FM Stations (Robstown, Texas); Notice of proposed rule making, BC Docket No. 82–322, RM–4105.

Adopted: June 15, 1982.

Released: June 18, 1982.

By the Chief, Policy and Rules division:

1. A petition for rule making was filed April 26, 1982, by the Robstown Independent School District ("petitioner") proposing the assignment of Channel 206A to Robstown, Texas, for noncommercial educational use.

Petitioner states that it will file an application for the channel, if assigned.

2. Robstown (population 12,100)[1] is located in Nueces County (population 268,215), approximately 24 kilometers (15 miles) west of Corpus Christi, Texas. It is served by daytime-only AM Station KROB, FM Station KROB (Channel 260) and has one noncommercial educational FM assignment (Channel 216A, application pending).

3. The Robstown Independent School District has an enrollment of approximately 4,400 students—1,100 in high school—of which 96 percent are Hispanic. If the application is approved, petitioner could use the station in the high school to teach all aspects of communications, including broadcast production and technical operations, thus furthering a significant educational purpose. We are told that petitioner intends to disseminate information about the school system and bilingual programming for the benefit of students and families with little or no proficiency in the English language. This program would help accomplish a major goal of the bilingual education section of the Educational Acts Amendment of 1978, 20 U.S.C. § 3231.[2] The Commission acknowledges receipt of the supplemental "Request for Expedited Action" from petitioner.

4. In view of the fact that the proposed channel could provide a second noncommercial educational FM service to Robstown, the Commission believes it is appropriate to propose amending the Noncommercial Educational FM Table of Assignments, § 73.504(a) of the Commission's Rules, with regard to the following community:

City	Channel No.	
	Present	Proposed
Robstown, Texas	216A	208A, 216A

5. Since Robstown is located within 320 kilometers (199 miles) of the U.S.-Mexican border, the proposed assignment requires concurrence of the Mexican government.

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before August 2, 1982, and reply comments on or before August 17, 1982, and are advised to read the Appendix for the proper procedures.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.504(a) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 393, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Assistant Chief, Policy and Rules Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.281(b)(6) and 0.204(b) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.504(a) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

[1] Population figures are taken from the 1980 U.S. Census, Advance Report.

[2] This need has been recognized by the State and Federal authorities which have already provided funding for the station.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 82-18139 Filed 7-2-82; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 82-333; RM-3997]

FM Broadcast Station in Del Rio, Texas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the assignment of Channel 249A to Del Rio, Texas, as a second FM service, in response to a petition filed by Grande Broadcasting, Inc.

DATES: Comments must be filed on or before August 9, 1982, and reply comments on or before August 26, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Del Rio, Texas); Notice of proposed rule making; BC Docket No. 82-333, RM-3997.

Adopted: June 16, 1982.

Released: June 24, 1982.

1. Grande Broadcasting, Inc. ("petitioner") filed a petition for rule making requesting the assignment of Channel 249A to Del Rio, Texas, as that community's second FM assignment. Del Rio is currently served by two full-time AM stations (KDLK and KWMC) and FM Station KLKE (Channel 232A).

2. In support of the proposal, the petitioner submitted population and demographic information pertaining to Del Rio and requested a waiver of the requirement for a formal preclusion study. The Commission, on May 20, 1982, adopted a *Second Report and Order*, BC Docket 80-130, revising the FM assigment polices. In accordance with the newly developed policies, it is no longer necessary to consider population and demographic data or preclusion matters, except where conflicting assignment proposals are involved. Petitioner has indicated that the proposed assignment meets the mileage separation requirements of the Commission's Rules.

3. Since Del Rio is located within 320 kilometers (199 miles) of the U.S.-Mexican border, the proposed assignment requires concurrence of the Mexican Government.

4. In view of the foregoing information and the fact that the assignment would provide a second commercial FM broadcast service, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Rules, as follows:

City	Channel No.	
	Present	Proposed
Del Rio, Texas	232A	232A, 249A

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before August 9, 1982, and reply comments on or before August 26, 1982, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that section 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Montrose Tyree, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307 (b) of the Communications Act of 1934, as amended, §§ 0.281(b)(6) and 0.204(b) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the notice of proposed rule making to which this Appendix is attached Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 82-18142 Filed 7-2-82; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 47, No. 129
Tuesday, July 6, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

National Advisory Committee for Tobacco Inspection Services; First Meeting

The National Advisory Committee for Tabacco Inspection Services will meet at 10 a.m., July 22, 1982, in Room 2096 South Building, United States Department of Agriculture, located at 14th and Independence Avenue, S.W., Washington, D.C, 20250.

The meeting will commence with an orientation of the newly established membership, distribution of informational materials and an explanation of the responsibilities of Committee members.

Immediately following the orientation session will be a review of various regulations issued pursuant to the Tobacco Inspection Act (49 Stat. 7 U.S.C. 511 *et seq.*) and discussion of the level of inspection and related services and the fees and charges associated with providing these services.

The meeting is open to the public though space and facilities are limited. Public participation will be limited to written statements submitted before or at the meeting unless otherwise requested by the Committee Chairperson. Persons, other than members, who wish to address the Committee at the meetng should contract J. T. Bunn, Deputy Director, Tobacco Division, Agricultural Marketing Service, 300—12th Street, S.W., United States Department of Agriculture, Washington, D.C. 20250, (202) 447–7235.

Dated: June 30, 1982.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc.82–18175 Filed 7–2–82; 8:45 am]

BILLING CODE 3410–02–M

Agricultural Stabilization and Conservation Service

1982 Rice Program; Determinations Regarding the 1982-Crop Rice Loan and Purchase Rate, Established (Target) Price, Acreage Reduction Program, and Land Diversion Payment Program

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Notice of determinations of the 1982 crop rice loan and purchase rate, established (target) price, acreage reduction program, and land diversion payment program.

SUMMARY: The purpose of this notice is to set forth the following determinations with respect to the 1982 crop of rice: (1) the loan and purchase rate will be $8.14 per hundredweight; (2) the established (target) price will be $10.85 per hundredweight; (3) a 15 percent acreage reduction program is established; and (4) there will be no land diversion payments. These determinations are required to be made in accordance with Section 101(i) of the Agricultural Act of 1949, as amended by the Agriculture and Food Act of 1981, (hereinafter referred to as the "Act").

EFFECTIVE DATE: January 29, 1982.

ADDRESS: Director, Analysis Division, ASCS, USDA, Room 3741, South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Dr. Howard C. Williams, Director, Analysis Division, ASCS, USDA, Room 3741, South Building, P.O. Box 2415, Washington, D.C. 20013 (202) 447–3391. The Regulatory Impact Analysis describing the options considered in developing these determinations is available on request from the above-named individual.

SUPPLEMENTARY INFORMATION: These determinations have been reviewed in accordance with the provisions of Executive Order 12291 and Secretary's Memorandum No. 1512–1 and have been classified as "major." These determinations have been classified as "major" because they are expected to affect the supply and price of rice during the 1982–83 marketing year, which will in turn impact upon producers, processors, exporters and consumers of rice.

The titles and numbers of the federal assistance program that this notice applies to are: TITLE-Rice Production Stabilization; Number 10.065, and TITLE-Commodity Loan and Purchases; Number 10.051 as found in the Catalog of Federal Domestic Assistance.

These actions will not have a significant impact specifically on area and community development. Therefore, review as established under Office of Management and Budget (OMB) Circular A–95 was not used to assure that units of local government are informed of this action.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since there is no requirement that a notice of proposed rulemaking be published with respect to the subject matter of these determinations in accordance with 5 U.S.C. 553 or any other provision of law.

1. *Loan and Purchase Rate.* Section 101(i)(1) of the Act provides that the Secretary shall make available to producers in the several States of the United States loans and purchases for the 1982 crop of rice at such level as bears the same ratio to the loan level for the preceding year's crop as the established price for each such crop bears to the established price for the preceding year's crop. If the Secretary determines that loans and purchases at the foregoing level would substantially discourage the exportation of rice and result in excessive stocks of rice in the United States, the Secretary may establish loans and purchases at such level, not less than $8.00 per hundredweight, as the Secretary determines necessary to avoid such consequences.

2. *Established (Target) Price.* Section 101(i)(2)(C) of the Act provides that the established price for rice shall be not less than $10.85 per hundredweight for the 1982 crop. Such established price may be adjusted by the Secretary as the Secretary determines to be appropriate to reflect any change in (a) the average adjusted cost of production per acre for the two crop years (1980 and 1981) immediately preceding the year for which the determination is made from (b) the average adjusted cost of production per acre for the two crop years (1979 and 1980) immediately preceding the year previous to the one for which the determination is made. The adjusted cost of production for each of such years may be determined by the Secretary on the basis of such

information as the Secretary finds necessary and appropriate for the purpose and may include variable costs, machinery ownership costs, and general farm overhead costs, allocated to the crops involved on the basis of the proportion of the value of the total production derived from each crop.

3. *Acreage Reduction Program.* Section 101(i)(5)(A) of the Act provides that the Secretary may establish a limitation on the acreage planted to rice if the Secretary determines that the total supply of rice, in the absence of such limitation, will be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency. Such limitation shall be achieved by applying a uniform percentage reduction to the acreage base for each rice-producing farm. Producers who knowingly produce rice in excess of the permitted rice acreage for the farm shall be ineligible for rice loans, purchases, and payments with respect to that farm. If an acreage limitation is in effect for any crop, the national program acreage, voluntary reduction percentage, program allocation factor, and the application of the program allocation factor to the individual farm program acreage are not applicable to such crop.

4. *Land Diversion Payment Program.* Section 101(i)(5)(B) of the Act provides that the Secretary may make land diversion payments to producers of rice, whether or not an acreage limitation for rice is in effect, if the Secretary determines that such land diversion payments are necessary to assist in adjusting the total national acreage of rice to desirable goals. Such land diversion payments shall be made to producers who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in accordance with land diversion contracts entered into by the Secretary with such producers.

With respect to the determination of the acreage reduction program, the following options were considered for the 1982-crop rice program: (1) no acreage reduction program; (2) 10 percent acreage reduction program; (3) 15 percent acreage reduction program; (4) 20 percent acreage reduction program; and (5) 10 percent acreage reduction program combined with a 5 percent land diversion payment program. All options were evaluated in the context of relatively large world rice stocks in 1982/83.

World rice production in 1982/83 is forecast at about 415 million tons (rough basis) depending on growing conditions. This represents an increase of about 1.5 percent from 1981/82 production of 409 million metric tons. World trade in 1983 is tentatively forecast at 12.2 million tons (milled basis) but with large carryover stocks in key exporting and importing countries, world trade in 1983 should again be keenly competitive.

In the absence of an acreage reduction program, 1982 planted acreage is estimated at about 3.85 million acres, resulting in production of about 171.5 million hundredweights and total supply of about 225.6 million hundredweights. Total domestic and export use under this program option is estimated at about 151.7 million hundredweights, resulting in total ending stocks of about 70.3 million hundredweights. Under this option, the season average price for rice is estimated at $9.00 per hundredweight, resulting in total deficiency payments of approximately $302.1 million and total government outlays of about $408.9 million.

Under a 10 percent acreage reduction program, 1982 planted acreage is estimated at about 3.41 million acres, resulting in production of about 155.8 million hundredweights and total supply of about 209.9 million hundredweights. Total domestic and export use under this program option is estimated at about 148.1 million hundredweights, resulting in total ending stocks of about 58.2 million hundredweights. Under this option, the season average price for rice is estimated at $10.25 per hundredweight, resulting in total deficiency payments of approximately $110.8 million and total government outlays of about $122.2 million.

Under a 15 percent acreage reduction program, 1982 planted acreage is estimated at about 3.50 million acres, resulting in production of about 159.0 million hundredweights and total supply of about 213.1 million hundredweights. Total domestic and export use under this program option is estimated at about 148.1 million hundredweights, resulting in total ending stocks of about 61.4 million hundredweights. Under this option, the season average price for rice is estimated at $10.25 per hundredweight, resulting in total deficiency payments of approximately $98.4 million and total government outlays of about $122.6 million.

Under a 5 percent land diversion payment program combined with a 10 percent acreage reduction program, 1982 planted acreage is estimated at about 3.45 million acres, resulting in production of about 157.0 million hundredweights and total supply of about 211.1 million hundredweights. Total domestic and export use under this program option is estimated at about 148.1 million hundredweights, resulting in total ending stocks of about 59.4 million hundredweights. Under this option, the season average price for rice is estimated at $10.25 per hundredweight, resulting in total deficiency payments of approximately $112.5 million and total government outlays of about $139.2 million.

Under a 20 percent acreage reduction program, planted acreage is estimated at about 3.45 million acres, resulting in production of about 157.4 million hundredweights and total supply of about 211.5 million hundredweights. Total domestic and export use under this program option is estimated at about 148.1 million hundredweights, resulting in total ending stocks of about 59.8 million hundredweights. Under this option, the season average price for rice is estimated at $10.25 per hundredweight, resulting in total deficiency payments of approximately $81.3 million and total government outlays of about $99.5 million.

The 1982 rice program determinations provide the optimal balance between the multiple objectives of providing adequate rice supplies for domestic and export utilization, maintaining adequate carryover stocks, supporting farm income, combating inflation, holding down treasury costs, and conserving natural resources.

The determinations contained herein are required under Section 101(i) of the Act which was enacted into law December 22, 1981. On January 29, 1982 the Secretary announced by press release the various program determinations for the 1982 rice program which are set forth in this notice. Accordingly, the purpose of this notice is to affirm the program determinations which have previously been announced. Thus, it has been determined that no further public rulemaking is required with respect to the following determinations:

Determinations

1. *Loan and Purchase Level.* In accordance with Section 101(i)(1) of the Act, it is hereby determined that the loan and purchase rate for 1982-crop rice is $8.14 per hundredweight. Exports of rice in 1982/83 are forecast to be at about the same level as in 1981/82. It has been determined that the loan and purchase level established herein will not substantially discourage the exportation of rice and result in excessive stocks of rice in the United States.

2. *Established (Target) Price.* In accordance with Section 101(i)(2)(C) of the Act, it is hereby determined that the established (target) price for 1982-crop

rice is $10.85 per hundredweight, the minimum required by law.

3. *Acreage Reduction Program.* In accordance with Section 101(i)(5)(A) of the Act, it is hereby determined that a 15 percent reduction shall be applicable to the acreage planted to rice in 1982. The Secretary has determined that the total supply of rice, in the absence of such limitation, will be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency.

4. *Land Diversion Payments.* In accordance with Section 101(i)(5)(B) of the Act, it is hereby determined that Land diversion payments are not necessary to assist in adjusting the total national acreage of rice to desirable goals and therefore such payments will not be made for the 1982 crop of rice.

(Sec. 101(i), 95 Stat. 1242, (7 U.S.C. 1441), Sec. 1101, 95 Stat. 1263, (7 U.S.C. 1308))

Signed in Washington, D.C. June 30, 1982.

John R. Block,

Secretary.

[FR Doc. 82-18311 Filed 7-2-82; 8:45 am]

BILLING CODE 3410-05-M

1982 Wheat Program; Determinations Regarding the Proclamation of 1982-Crop Program Provisions For Wheat

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Notice of determination of 1982-crop program provisions for wheat.

SUMMARY: The purpose of this notice is to set forth the following determinations with respect to the 1982 crop of wheat: (1) The loan and purchase rate will be $3.55 per bushel; (2) The established (target) price will be $4.05 per bushel; (3) An Acreage Reduction Program for wheat will be in effect with a uniform reduction of 15 percent; (4) No land diversion payments, set-aside or special haying and grazing program; and (5) Certain provisions with respect to a farmer-owned wheat reserve (FOWR) program. These determinations are required to be made in accordance with Sections 107B, 109, and 110 of the Agricultural Act of 1949 as amended by the Agricultural and Food Act of 1981 (hereinafter referred to as the "Act").

EFFECTIVE DATE: January 29, 1982.

ADDRESS: Dr. Howard C. Williams, Director, Analysis Division, USDA–ASCS, Room 3741, South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Bruce R. Weber, Agricultural Marketing Specialist, Analysis Division, USDA–ASCS, P.O. Box 2415, Washington, D.C. 20013 or call (202) 447–4146. The Final Regulatory Impact Analysis describing the obtions considered in developing this Notice of Determination is available on request from the above-named individual.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been designated as "major". It has been determined that these program provisions will result in an annual effect on the economy of $100 million or more.

The title and number of the federal assistance program that this notice applied to are: TITLE—Wheat Production Stabilization: Number 10.058 and TITLE-Commodity Loans and Purchases: Number 10.051, as found in the catalog of Federal Domestic Assistance.

These actions will not have a significant impact specifically on area and community development. Therefore, a review as established by OMB Circular A95 was not used to assure that units of local Government are informed of this action.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since there is no requirement that a notice of proposed rulemaking be published with respect to the subject matter of these determinations in accordance with 5 U.S.C. 553 or any other provision of law.

This notice sets forth determinations with respect to the following issues:

1. *Loan and Purchase Level.* Section 107B(a) of the Act provides that the Secretary shall make available to producers loans and purchases for the 1982 crop of wheat at such level, not less than $3.55 per bushel, as the Secretary determines will maintain the competitive relationship of wheat to other grains in domestic and export markets after taking into consideration the cost of producing wheat, supply and demand conditions, and world prices for wheat.

2. *Established (Target) Price.* Section 107B(b)(1)(C) of the Act, as amended, provides that the 1982–crop established (target) price shall not be less than $4.05 per bushel. The Secretary may adjust this established price to reflect any change in (i) the average adjusted cost of production per acre for the 2 crop years immediately preceding the year for which the determination is made from (ii) the average adjusted cost of production per acre for the 2 crop years immediately preceding the year previous to the one for which the determination is made.

3. *Acreage Reduction Program (ARP).* Sections 107B(e)(1) and (2) of the Act provide that the Secretary may provide for an acreage reduction program if he determines that the total supply of wheat, in the absence of such program, will be excessive, taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices to meet a national emergency. The Secretary shall announce any such acreage reduction program for the 1982 crop of wheat as soon as possible after the enactment of the Argiculture and Food Act of 1981. Such limitation shall be achieved by applying a uniform percentage reduction to the acreage base established for each wheat-producing farm. Producers who knowingly produce wheat in excess of the permitted wheat acreage for the farm shall be ineligible for wheat loans, purchases and payments with respect to that farm. If an acreage reduction program is in effect for any crop, the national program acreage, program allocation factor and the voluntary acreage reduction provisions are not applicable to such crop. The individual farm program acreage shall be the acreage planted on the farm to wheat for harvest within the permitted wheat acreage for the farm.

4. *Land Diverison Program.* Section 107B(e)(5) of the Act provides that the Secretary may make land diversion payments to producers of wheat, whether or not an acreage reduction or set-aside program for wheat is in effect, if the Secretary determines that such land diversion payments are necessary to assist in adjusting the total national acreage of wheat to desirable goals.

5. *Producer Reserve Program.* Section 110 of the Act provides that the Secretary shall formulate and administer a program under which producers of wheat will be able to store wheat when in abundant supply and extend the time for its orderly marketing. Reserve loans shall be made at such level of support as the Secretary determines appropriate, except that the loan rate shall not be less than the current level of support provided for under the wheat program established in accordance with Section 107B of the Act. The program may provide for (1) repayment of such loans in not less than three years nor more than five years: (2) payments to producers for storage in such amounts and under such conditions as are determined to be appropriate to encourage producers to participate in the program; (3) a rate of interest not less than the rate of interest charged the Commodity Credit Corporation by the United States Treasury, except that the

Secretary may waive or adjust such interest as the Secretary deems appropriate; (4) recovery of amounts paid for storage, and for the payment of additional interest or other charges if such loans are repaid by producers before the market price for wheat has reached the trigger release level; and (5) conditions designed to induce producers to redeem and market the wheat securing such loans without regard to the maturity dates thereof whenever the Secretary determines that the market price for the commodity has attained a specified level (trigger release level), as determined by the Secretary. The Secretary shall announce the terms and conditions of the producer storage program as far in advance of making loans as practicable. In such announcement, the Secretary shall specify the quantity of wheat to be stored under the program which the Secretary determines appropriate to promote the orderly marketing of wheat. The Secretary may place an upper limit on the amount of wheat placed in the reserve but such upper limit may not be less than seven hundred million bushels of wheat.

6. *Special Grazing and Haying Program.* Section 109 of the Act provides that the Secretary is authorized to administer a special wheat acreage grazing and haying program. If a special grazing and haying program is implemented, a producer shall be permitted to designate a portion of the acreage on the farm intended to be planted to wheat, feed grains, or upland cotton for harvest, not in excess of 40 per centum thereof, or 50 acres, whichever greater, which shall be planted to wheat (or some other commodity other than corn or grain sorghum) and used by the producer for grazing purposes or hay rather than for commercial grain production. The Secretary shall pay the producer participating in this special program an amount determined by multiplying the farm program payment yield for wheat established for the farm, by the number of acres included in the special program, by a rate of payment determined by the Secretary to be fair and reasonable. Acreage included in the special program shall be in addition to any acreage included in any set-aside, reduced acreage or land diversion program.

7. *Set-Aside Program.* Sections 107B (e) (1) and (3) of the Act provide that the Secretary may provide for a set-aside program if he determines that the total supply of wheat, in the absence of such a program, will be excessive, taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices to meet a national emergency.

8. *Grazing and Haying of Designated ARP Acreage.* Section 107B(e)(4) of the Act provides the Secretary may permit all or any part of the conservation use acreage to be devoted to sweet sorghum, hay and grazing or the production of quar, sesame, safflower, sunflower, castor beans, mustard seed, crambe, plantago ovato, flaxseed, triticale, rye, or any other commodity, if he determines such crop production is needed to provide an adequate supply of such commodities, is not likely to increase the cost of price support program, and will not affect farm income adversely.

The following program options were considered for the 1982 crop of wheat: (1) no acreage reduction program; (2) a 15 percent acreage reduction program with a $3.85 extended loan rate for reserve entry; (3) a 15 percent acreage reduction program with a $4.00 extended loan rate for reserve entry (the selected option); (4) a 5 percent acreage reduction program with a 10 percent land diversion program and a $3.85 extended loan rate for reserve entry; (5) a 5 percent acreage reduction program with a 10 percent land diversion program and a $4.00 extended loan rate for reserve entry; (6) a 10 percent acreage reduction program with a 5 percent land diversion program and a $3.85 extended loan rate for reserve entry; (7) a 10 percent acreage reduction program with a 5 percent land diversion program and a $4.00 extended loan rate for reserve entry; and (8) a 10 percent acreage reduction program with a $3.85 extended loan rate for reserve entry. These options were considered with data that were current on January 29, 1982.

Selected Option: Under a 15 percent acreage reduction program with a $4.00 extended loan rate for reserve entry, the 1982 wheat crop harvested acreage is estimated to be 76.6 million acres with production forecast at 2,675 million bushels. Total domestic and export utilization is expected to be 2,675 million bushels with ending stocks estimates to be 1,064 million bushels. The season average price is estimated to be $3.90 per bushel, resulting in deficiency payments of $325 million and net government outlays for fiscal year (FY) 1983 of $853 million.

Other Options Considered: Without an acreage reduction program for the 1982 wheat crop, U.S. harvested wheat acreage was estimated to be 79.7 million acres, resulting in production of 2,745 million bushels. Combined domestic and export utilization is estimated to be 2,680 million bushels with ending stocks rising to 1,129 million bushels. The season average wheat farm price for this option was forecast to be $3.80 per bushel, resulting in deficiency payments of $1,020 million and total government outlays for FY 1983 of $1,827 million.

Under a 15 percent acreage reduction program with a $3.85 extended loan rate for reserve entry, the 1982 crop harvested acreage was estimated at 77.9 million acres with production estimated to be 2,700 million bushels. Total domestic and export utilization was expected to be 2,680 million bushels for this option with ending stocks at 1,084 million bushels. The season average price was forecast to be $3.80 per bushel, resulting in deficiency payments of $375 million and net government outlays for FY 1983 of $853 million.

Under a 5 percent acreage reduction program with a 10 percent land diversion payment program and a $3.85 extended loan rate for reserve entry, the 1982 harvested acreage was estimated to be 76.2 million acres with production estimated to be 2,660 million bushels. Total domestic and export utilization was expected to be 2,675 million bushels with ending stocks estimated at 1,049 million bushels. The season average price was forecast at be $3.90 per bushel resulting in deficiency payments of $465 million. A diversion payment at $2.00 per bushel ($66.00/acre) resulted in payments of $101 million. The estimated net government outlays for FY 1983 for this option were $1,019 million.

Under a 5 percent acreage reduction program with a 10 percent land diversion payment program and a $4.00 extended loan rate for reserve entry, the 1982 harvested acreage was estimated to be 75.1 million acres with production estimated to be 2,630 million bushels. Total domestic and export utilization was exptected to be 2,665 million bushels and ending stocks were estimated at 1,029 million bushels. The season average price was forecast at $4.05 per bushel resulting in deficiency payments of $280 million. A diversion payment at $2.00 per bushel ($66.00/acre) resulted in payments of $119 million. The estimated net government outlays for FY 1983 were $843 million.

Under a 10 percent acreage reduction program with a 5 percent land diversion payment program and a $3.85 extended loan rate for reserve entry, the 1982 harvested acreage was estimated to be 76.4 million acres with production estimated at 2,667 million bushels. Total domestic and export utilization was expected to be 2,675 million bushels with ending stocks at 1,054 million bushels. The season average price was

estimated to be $3.88 per bushel resulting in deficiency payments of $400 million. Diversion payment amounted to $101 million with net government outlays for FY 1983 for this option at $941 million.

Under a 10 percent acreage reduction program with a 5 percent land diversion payment program and a $4.00 extended loan rate for reserve entry, the 1982 harvested acreage was estimated to be 75.6 million acres with production at 2,640 million bushels. Total domestic and export utilization was exptected to be 2,665 million bushels and ending stocks at 1,039 million bushels. The season average price was estimated at $4.00 per bushel resulting in deficiency payments of $285 million. Diversion payments amounted to $111 million with estimated net government outlays for FY 1983 of $842 million.

Under a 10 percent acreage reduction program, the 1982 harvested acreage was estimated to be 78.5 million acres with production at 2,715 million bushels. Total domestic and export utilization was exptected to be 2,680 million bushels and ending stocks at 1,099 million bushels. The season average price was estimated to be $3.83 per bushel, resulting in deficiency payments of $400 million and estimated net government outlays for FY 1983 of $865 million.

A number of the determinations with respect to the wheat program are generally required to be made by Section 107B(e)(1) of the Act not later than August 15 prior to the calendar year in which the crop is harvested. However, in the case of the 1982 crop, the Secretary is required to announce such programs provisions as soon as practicable after enactment of the Agriculture and Food Act of 1981, which was December 22, 1981. On January 29, 1982, the Secretary announced by press release the various program determinations for the 1982 crop of wheat which are set forth in this notice. Accordingly, the purpose of the notice is to affirm the program determinations which have previously been announced. Thus, it has been determined that no further public rulemaking is required with respect to the following determinations:

Determinations

1. *Loan and Purchase Level.* In accordance with Section 107B(a) of the Act, it is hereby determined that the loan and purchase rate for 1982-crop wheat is $3.55 per bushel.

2. *Established (Target) Price.* In accordance with Section 107B(b)(1)(C) of the Act, it is hereby determined that the established (target) price for wheat is $4.05 per bushel.

3. *Acreage Reduction Program (ARP).* In accordance with Section 107B(e)(2) of the Act, it is hereby determined that a 15 percent reduction shall be applicable to the acreage planted to wheat in 1982. The Secretary has determined that the total supply of wheat, in the absence of such a limitation, will be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency. This option was selected because it provides the best balance between the multiple objectives of providing adequate wheat supplies for domestic and foreign utilization, while maintaining adequate carryover stocks, supporting farm income, combating inflation, holding down Treasury costs and conserving natural resources.

4. *Land Diversion Payments.* In accordance with Section 107B(e)(5) of the Act, it is hereby determined that land diversion payments are not necessary to assist in adjusting the total national acreage of wheat to desirable goals and, therefore, such payments will not be made for the 1982 crop of wheat.

5. *Producer Reserve Program.* In accordance with Section 110 of the Act, it is hereby determined that the provisions of the 1982 producer reserve program will include the following: (a) producers will be permitted immediate entry into the reserve by obtaining an extended price support loan at the rate of $4.00 per bushel; (b) the trigger release level will be $4.65 per bushel; (c) producers will be charged interest at the rate charged the Commodity Credit Corporation for its borrowing from the United States Treasury, but such interest will be waived after the first year; and (d) a storage payment of $.265 per bushel. It has been determined that there will be no upper limit on the quantity of 1982 crop of wheat placed in the producer reserve program.

6. *Special Haying and Grazing Program.* In accordance with Section 109 of the Act, it is hereby determined that there will be no special haying and grazing program for the 1982 crop of wheat.

7. *Set-Aside Program.* In accordance with Sections 107B (e) (1) and (3) of the Act, it is hereby determined that there will be no set-aside program for the 1982 crop of wheat.

8. *Grazing and Haying of designated ARP Acreage.* In accordance with Section 107B(e)(4) of the Act, it is hereby determined that winter wheat producers who have planted wheat before January 29, 1982, and who designate such as ARP acreage, shall be permitted to graze and hay such acreage. This is being permitted to allow winter wheat producers the opportunity to offset additional costs incurred in planting excess wheat as a result of the late ARP announcement.

(Secs. 107B, 109, 110, 1001; 95 Stat. 1221, 1257, 91 st. 950, as amended, (7 U.S.C. 1445b–1, 1445d, 1445e, and 1309)

Signed in Washington, D.C. June 30, 1982.

John R. Block,

Secretary.

[FR Doc. 82–18313 Filed 7–2–82; 8:45 am]

BILLING CODE 3410–05–M

Food and Nutrition Service

National School Lunch, School Breakfast, and Special Milk Programs; National Average Payments/Maximum Reimbursement Rates

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces adjustments to the "national average payments", the amount of money the Federal Government gives States for lunches and breakfasts served to children participating in the National School Lunch and School Breakfast Programs. The Department also announces adjustments in the "maximum reimbursement rates", the maximum per lunch rate a State can provide its School Food Authorities for lunches served to children participating in the lunch programs. Further, this notice announces the rate of reimbursement for a half-pint of milk served to nonneedy children in a school or institution which participates in *only* the Special Milk Program for Children. These adjusted payments and rates are in effect from July 1, 1982–June 30, 1983, and will be adjusted on an annual basis each July. The annual payments and rates adjustments for the school lunch and school breakfast programs reflect changes in the food away from home series of the Consumer Price Index for all Urban Consumers. The annual rate adjustment for milk reflects changes in the Producer Price Index for Fresh Processed Milk

EFFECTIVE DATE: July 1, 1982.

FOR FURTHER INFORMATION:

Stanley C. Garnett, Branch Chief, Policy and Program Development Branch, School Programs Division, FNS, USDA, Alexandria, Virginia 22302 (703) 756–3620.

SUPPLEMENTAL INFORMATION:

Classification

This notice has been reviewed under Executive Order 12291 and has been classified not major because it does not meet any of the three criteria identified under the Executive Order. The action announced in the notice will not have an annual effect on the economy of $100 million, will not cause a major increase in costs or prices and will not have a significant impact on competition, employment, investment, productivity, innovation or on the ability of U.S. enterprises to compete with foreign based enterprises in domestic or foreign markets.

This notice has also been reviewed with regard to the requirements of Public Law 96–354, the Regulatory Flexibility Act. The Administrator of the Food and Nutrition Service, has certified that this action will not have a significant adverse economic impact on a substantial number of small entities.

This notice imposes no new reporting or recordkeeping provisions that are subject to OMB review in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3587).

Definitions

The terms used in this notice shall have the meanings ascribed to them in the regulations governing the National School Lunch Program (7 CFR Part 210), the regulations for School Breakfast Program (7 CFR Part 220) and the regulations for Determining Eligibility for Free and Reduced Price Meals for Free Milk in Schools (7 CFR Part 245).

Background

Special Milk Program for Children—Pursuant to Section 3 of the Child Nutrition Act, as amended (42 U.S.C. 1772), the Department announces the rate of reimbursement for a half-pint of milk served to nonneedy children in a school or institution which participates in *only* the Special Milk Program for Children. This rate is adjusted annually to reflect changes in the Producer Price Index for Fresh Processed Milk.

For the period July 1, 1982 to June 30, 1983, the rate of reimbursement for a half-pint of milk served to a nonneedy child in a school or institution which participates in *only* the Special Milk Program is *9.25* cents. This reflects an increase of *2.77* percent over the old rate based on a change in the Producer Price Index for Fresh Processed Milk during the period May 1981 to May 1982.

As a reminder, schools or institutions with pricing programs, which elect to serve milk free to eligible children, continue to receive the average cost of a half-pint of milk (the total cost of all milk purchased during the claim period divided by the total number of purchased half-pints) for each half-pint served to an eligible child.

National School Lunch and School Breakfast Programs—Pursuant to Section 11 of the National School Lunch Act, as amended (42 U.S.C. 1759a) and Section 4 of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1773), the Department annually announces the adjustments to the national average payment factors, and to the maximum reimbursement rates for lunches served to children participating in the National School Lunch Program. Adjustments are made each July 1, based on changes in the food away from home series of the Consumer Price Index for all Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.

Lunch Payment Factors—Section 4 of the National School Lunch Act provides general cash for food assistance payments to States to assist schools in purchasing food. There are two Section 4 Nationial Average Payment Factors (NAPFs) for lunches served under the National School Lunch Program. The lower payment factor applies to lunches served in School Food Authorities in which *less than 60 percent* of the lunches served in the school lunch program during the second preceding school year were served free or at a reduced price. The higher payment factor applies to lunches served in School Food Authorities in which *60 percent or more* of the lunches served during the second preceding school year were served free or at a reduced price.

To supplement these Section 4 payments, Section 11 of the National School Lunch Act provides special cash assistance payments to aid schools in providing free and reduced price lunches. The Section 11 NAPF for each reduced price lunch served is set at *40 cents* less than the factor for each free lunch.

As authorized under section 8 and 11 of the National School Lunch Act, maximum reimbursement rates for each type of lunch are prescribed by the Department in this notice. These maximum rates ensure equitable disbursement of Federal funds to School Food Authorities.

Breakfast Payment Factors—Section 4 of the Child Nutrition Act of 1966, as amended, establishes national average payment factors for free, reduced price and paid breakfasts served under the School Breakfast Program and additional payments for schools determined to be "severe need because they serve a high percentage of needy children." The NAPF for reduced price breakfasts in *one-half* the NAPF for free breakfasts or *30 cents* less than the NAPF for free breakfasts, whichever is greater.

Revised Payments

The following specific Section 4 and Section 11 National Average Payment Factors and maximum payments are in effect through June 30, 1983. Due to a higher cost of living, the average payments and maximum reimbursements for Alaska and Hawaii are higher than those for all other States. The Virgin Islands, Puerto Rico and the Pacific Territories use the figures specified for the contiguous States.

National School Lunch Program Payments

Section 4 National Average Payment Factors—In School Food Authorities which served *less than 60 percent* free and reduced price lunches in School Year 1980–81 the payments:

Contiguous States—11.00 cents, maximum rate *19.00* cents; Alaska—*18.00* cents, maximum rate *29.50* cents; *Hawaii—13.00* cents, maximum rate *22.00* cents.

In School Food Authorities which served *60 percent or more* free and reduced price lunches in School Year 1980–81 the Section 4 payments are: *Contiguous States—13.00* cents, maximum rate *19.00* cents; *Alaska—20.00* cents, maximum rate *29.50* cents, *Hawaii—15.00* cents, maximum rate *22.00* cents.

Section 11 National Average Payment Factors—Contiguous States— free lunches *104.00* cents, reduced price lunches *64.00* cents; *Alaska*—free lunches *168.50* cents, reduced price lunches *128.50* cents, *Hawaii*—free lunches *121.75* cents, reduced price *81.75* cents.

School Breakfast Program Payments

For schools *"not in severe need"* the payments are: *Contiguous States*—free breakfast *60.00* cents, reduced price breakfast *30.00* cents, paid breakfast *8.75* cents; *Alaska*—free breakfast *97.25* cents, reduced price breakfast *48.75* cents, paid breakfast *14.00* cents; *Hawaii*— free breakfast *70.25*, reduced price *35.25* cents, paid breakfast *10.25* cents.

For Schools in *"severe need"* the payments are: *Contiguous States*— free breakfast *72.25* cents, reduced price breakfast *42.25* cents, paid breakfast *8.75* cents; *Alaska*—free breakfast *117.00*

cents, reduced price breakfast *87.00* cents, paid breakfast *14.00* cents; *Hawaii*—free breakfast *84.50* cents, reduced price breakfast *54.50* cents, paid breakfast *10.25* cents.

Payment Chart

The following chart illustrates: the lunch national average payment factors with the sections 4 and 11 already combined to indicate the per meal amount; the maximum lunch reimbursement rates; the breakfast national average payment factors incuding severe need schools; and the milk reimbursement rates. All amounts are expressed in dollars or fractions thereof. The payment factors and reimbursements used for the Virgin Islands, Puerto Rico and the Pacific Territories and those specified for the contiguous States.

(Catalog of Federl Domestic Assistance Nos. 10.553, 10.555 and 10.556)

(Secs. 4, 8, and 11 of the National School Lunch Act, as amended, (42 U.S.C. 1753, 1757, 1759(a) and Sections 3 and 4(b) of the Child Nutrition Act, as amended, (42 U.S.C. 1772 and 42 U.S.C. 1773))

Dated: June 30, 1982.

Robert E. Leard.

Acting Administrator, Food and Nutrition Service.

SCHOOL PROGRAMS—MEAL AND MILK PAYMENTS TO STATES AND SCHOOL FOOD AUTHORITIES

[Expressed in dollars or fractions thereof, effective from July 1, 1982 to June 30, 1983]

National school lunch program [1]	Less than 60%	60% or more	Maximum rate
Contiguous States:			
Paid	.1100	.1300	.1900
Reduced price	.7500	.7700	.9200
Free	1.1500	1.1700	1.3200
Alaska:			
Paid	.1800	.2000	.2950
Reduced price	1.4650	1.4850	1.7250
Free	1.8650	1.8850	2.1250
Hawaii:			
Paid	.1300	.1500	.2200
Reduced price	.9475	.9675	1.1400
Free	1.3475	1.3675	1.5400

School breakfast program	Non-severe need	Severe need	
Contiguous States:			
Paid	.0875	.0875	
Reduced price	.3000	.4225	N/A.
Free	.6000	.7225	
Alaska:			
Paid	.1400	.1400	
Reduced price	.4875	.8700	N/A.
Free	.9725	1.1700	
Hawaii:			
Paid	.1025	.1025	
Reduced price	.3525	.5450	N/A.
Free	.7025	.8450	

Special milk program	All milk	Paid milk	Free milk
Pricing programs without free option.	0.925	N/A	N/A.
Pricing programs with free option.	N/A	.0925	([2])
Nonpricing programs	.0925	N/A	N/A.

[1] Payments listed for Free and Reduced Price Lunches include both Section 4 and 11 funds.
[2] Average cost ½ pint milk.

[FR Doc. 82-18171 Filed 7-2-82; 8:45 am]

BILLING CODE 3410-30-M

Soil Conservation Service

Black River Watershed, Vermont; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Finding of No Significant Impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Black River Watershed, Orleans and Lamoille Counties, Vermont.

FOR FURTHER INFORMATION CONTACT: John C. Titchner, State Conservationist, Soil Conservation Service, Room 205, One Burlington Square, Burlington, Vermont, 05401, telephone (802) 951-6795.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, John C. Titchner, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for watershed protection and water quality improvement. The planned works of improvement include conservation land treatment measures and agricultural waste management practices.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting John C. Titchner.

No administrative action on implementation of the proposal will be taken until August 5, 1982.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Protection Program. Office of Management and Budget Circular A95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: June 24, 1982.

John C. Titchner,

State Conservationist.

[FR Doc. 82-18343 Filed 7-2-82; 8:45 am]

BILLING CODE 3410-16-M

Kokomo Road Agricultural Land Drainage RC&D Measure, New York; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Kokomo Road Agricultural Land Drainage RC&D Measure Plan, Franklin County, New York.

FOR FURTHER INFORMATION CONTACT: Paul A. Dodd, State Conservationist, Soil Conservation Service, James M. Hanley Federal Building, 100 S. Clinton Street, Room 771, Syracuse, New York 13260, telephone (315) 423-5521.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Paul A. Dodd, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns agricultural land drainage to relieve wetness problems that are extensive enough to adversely effect the communities efficiency of land use, level of income, and quality of the environment. The planned works of improvement include modification of 2,480 feet of existing channel by clearing and deepening to a depth of approximately 4–6 feet, revegetation of disturbed areas, and installation of 2,370 ft. of waterway, 40

ft. wide with a closed drain outlet along the side of the waterway.

The Notice of Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Paul A. Dodd.

No administrative action on implementation of the proposal will be taken until August 5, 1982.

Dated: June 29, 1982.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding state and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Ron E. Hendricks,

Acting State Conservationist.

[FR Doc. 82-18338 Filed 7-2-82; 8:45 am]

BILLING CODE 3410-16-M

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Meeting

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice of ATBCB Meeting.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (ATBCB) has scheduled a meeting to be held from 10:00 AM to 5:00 PM, Tuesday, July 13, 1982. The ATBCB will meet from 10:00 AM to 12:00 noon in a Closed Session with Board members and ATBCB staff only. The Open Session of the ATBCB will be held from 1:30 PM to 5:00 PM in the Main Hall of the Disabled American Veterans National Service Headquarters, 807 Maine Avenue, S.W., Washington, D.C. 20024. Items to be considered are as follows: election of an ATBCB Vice Chairperson; approval of FY 1984 Budget Initiatives; approval of FY 1981 Annual Report. Also to be discusssed: A proposal that the next ATBCB meeting be held in a setting conducive to working on improved communications, planning, and Board member teamwork; and a report by ATBCB staff to Board members on the status of ATBCB related litigation and investigations, anticipated or currently in progress.

DATE: July 13, 1982, Open Session—1:30 PM–5:00 PM.

ADDRESS: Main Hall, Disabled American Veterans National Service and Legislative Headquarters, 807 Maine Avenue, S.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Larry Allison, Director of Public Information (202) 245–1591 (voice or TDD).

Committee meetings of the ATBCB will be held on Monday, July 12, 1982, in the Hubert Humphrey Building. Contact Larry Allison, Director of Public Information (202) 245–1591 (voice or TDD), for further information.

Wm. Bradford Reynolds,

Chairperson.

[FR Doc. 82-18246 Filed 7-2-82; 8:45 am]

BILLING CODE 4000-07-M

DEPARTMENT OF COMMERCE

International Trade Administration

Final Affirmative Countervailing Duty Determination; Potassium Permanganate From Spain

AGENCY: International Trade Administration, Commerce.

ACTION: Final Affirmative Countervailing Duty Determination.

SUMMARY: We have determined that the government of Spain is providing its producer and exporter of potassium permanganate with certain benefits which constitute subsidies within the meaning of the countervailing duty law. The net amount of the subsidy is 0.74 percent of the f.o.b. value of the imported merchandise. Therefore, we are directing the U.S. Customs Service to suspend liquidation of all entries of the product subject to the determination which are entered, or withdrawn from warehouse, for consumption, and to require a cash deposit or bond in the amount equal to the net subsidy. The U.S. International Trade Commission ("ITC") will determine within 75 days of the publication of this notice whether these imports are materially injuring, or threatening to materially injure, a U.S. industry.

EFFECTIVE DATE: July 6, 1982.

FOR FURTHER INFORMATION CONTACT: G. Leon McNeill, Supervisory Import Administration Specialist, Office of Investigations, International Trade Administration, Department of Commerce, Washington, D.C. 20230, (202) 377–1273.

SUPPLEMENTARY INFORMATION:

Final Determination

Based upon our investigation, we determine 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 the producer and exporter in Spain of potassium permanganate as described in the "Scope of Investigation" section of this notice. For the purpose of this investigation, the program found to be a subsidy is the Privileged Circuit Exporter Credits Program: Working Capital Loans. We determine the net subsidy to be 0.74 percent of the f.o.b. value of the imported merchandise.

Case History

On November 10, 1981, we received a petition in proper form from counsel representing the Carus Chemical Company of La Salle, Illinois. The petition alleged that the government of Spain subsidizes its producers and exporters of potassium permanganate through a tax rebate which exceeds the amount of indirect taxes actually borne by items physically incorporated into the final product. This rebate is provided through a program called the "Desgravacion Fiscal a la Exportacion." The petitioner estimated the amount of the subsidy under this program to range from 10 to 12 percent of the value of the product.

We reviewed the petition and determined that it contained sufficient grounds upon which to initiate an investigation. Therefore, on November 25, 1981, we initiated our investigation (46 FR 59282).

Section 303 of the Act applied to this investigation when it was initiated because at that time, Spain was not a "country under the Agreement" within the meaning of section 701(b) of the Act, and the product at issue was dutiable. Therefore, the domestic industry was not required to allege, and the ITC was not required to determine whether, imports of this product caused or threatened material injury to the U.S. industry in question.

A questionnaire was presented to the government of Spain on December 11, 1981. The government of Spain completed its response to our questionnaire on January 20, 1982.

On February 3, 1982, we issued a Preliminary Negative Countervailing Duty Determination which was published in the Federal Register of February 9, 1982 (47 FR 5924). It stated that we had preliminarily determined that the government of Spain was not providing its producer and exporter of

potassium permanganate with benefits that are bounties or grants within the meaning of the countervailing duty law.

On April 14, 1982, the Office of the U.S. Trade Representative announced that Spain had become a "country under the Agreement." Section 102(a)(2) of the Act governs the treatment of cases in which a country, currently the subject of an investigation, becomes a "country under the Agreement" before a final determination. It states that where a preliminary but not the final determination has been made under section 303 of the Act, the case is to be treated as if the preliminary determination were made under section 703 as of the date Title VII first applied to the case. Therefore, the date Spain became a "country under the Agreement," April 14, 1982, is the date of the preliminary determination. Notice to this effect was published in the Federal Register of April 26, 1982 (47 FR 17844).

Scope of Investigation

The merchandise covered by this investigation, potassium permanganate, is a purple salt used primarily as an oxidant in organic chemicals, as a disinfectant, as a deodorizer, and as a bleach. This merchandise is used in potable and water waste treatment and ferrous metal descaling. Potassium permanganate is currently classifiable under item 420.28 of the *Tariff Schedules of the United States.*

Analysis of Programs

In its response, the government of Spain provided data for the applicable periods. The government identified two programs, the "Desgravacion Fiscal a la Exportacion" ("DFE") and the Privileged Circuit Exporter Credits, as having been utilized by the Spanish potassium permanganate producer and exporter. Asturquimic, S.A. is the only known producer and exporter of potassium permanganate to the United States during this time period.

We verified data pertaining to Asturquimica, but it refused to allow the Department access to all of its records pertaining to working capital loans under the privileged circuit exporter credits program. Therefore, the Department has used the best information otherwise available which in this case is the verified information with the exception of the data pertaining to the working capital loans. With respect to the working capital loan program, the Department used the maximum loan eligibility under Spanish law as the amount of loans received by Asturquimica.

The following is based upon our analysis of the petition, the response, our verification and information from interested parties:

Programs Determined To Be Subsidies

We determine that subsidies are being provided to the producer and exporter in Spain of potassium permanganate under the following program:

Privileged Circuit Exporter Credits Program: Working Capital Loans

We determine that the government of Spain is providing subsidies to its producer and exporter of potassium permanganate through working capital loans under the Privileged Circuit Exporter Credits Program.

The government of Spain requires all Spanish commercial banks to maintain a specific percentage of their lendable funds in privileged circuit accounts. These funds are made available to exporters at preferential interest rates. While there is no direct outlay of government funds, the benefits conferred on the companies are the result of a government mandated program to promote exports. We determined that the potassium permanganate producer and exporter benefited from the privileged circuit working capital loans program.

Under the privileged circuit program, firms may obtain working capital loans for one year or less in amounts based on a percentage of the value of their exports in the previous year. In November 1981, this percentage was decreased from 20 to 16 percent for firms without exporter's cards and from 30 to 24 percent for firms with government issued exporter's cards. Asturquimica does not have an exporter's card. In 1981, the working capital loan interest rate ceiling mandated by the government was 10 percent, including fees and commissions.

In the preliminary determination we calculated the amount of the bounty or grant to the potassium permanganate producer and exporter, by computing the interest on the working capital loans using the 10 percent rate under the privileged circuit program, including commissions and fees, and comparing it with the commercial interest rate of 11.5 percent (which was the ceiling on interest rates for short-term commercial loans prior to March 1, 1981). To determine the benefit, the interest rate differential of 1.5 percent was applied to the total loans received under this program. The result was then divided by Asturquimica's total exports of potassium permanganate in 1981.

Upon verification, we discovered that the ceiling on interest rates on the short-term commercial loans was eliminated effective March 1, 1981. Therefore, in this final determination we calculated the subsidy by comparing the difference between the preferential interest rate and the national average commercial interest rate on comparable commercial loans.

We determined that for the period, March through December 31, 1981, the average prime interest rate was 16.95 percent for short-term loans and that the average borrower paid 2 percentage points over the prime rate for loans of this type. As the 10 percent working capital loan rate includes fees and commissions, we made an additional adjustment of 0.5 percent to the commercial rate, which by Spanish law is the maximum allowable charge for fees and commissions.

Based on this data we determined the national average commercial interest rate to average borrowers to be 19.45 percent for short-term loans, including fees and commissions. To determine the benefit, the interest differential of 9.45 percent was applied to the maximum amount of loans that Asturquimica was eligible to receive under the working capital loans program in 1981. The amount was divided by Asturquimica's total exports of potassium permanganate in 1981 to arrive at the countervailing duty rate of 0.74 percent.

Programs Determined Not To Be Subsidies

We determine that subsidies are not being provided to the producer and exporter of potassium permanganate under the following program.

Desgravacion Fiscal a la Exportacion ("DFE")

Spain employs a cascading tax system. A turnover tax ("IGTE") is levied on each sale of a product through its various stages of production, up to (but not including) the ultimate sale at the retail level. The DFE is the mechanism used in Spain for the rebate of these accumulated taxes (hereafter referred to as "indirect taxes") upon exportation of that product. In this case we have determined that the DFE is a non-excessive rebate of indirect taxes paid on items physically incorporated into potassium permanganate. These rebate payments meet the requirements of our three-prong test recently upheld by the Court of International Trade in *Industrial Fasteners Group, American Importers Association* v. *United States,* 2 CIT ——, Slip Op. 81–99, October 29, 1981. That test, consisting of three lines of inquiry, all of which must be answered affirmatively to determine that an export payment such as the DFE is not a subsidy, asks the following:

(1) Whether the (export payment) operates for the purpose of rebating indirect taxes, (2) whether there is a clear link between eligibility for (export payments) and payment of indirect taxes, and (3) whether the government has reasonably calculated and documented the actual indirect tax incidence borne by (exported products) and has demonstrated a clear link between such tax incidence and the amount of the (export payment).

The laws and regulations which establish and control the Spanish tax system, and subsequent submissions by the Spanish regarding the indirect tax incidences on potassium permanganate, satisfy the requirements of this three-prong test. In calculating the DFE payments to be rebated to the exporter of potassium permanganate, the Spanish used an input-output table of the economy to define indirect tax incidences on a sectoral basis. This is the basis for a schedule of border taxes ("ICGI") designed to subject imported goods to a tax burden equivalent to that borne by an identical or similar item produced in Spain. The DFE is tied by law to the level of the ICGI.

To demonstrate the indirect tax incidence on potassium permanganate, the government of Spain provided a "structure of cost" analysis of the product. This identified inputs incorporated into the product and the indirect tax incidence borne by each input. Upon examination of company production records, we verified this "structure of cost" analysis, to determine which inputs were physically incorporated into the product and to establish the proper level of indirect taxes. Our verification showed the "structure of cost" inputs and percentages to be correct.

We have determined the following items are physically incorporated into the final product: pyrolusite, caustic potash, and secondary/free flowing materials. We have also determined that packing and final stage taxes are included in the total cost of the product.

We have determined that the following items are not physically incorporated into the final product: fuel oil, electricity (used as a fuel source for utilities), electricity (used in the electrolysis process), depreciation, and other manufacturing expenses.

Based on the 1980 IGTE tax rate of 2.4 percent, the total indirect tax burden (including packing and final stage taxes) on potassium permanganate in 1980 was 5.32 percent. The DFE rate in 1980 did constitute an over-rebate of indirect taxes because the DFE rebate for potassium permanganate was 8.5 percent. However, in January, 1981, the government of Spain increased the IGTE tax rate by 58 percent to 3.8 percent, making the 1981 indirect tax burden on potassium permanganate 8.42 percent. A further increase in the IGTE tax rate in January, 1982, to 4.6 percent increased the indirect tax burden to 10.20 percent. As a result of these increases in the tax rate, the over-rebate was eliminated. Therefore we determine that the current DFE rebate of 8.5 percent is less than the indirect tax burden currently borne by this product in 1982; and thus, in this case, the DFE is not a benefit which constitutes a subsidy.

Petitioner's Issues

Issue

Petitioner claims that the government of Spain has failed to meet the third requirement of ITA's three-prong test to determine if an export payment constitutes an excessive rebate of indirect taxes and, therefore, is a subsidy. This third prong is "whether the government has reasonably calculated and documented the actual indirect tax incidence borne by (exported products) and has demonstrated a clear link between such tax incidence and the amount of the (export payment)."

DOC Position

The methodology used by the Spanish government has been evaluated by the Treasury and Commerce Departments. It is clear from records on previous Spanish countervailing duty cases that Treasury was satisfied that the methodology was based on sound economic principles and reasonably established the total turnover tax attributed to various elements in the manufacture of a product. In addition, we have analyzed the Spanish government's methodology with respect to one product and determined that it results in a reasonable calculation of indirect tax incidence. The Spanish government has informed us that the same methodology was applied in calculating indirect tax incidence on all other Spanish products currently subject to U.S. countervailing duty orders or investigations. Since these studies are used by the Spanish government to establish import tax levels as well as export rebates, there is no reason to believe that they are manipulated in order to minimize U.S. countervailing duties. Therefore we have determined that the Spanish government's input-output system may appropriately be used in our countervailing duty cases.

Issue

Petitioner claims that ITA's verification report is defective because the verification was not "successfully completed" and, since an incomplete verification does not satisfy the requirements of 19 U.S.C. 1677(e)(a), none of the conclusions in the report are legally supported.

DOC Position

The Department followed its normal verification procedures in attempting to verify the submission in this case. Any information which could not be verified was not relied upon in making this final determination. We used best information available for the working capital loans because the company refused us access to all records pertaining to such loans. In this case we assumed that the company received the maximum amount of its eligibility which was 16 percent of the value of its 1980 exports of potassium permanganate.

Issue

Since exhibits to the verification report were not made available to the petitioner, the verification of items supported by these exhibits are mere assertions and cannot be relied upon.

DOC Position

It is the policy of the Department of Commerce not to disclose confidential exhibits collected during verification proceedings. Verification exhibits are copies of actual company books and records, which are used to substantiate data to which petitioner already has access. Petitioner has, therefore, not been denied any information necessary for making comments to the Commerce Department.

Issue

Petitioner alleges that certain documents were not described or identified in the verification report and are, therefore, tantamount to mere assertions and cannot be relied upon for verification.

DOC Position

The Department determines that the verification report adequately describes and identifies each document examined during the course of the verification.

Issue

Petitioner claims that the discrepancy, as indicated in the verification report, between the structure of costs provided in the Spanish government's response and documents furnished by Asturquimica cannot be resolved through the examination of tariff schedules. Furthermore, petitioner claims that since ITA failed to explain the relationship between tariff schedules

and structure of costs, they do not deem the verification complete or valid.

DOC Position

The information provided by the government of Spain on the indirect tax incidence during the verification differs slightly from the information provided in their questionnaire response. The documents provided by the government of Spain at the time of verification were physically examined and found to be verifiable. ITA officials were able to verify the indirect tax percentages applied to each input of the structure of cost by examining the border tariff column of the *Arancel* (Spanish tariff schedule). The indirect tax percentages included in the *Arancel* were derived from the government of Spain's input-output matrix study. The input-output matrix was derived from an earlier study and has not been superseded by any subsequent study for determining indirect tax percentages and is considered a valid study. Therefore, we conclude that the indirect tax percentages relating to the structure of cost of potassium permanganate have been properly verified.

Issue

ITA failed to verify the percentages of secondary/free flowing materials contained in the Spanish response, and, as a result, the taxes relating to this input cannot be considered in determining the tax incidence.

DOC Position

The verification report did not refer specifically to secondary/free flowing materials. However, this item was verified and mentioned in the verification report in the category identified as "other inputs" that were physically incorporated into the product. Therefore, this input was taken into consideration in determining the indirect tax incidence relating to potassium permanganate.

Issue

Petitioner claims that since ITA failed to elicit information as to the degree, if any, which Asturquimica is vertically integrated, the costs of the various materials required as inputs to produce potassium permanganate cannot be verified. Petitioner also claims that items selected for random examination, such as invoices and cancelled checks, cannot be relied upon for verification unless they show the number of items examined, date of each item, how they were selected, and a sound relationship to inventory.

DOC Position

As a matter of course in conducting any verification, we examine numerous documents. In this case the documents examined verified that Asturquimica purchases the raw materials used in the production of potassium permanganate from sources which are not vertically integrated. The statutes require that we report the method and procedures used for verification. It does not require an exact inventory of every item verified.

Issue

Petitioner claims that the benefit attributable to Asturquimica from the preferential loan program should be the difference between the interest rates on subsidized loans and the commercially available interest rates. Petitioner also claims that since the interest on the respondent's preferential loan was prepaid, it must be characterized as a loan placement fee and subtracted from the interest.

DOC Position

Consistent with other recent determinations on this issue by the Department, we calculated the subsidy under the preferential loan program on the basis of a comparison between the interest rates on preferential loans and the interest rate on comparable national commercial loans.

The payment terms on commercial loans are not mandated by the government. They are negotiated with the bank and vary with the company. These terms may require prepayment of interest which may similarly be required for preferential loans.

Since the prepayment of interest is a practice common to both preferential and commercial loans, we made no adjustment to the nominal rate differential between preferential and commercial loans.

Issue

Petitioner claims that electricity used in the electrolysis process is not a physically incorporated input.

DOC Position

Based on the government of Spain's questionnaire reponse and our verification, we have concluded that the electricity used in the electrolysis process is not a physical input because it does not meet the criteria set forth in the physical incorporation test (See Annex 1.1 of part 355 of the Commerce Department's Regulations).

Respondent's Issues

Issue

Respondent claims ITA should consider the electricity used in the electrolysis process as physically incorporated into the product.

DOC Position

As indicated in our response to petitioner's claim, we have determined that electricity used in the electrolysis process does not meet the criteria set forth in the physical incorporation test.

Issue

Respondent claims that of the three government-sponsored loans received by Asturquimica, two were made before the ceiling on commercial loans was eliminated and that, since the period of investigation extended through September 30, 1981, Asturquimica benefited from the third loan for a period of only 19 day.

DOC Position

Consistent with other recent determinations on this issue by the Department, the subsidy on the extension of a loan at a preferential interest rate 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. In this case, Asturquimica refused to allow verification of all loan information. Therefore, based on best information available, we assumed that it made maximum use of the preferential loans available to it, which is 16 percent of its previous years (1980) export sales. We then multiplied the resulting figure by the difference between the national commercial interest rate and the preferential interest rate and divided by the value of Asturquimica's 1981 export sales.

Issue

Respondent claims that the maximum amount of loans permitted under the working capital loans program cannot be greater than 16 percent of the previous year's exports.

DOC Position

We agree with respondent. Our calculation of the subsidy value for the preferential loan program is based on 16 percent of the value of Asturquimica's exports of potassium permanganate for 1980.

Verification

In accordance with section 776(a) of the Act, we verified certain information submitted in the government of Spain's questionnaire response and relied upon it in this determination. Where information could not be verified we used the best information available. We used normal verification procedures to verify the government's response. This included inspection of government documents, discussions with government officials, and on-site inspections of the manufacturer's operations and records.

Administrative Procedures

The Department has afforded interested parties an opportunity to present oral views in accordance with the Department of Commerce's Regulations (19 CFR 355.35). No request was received for a public hearing in this case. Written views have been received and considered in accordance with the Department of Commerce's Regulations (19 CFR 355.34(a)).

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 potassium permanganate which are entered or withdrawn from warehouse, for consumption, on or after date of publication of this notice in the **Federal Register**, and to require a cash deposit or bond in the amount equal to 0.74 percent of the f.o.b. value. 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 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. The ITC will determine within 75 days of the publication of this notice whether these imports are materially injuring, or threatening to materially injure, a U.S. industry. If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated and all securities posted as a result of the suspension of liquidation will be refunded or cancelled. If, however, the ITC determines that such injury does exist, within seven days of notification by the ITC of that determination, we will issue a countervailing duty order, directing Customs officers to assess a countervailing duty on potassium permanganate from Spain entered or withdrawn from warehouse, for consumption after the suspension of liquidation, equal to the estimated net subsidy.

This notice is published pursuant to section 705 of the Act and section 355.33 of the Department of Commerce Regulations (19 CFR 355.33).

Judith Hippler Bello,

Acting Assistant Secretary for Trade Administration.

June 28, 1982.

[FR Doc. 82-18221 Filed 7-2-82; 8:45 am]

BILLING CODE 3510-25-M

[Case No. 629]

Jim A. Nissmo and Jim Nissmo Elektronik, A.B.; Order Temporarily Denying Export Privileges

In the matter of Jim A. Nissmo, N. Grangesbergsgatan 19, Box 16106, S–200 25 Malmo, Sweden, Respondent, and Jim Nissmo Elektronik, A.B., N. Grangesbergsgatan 19, Box 16106, S–200 25 Malmo, Sweden, Respondent.

The Department of Commerce (the "Department"), pursuant to the provisions of Section 388.19 of the Export Administration Regulations (15 CFR 368, *et seq.* (1981)) (the "Regulations"), has petitioned the Hearing Commissioner for an order temporarily denying all export privileges to Jim A. Nissmo and Jim Nissmo Elektronik, A.B. ("Nissmo Elektronik").

The Department states that Jim A. Nissmo and Nissmo Elektronik are under investigation by the Department's Office of Export Compliance. As part of this investigation, the Office of Export Compliance, by letter of September 28, 1981, formally requested the respondents, in connection with a post-shipment check and pursuant to § 387.8 of the Regulations, to answer written interrogatories and to produce records in their possession within 20 days of receipt of the letter. In a reply letter of November 10, 1981, the respondents acknowledged receipt of the September 28 letter. They did not, however, furnish responsive answers to the interrogatories, nor did they produce the requested records.

The Department thereafter asked U.S. Embassy officials in Sweden to make a physical inspection of certain equipment imported by Nissmo Elektronik from the United States. On March 8, 1982, Nissmo Elektronik denied permission for the inspection.

Based upon the showing made by the Department, I find: (i) that the reasons given by the respondents for the continued failure to answer responsively the interrogatories and to produce the requested records do not constitute good cause for such failure, and (ii) that an order temporarily denying all export privileges to Jim A. Nissmo and Nissmo Elektronik is required in the public interest to facilitate enforcement of the Export Administration Act of 1979, as amended (50 U.S.C. app. 2401, *et seq.* (Supp. III 1979)), and of Section 387.8 of the Regulations, and to permit completion of the Department's investigation.

Anybody who is now or who may in the future be dealing with the above-named respondents in transactions that in any way involve U.S.-origin commodities or technical data is specifically alerted to the provisions set forth in Paragraph IV below.

Accordingly, it is hereby ordered:

I. All outstanding validated export licenses in which respondents appear or participate, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Administration for cancellation.

II. The respondents, their successors or assignees, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or that are otherwise subject to the Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to a validated export license application, (b) in the preparation or filing of any export license application or reexportation authorization, or of any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part, exported or to be exported from the United States, and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any successor and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services related thereto.

IV. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Administration, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with any named respondent or related party, or whereby any named respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any named respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

V. This order is effective immediately. It remains in effect until June 28, 1987 or until the respondents answer responsively the interrogatories or show good cause for their failure to do so. The respondents may, pursuant to the provisions of §388.19(b) of the Regulations, move at any time to vacate or modify this temporary denial order by filing with the Hearing Commissioner, International Trade Administration, U.S. Department of Commerce, Room 3886D, 14th and Constitution Avenue, N.W., Washington, D.C. 20230, an appropriate motion for relief, supporting by substantial evidence, and may also request an oral hearing thereon. Such hearing, if requested, shall be held before the Hearing Commissioner at the earliest convenient date. A copy of this order and Parts 387 and 388 of the Regulations shall be served upon the respondents.

Dated: June 29, 1982.

Thomas W. Hoya,

Hearing Commissioner.

[FR Doc. 82-18226 Filed 7-2-82; 8:45 am]

BILLING CODE 3510-25-M

Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to each of the applications in this consolidated decisions 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.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles for such purposes as the foreign articles are intended to be used, are not being manufactued in the United States.

Reasons: Section 301.8 of the Regulations provides in pertinent part:

> The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the exiration of the 90-day period.
>
> ***If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to.resubmit anothh application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission has the effect of a final decision by the Deputy Assistant Secretary on the application within the context of § 301.11 (Emphasis added).

The meaning of the section is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20-day period, or fails to resubmit a new application within the 90-day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidate decision relates has satisfied the requirements set forth above; therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Section 301.8 further provides:

> * * * the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission, to the **Federal Register** for publication, to the Commissiner of Customs, and to the applicant.

Docket No.: 81-00194. Applicant: Southeast Missouri State University, 900 Normal, Cape Girardeau, MO 63701. Article: Microscope Photometer, TM 3-C and Accessories. Date of denial without prejudice to resubmission: January 26, 1982.

Docket No.: 81-00217. Applicant: University of California, San Diego, LaJolla, CA 92093. Article: GS VII Nude Ion Source. Date of denial without prejudice to resubmission: January 27, 1982.

Docket No.: 81-00253. Applicant: Massachusetts Institute of Technology, Cambridga, MA. 02139. Article: Dye Laser, Model FL-2002. Date of denial without prejudice to resubmission: January 26, 1982.

Docket No.: 81-00259. Applicant: Donald N. Sharp Mem. Comm. Hospital, Owned & Operated by San Diego Hospital Association, 7901 Frost Street, San Diego, CA 92123. Article: Electron Microscope, Model EM 109 with Accessories. Date of denial without prejudice to resubmission: February 9, 1982.

Docket No.: 81-00265. Applicant: State of North Carolina, Department of Agriculture, 1 W. Edenton Street, Raleigh, NC 27611. Article: Electron Miscoscope, Model H-300 with Accessories. Date of denial without prejudice to resubmission: February 9, 1982.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Activing Director, Statutory Import Programs Staff.

[FR Dog. 82-18241 Filed 7-2-82; 8:45 am]

BILLING CODE 3510-25-M

Incentives/Disincentives Subcommittee of the President's Export Council; Open Meeting

AGENCY: International Trade Administration.

ACTION: Notice.

SUMMARY: The President's Export Council was initially established by Executive Order 11753 of December 20, 1973. The Council was reconstituted by Executive Order 12131 of May 4, 1979, and continued by Executive Order 12258 of December 31, 1980. The Council's purpose is to advise the President on matters relating to United States export trade. The Incentives/Disincentives Subcommittee was formed by the Council to study, and make recommendations on, incentives and disincentives to export trade.

TIME AND PLACE: July 19, 1982, from 2:00 p.m.–5:00 p.m. The meeting will be held at the Department of Commerce, 14th & Constitution Avenue, N.W., Room 3407, Washington, D.C. 20230.

AGENDA: Opening remarks:

Task Force and status reports on:
—Extraterritoriality of U.S. laws
—Antiboycott regulations
—DISC and other tax issues
—Other task force issues of current interest
Discussion of Recommendations for Executive Committee Meeting
General Discussion and Public Comment

PUBLIC PARTICIPATION: The meeting will be open for public observation and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT: Elisabeth Maatsch, Room 3213, U.S. Department of Commerce, Washington, D.C. 20230; Telephone: (202) 377–1125.

Dated: June 30, 1982.

Henry Misisco,

Acting Director, Office of Policy and Coordination.

[FR Doc. 82-18242 Filed 7-2-82; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Department of the Army

Armed Forces Institute of Pathology Scientific Advisory Board; Meeting

In order to comply with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of the meeting of the Armed Forces Institute of Pathology's Scientific Advisory Board, August 12–13, 1982, 0830 hours in the Director's Conference Room, Armed Forces Institute of Pathology, Washington, D.C. 20306. This meeting will be open to the public.

The proposed agenda will include professional discussion of the mission of the Armed Forces Institute of Pathology relating to consultation, education and research. The Executive Secretary from whom substantive program information may be obtained is Colonel Orlyn C. Oestereich, Executive Officer, Armed Forces Institute of Pathology, Washington, D.C. 20306, telephone 202–576–2900.

For the Director.

Richard L. Clark,

Major, MSC, USA, Adjutant.

[FR Doc. 82-18335 Filed 7-2-82; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION

Vocational Education Act: Intent To Repay Funds Recovered as a Result of a Final Decision of the Assistant Secretary for Vocational and Adult Education to the Oklahoma State Department of Vocational and Technical Educations

AGENCY: Education Department.

ACTION: Notice of Intent to Award Grantback Funds.

SUMMARY: Under section 456 of the General Education Provisions Act (GEPA), the Secretary intends to repay under a grantback arrangement to the Oklahoma State Department of Vocational and Technical Education (State Board) an amount equal to 75 percent of funds recovered by the Department of Education (ED). The repayment is a result of a September 15, 1981 final decision by the Assistant Secretary for Vocatonal and Adult Education. This notice describes the State Board's plans for the use of repaid funds and the terms and conditions under which the Secretary intends to make these funds available.

DATE: All written comments should be received on or before August 5, 1982.

ADDRESS: All written comments should be submitted to Dr. LeRoy Cornelsen, Director, Division of State Vocational Programs, U.S. Department of Education, 400 Maryland Avenue, S.W., (Room 5640, ROB–3), Washington, D.C. 20202

FOR FURTHER INFORMATION CONTACT: Dr. LeRoy Cornelsen, (202) 472–3440.

SUPPLEMENTARY INFORMATION:

A. Background

The Office of the Inspector General of the Department of Education conducted an audit of Oklahoma's Vocational Education Act (VEA) expenditures for the period July 1, 1978 through June 30, 1979. The purpose of the audit was to determine whether vocational training was provided to eligible individuals in accordance with VEA requirements and approved State Plans. In its audit report dated April 2, 1981, the Office of the Inspector General found that the State Board did not spend the minimum amount required on programs to serve students with limited-English-speaking ability (LESA). According to the VEA (Sec. 110(b)(2); 20 U.S.C. 2310) and its implementing regulations (34 CFR 400.313(a)(2)), the percentage of section 110(b)(1) funds (funds set aside for disadvantaged persons, persons with limited English-speaking ability, and stipends) a State sets aside for providing programs to serve LESA students must be the same as the ratio of the LESA population of 15 to 24 year olds to the whole population of 15 to 24 year olds in that State. The Oklahoma State Department of Vocational and Technical Education had determined that $20,072 of its Fiscal Year 1978 allotment of Federal VEA funds should be set aside and spent only on programs serving LESA students. However, the State Board did not spend any Fiscal Year 1978 funds on LESA projects. In a final determination letter dated September 15, 1981, the Assistant Secretary for Vocational and Adult Education upheld the auditor's finding and requested a refund of $20,072. Soon thereafter the State Board refunded this amount to ED.

B. Authority for Awarding a Grantback

Section 456(a) of GEPA, 20 U.S.C. 1234e, provides that whenever the Commissioner (now Secretary) has recovered funds following a final audit determination with respect to an applicable program, the Secretary may consider those funds to be additional funds available funds available for that program and may arrange to repay to the State agency affected by that determination an amount not to exceed 75 percent of the recovered funds. The Secretary may enter into this so-called "grantback" arrangement if the Secretary determines that (1) the practices and procedures of the State Board that resulted in the audit determination have been corrected, and that the State Boad is, in all other respects, in compliance with requirements of the applicable program; (2) the State Board has submitted to the Secretary a plan for the use of the funds to be awarded under the grantback arrangement which meets the requirements of the program, and, to the extent possible, benefits the population that was affected by the failure to comply or by the misexpenditures that resulted in the audit exception; and (3)

the use of the funds to be awarded under the grantback arrangement in accordance with the State Board's plan would serve to achieve the purposes of the program under which funds were originally granted.

C. Request for Repayment of Funds Awarded Under a Grantback Arrangement

In a letter dated November 5, 1981, the State Board formally requested that repayment of $15,054, which is 75 percent of the $20,072 recovered as a result of the audit, be made under a grantback arrangement. This request was made after ED had recovered the outstanding claim against the State Board as a result of the Assistant Secretary's final determination. In accordance with section 456(a)(1) of GEPA, the State Board provided assurances that the practices of the State Board that resulted in the audit determination have been corrected, and that the State Board will, in all other respects, comply with all the requirements of the program.

D. Plan for Use of Funds Awarded Under a Grantback Arrangement

In accordance with section 456(a)(2) of GEPA, the State Board, in its November 5, 1981 request, submitted a plan to use the grantback funds to provide support services to LESA students in regular vocational programs. The objectives of the projects are—

(1) To encourage limited English-speaking students to continue regular vocational training by developing a program to provide LESA students with sufficient English language skills to enable them to enter and progress in the world of work;

(2) To provide special assistance to limited English-speaking students who may otherwise be unable to succeed in a regular program of vocational education. For example, such assistance may consist of one-on-one tutorial aid and the adaptation of curriculum materials to meet the particular needs of these students;

(3) To work with each limited English-speaking student, using the instructional materials from that student's vocational program to develop English skills;

(4) To develop self-assistance skills in limited English-speaking student to make them as independent as possible in locating reference materials, using tables of contents, or locating items in an index;

(5) To work individually with the limited English-speaking students to develop life skills needed for job acquisition and retention (i.e., completing employment applications and managing checking accounts and personal money); and

(6) To provide job placement services to limited English-speaking students in regular vocational programs.

E. The Secretary's Determinations

Based upon a review of the State Board's request for the repayment of funds and the assurances provided therein, including the State Board's plan for expending the funds, the Secretary makes the following determinations:

(1) The State Board has corrected the practices and procedures that resulted in the audit exception;

(2) The plan submitted by the State Board for the use of the grantback funds meets the requirements of the Vocational Education Act and benefits the population, i.e., LESA students, affected by the misexpenditures which resulted in the audit exception;

(3) The use of the funds to be awarded under the grantback arrangement will serve to achieve the purposes of the Vocational Education Act.

These determinations are based upon the best information available to the Secretary at the present time. If this information is not accurate or complete, the Secretary is not precluded from taking appropriate administrative action.

F. Notice of the Secretary's Intent To Enter Into a Grantback Arrangement

Section 456(d) of GEPA requires that, at least thirty days prior to entering into an arrangement to award funds under a grantback, the Secretary must publish in the **Federal Register** a notice of intent to do so, and the terms and conditions under which the payments will be made.

In accordance with the above requirement, notice is hereby given that the Secretary intends to make funds available to the Oklahoma State Department of Vocational and Technical Education under a grantback arrangement. The grantback award will be in the amount of $15,054, which is 75 percent—the maximum percentage authorized by the statute—of the amount of funds recovered by ED as a result of the Assistant Secretary's final audit determination. The Secretary's intention to award the maximum amount possible of grantback funds under Section 456 is based on the following factors:

(1) The Secretary's determinations outlined in Section E of this notice; and

(2) The timely payment by the State Board of all funds owed to ED as a result of the final decision of the Assistant Secretary.

G. Terms and Conditions Under Which Payments Under a Grant-Back Arrangement Will Be Made

Section 456(b) of GEPA provides that any payments made under a grantback arrangement shall be subject to terms and conditions which the Secretary deems necessary to accomplish the purposes of the affected programs, including the submission of periodic reports on the use of the repaid funds and evidence that the State Board has consulted with parents or representatives of the population that will benefit from the grantback award.

The State Board agrees to comply with the following terms and conditions under which payments under a grantback arrangement will be made:

(1) The funds awarded under the grantback must be spent in accordance with—

(a) All applicable statutory and regulatory requirements, including applicable excess cost and matching requirements, and

(b) The plan that was submitted in conjunction with the November 5, 1981 request, and any amendments to that plan that have been approved by the Secretary.

(2) Under section 456(c) of GEPA, all funds received under a grantback arrangement must be obligated not later than September 30, 1984, which is three fiscal years following the fiscal year in which the Assistant Secretary's final decision was made.

(3) The State Board must, not later than January 1, 1985, submit a rpeort to the Secretary which—

(a) Indicates how the funds awarded under the grantback have been used;

(b) Shows that the funds awarded under the grantback have been liquidated;

(c) Describes the results and effectiveness of the project for which the funds were spent; and

(d) Describes the consultation with parents or representatives of the population that will benefit from the grantback payments.

(4) Separate accounting records must be maintained documenting the expenditures of funds awarded under the grantback arrangement.

Invitation to Comment

The Secretary invites public comments on the notice of intent to award funds under a grantback arrangement to the Oklahoma State Department of Vocational and Technical Education.

Interested persons may send written comments to Dr. LeRoy Cornelsen at the

address at the beginning of this notice. All comments should be received on or before August 5, 1982.

(Catalog of Federal Domestic Assistance Number 84.048, State Vocational Education Program)

Dated: June 28, 1982.

T. H. Bell,

Secretary of Education.

[FR Doc. 82-18195 Filed 7-2-82; 8:45 am]

BILLING CODE 4000-01-M

Office of Postsecondary Education

Upward Bound Program; Applications To Serve as Field Readers

AGENCY: Department of Education.

ACTION: Notice for individuals interested in reviewing Upward Bound program applications submitted under programs administered by the Division of Student Services in fiscal year 1983.

SUMMARY: The Assistant Secretary for Postsecondary Education, Department of Education, invites applications from qualified and interested individuals to serve as field readers for the Upward Bound Program (Catalog of Federal Domestic Assistance Program, No. 84.047). The final regulations for the Upward Bound Program were published as 34 CFR Part 645 in the **Federal Register** on March 3, 1982 (47 FR 9158–9168) and June 8, 1982 (47 FR 24938–24945). Interested parties are encouraged to review these regulations before applying for reader candidacy.

Each year the Secretary selects field readers who have expertise in designing curriculum, teaching, counseling or administering Upward Bound programs or similar programs which provide educational services to disadvantaged groups. Once field reader applications are received, reader candidate information is stored in a computer. The initial selection of field readers is made from this computerized roster. Final selection of field readers is made following a more careful review of the reader application forms and résumés maintained on file. The existence, characteristics, and use of this system of records were announced in a notice (18–40–0079) published on June 2, 1981 in the **Federal Register** (46 FR 29652).

Interested persons may obtain applications to serve as field readers by calling or writing Ms. Loretta Smith at the address given below. Applications for the fiscal year 1983 funding cycle must be received by November 15, 1982 in time for a planned panel meeting in January, 1983.

FOR FURTHER INFORMATION CONTACT:

Ms. Loretta Smith, Chief, Program Support Section, Division of Student Services, U.S. Department of Education, 400 Maryland Avenue, S.W., (Room 3042, ROB–3), Washington, D.C. 20202. Telephone: (202) 245–7070.

(Catalog of Federal Domestic Assistance No. 84.047; Upward Bound Program)

Dated: June 29, 1982.

Thomas P. Melady,

Assistant Secretary for Postsecondary Education.

[FR Doc. 82-18196 Filed 7-2-82; 8:45 am]

BILLING CODE 4000-01-M

Executive Committee of the Intergovernmental Advisory Council on Education; Meeting

AGENCY: Executive Committee of the Intergovernmental Advisory Council on Education.

ACTION: Notice of closed meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of the Executive Committee of the Intergovernmental Advisory Council on Education. Notice of this meeting is required under section 10(a) (2) of the Federal Advisory Committee Act.

DATE: July 19, 1982

ADDRESS: Department of Education, 400 Maryland Avenue SW., Rm. 4027, Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT:

Laverne Johnson, Office of the Deputy Under Secretary for Intergovernmental and Interagency Affairs, Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202, (202) 472–6464.

SUPPLEMENTARY INFORMATION: The Executive Committee meeting will be closed to the public to interview applicants for the position of Executive Director of the Council. The meeting will be closed under the authority of section 10 (d) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. Appendix 1) and under exemptions (2) and (6) contained in the Government in the Sunshine Act (Pub. L. 94–409; 5 U.S.C. 522b (c) (2) and (6)). Discussion will include consideration of the qualifications and fitness of the candidates and will touch upon matters which would constitute a serious invasion of privacy if conducted in open session.

A summary of the activities at the closed session and related matters which are informative to the public consistent with the policy of Title 5 U.S.C. 552b (c) will be available to the public within 14 days of the meeting.

Signed at Washington, D.C. on June 30, 1982.

William F. Keough,

Acting Deputy Under Secretary for Intergovernmental and Interagency Affairs.

[FR Doc. 82-18183 Filed 7-2-82; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Office of Energy Research

Magnetic Fusion Advisory Committee, Panel on Tandem Mirror and Steady State Tokamak Programs; Open Meeting

Notice is hereby given of the following meeting:

Name: Panel on Tandem Mirror and Steady State Tokamak Programs of the Magnetic Fusion Advisory Committee.

Date and Time: July 14, 1982—9:00 a.m.–5:00 p.m., July 15, 1982—9:00 a.m.–5:00 p.m.

Place: General Atomic Company, 10955 John Jay Hopkins Drive, San Diego, California (La Jolla).

Contact: Ms. L. R. Ledman, Magnetic Fusion Advisory Committee Secretary, U.S. Department of Energy, Office of Energy Research, Office of Fusion Energy (ER–50.2), Mail Station G–256, Washington, D.C. 20545, Telephone: (301) 353–3598.

Purpose of the Parent Committee—To provide advice to the Secretary of Energy on the Department's Magnetic Fusion Energy Program, including periodic reviews of elements of the program and recommendations of changes based on scientific and technological advances or other factors; advice on long-range plans, priorities and strategies to demonstrate the scientific and engineering feasibility of fusion; advice on recommended appropriate levels of funding to develop those strategies and to help maintain appropriate balance between competing elements of the program.

Tentative Agenda: Discussion of draft report outline and future meeting plans.

Public Participation: The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Any person who wishes to make an oral statement should contact L. R. Ledman five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Issued at Washington, DC, on June 25, 1982.

J. Ronald Young,

Associate Director for Management, Office of Energy Research.

[FR Doc. 82-18135 Filed 7-2-82; 8:45 am]

BILLING CODE 6450-01-M

Magnetic Fusion Advisory Committee, Panel on Stellarator, Elmo Bumpy Torus and Reverse Field Pinch Programs; Open Meeting

Notice is hereby given of the following meeting:

Name: Panel on Stellarator, Elmo Bumpy Torus and Reverse Field Pinch Programs of the Magnetic Fusion Advisory Committee.

Date and Time: July 27, 1982—9:00 a.m.–5:00 p.m., July 28, 1982—9:00 a.m.–5:00 p.m., July 29, 1982—9:00 a.m.–5:00 p.m.

Place: Hacienda Room, Faculty Center, UCLA, Los Angeles, California.

Contact: Ms. L. R. Ledman, Magnetic Fusion Advisory Committee Secretary, U.S. Department of Energy, Office of Energy Research, Office of Fusion Energy (ER–50.2), Mail Station G–256, Washington, DC 20545, Telephone: (301) 353–3598.

Purpose of the Parent Committee—To provide advice to the Secretary of Energy on the Department's Magnetic Fusion Energy Program, including periodic reviews of elements of the program and recommendations of changes based on scientific and technological advances or other factors; advice on long-range plans, priorities and strategies to demonstrate the scientific and engineering feasibility of fusion; advice on recommended appropriate levels of funding to develop those strategies and to help maintain appropriate balance between competing elements of the program.

Tentative Agenda: Discussion of draft report outline and future meeting plans.

Public Participation: The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Any person who wishes to make an oral statement should contact L. R. Ledman five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Issued at Washington, DC, on June 25, 1982.

J. Ronald Young,

Associate Director for Management, Office of Energy Research.

[FR Doc. 82–18136 Filed 7–2–82; 8:45 am]

BILLING CODE 6450–01–M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: June 29, 1982.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
LOUISIANA OFFICE OF CONSERVATION									
-EXXON CORPORATION				RECEIVED:	06/07/82	JA: LA			
8236865	81-2266	1707522465		102-4		ORLEANS LEVEE BOARD #90	POTASH	25.0	UNITED GAS PIPE L
8236864	81-2267	1707522782		102-4		ORLEANS LEVEE BOARD B #10 VUA	POTASH	500.0	
-GRAHAM OIL & GAS LTD				RECEIVED:	06/07/82	JA: LA			
8236863	81-2748	1705721708		102-4		PELTO #1	VALENTINE 9096	2400.0	SOUTH COAST GAS C
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS									
-AMOCO PRODUCTION CO				RECEIVED:	06/07/82	JA: NM			
8236867		3004508395		108		SAMMONS GAS COM "B" #1	BLANCO-MESAVERDE	21.0	EL PASO NATURAL G
-CROWN CENTRAL PETROLEUM CORP				RECEIVED:	06/07/82	JA: NM			
8236868		3002500000		103		MCCALLISTER #2	W NADINE-DRINKARD	70.0	WARREN PETROLEUM
-DOYLE HARTMAN OIL OPERATOR				RECEIVED:	06/07/82	JA: NM			
8236879		3002527676		103		OTIS L JONES #2	JALMAT (GAS)	122.0	EL PASO NATURAL G
-HARVEY E YATES COMPANY				RECEIVED:	06/07/82	JA: NM			
8236869		3002527444		107-TF		MCDONALD UNIT #1	WILDCAT	0.0	EL PASO NATURAL G
-KERSEY & COMPANY				RECEIVED:	06/07/82	JA: NM			
8236877		3001523925		103		RED LAKE PREMIER SAND UNIT #2	RED LAKE QN GRBG S A	0.0	GAS CO OF NEW MEX
-MARBOB ENERGY CORPORATION				RECEIVED:	06/07/82	JA: NM			
8236882		3001523724		103		WEST ARTESIA GRBG UT TR 12 #24	ARTESIA QUEEN GRAYBUR	0.5	PHILLIPS PETROLEU
8236883		3001523639		103		WEST ARTESIA GRBG UT TR 5 WELL #22	ARTESIA QUEEN GRAYBUR	3.5	PHILLIPS PETROLEU
8236884		3001523741		103		WEST ARTESIA GRBG UT TR 8 WELL #25	ARTESIA QUEEN GRAYBUR	17.5	PHILLIPS PETROLEU
-MERRION OIL & GAS CORP				RECEIVED:	06/07/82	JA: NM			
8236871		3003922904		103		FIKES COM #1	DEVILS FORK GALLUP	95.0	EL PASO NATURAL G
-NORTHWEST PIPELINE CORPORATION				RECEIVED:	06/07/82	JA: NM			
8237108	NM0058-82PB	3003900000		108-PB		S/J 30-5 UNIT #2 R	BLANCO	19.0	NORTHWEST PIPELIN
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	06/07/82	JA: NM			
8236873		3002502836		108		E VAC GB/SA U TR 2054 - #002	VACUUM GB/SA	1.0	EL PASO NATURAL G
8236874	90835 T	3002502086		108		E VAC GB/SA U TR 2437 #001	VACUUM GB/SA	1.0	EL PASO NATURAL G
8236872		3002502087		108		E VAC GB/SA UNIT TR 2437 #002	VACUUM GB/SA	1.0	EL PASO NATURAL G
8236866		3002527733		103		MEXCO A-7	MALJAMAR GB/SA	21.0	EL PASO NATURAL G
-READ & STEVENS INC				RECEIVED:	06/07/82	JA: NM			
8236887		3001523945		103		CARRASCO #1	UND NORTH LOVING MORR	155.0	EL PASO NATURAL G
8236885		3001523872		103		DARTMOUTH #3	UND BUNKER HILL PENRO	1.0	PHILLIPS PETROLEU
8236886		3001524012		103		GULF WEST MESA #6	UND BUNKER HILL PENRO	1.0	PHILLIPS PETROLEU
-SOUTHLAND ROYALTY CO				RECEIVED:	06/07/82	JA: NM			
8236870		3004523672		103		MANGUM #5-E	BLOOMFIELD	200.0	SOUTHERN UNION GA
-UNION TEXAS PETROLEUM				RECEIVED:	06/07/82	JA: NM			
8236880		3004525108		103		CULPEPPER-MARTIN 3-M	BLANCO MESAVERDE	365.0	SOUTHERN UNION GA
8236881		3004525108		103		CULPEPPER-MARTIN 3-M	BASIN DAKOTA	182.5	SOUTHERN UNION GA
8236875		3004525109		103		CULPEPPER-MARTIN 4-M	BLANCO MESAVERDE	292.0	SOUTHERN UNION GA

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8236876		3004525109		103		CULPEPPER-MARTIN 4-M	BASIN DAKOTA	73.0	SOUTHERN UNION GA
-YATES PETROLEUM CORPORATION				RECEIVED:	06/07/82	JA: NM			
8236878		3002527712		103		WOODPECKER "SY" ST #1	SAUNDERS PERMO UPPER	0.0	WARREN PETROLEUM
OKLAHOMA CORPORATION COMMISSION									
-AL MCCORD INC				RECEIVED:	06/01/82	JA: OK			
8237013	03557	3509321252		103		KOEHN 1-21			
-AM-CAN RESOURCES INC				RECEIVED:	06/04/82	JA: OK			
8237074	17226	3510121070		102-2	103	BEENE #1	MENO-RINGWOOD	60.0	UNION TEXAS PETRO
8237075	17225	3510121026		102-2	103	HARRISON #4	YAHOLA	51.5	PHILLIPS PETROLEU
8237076	17224	3510120967		102-2	103	WHITE #1	YAHOLA	106.6	PHILLIPS PETROLEU
-AN-SON CORPORATION				RECEIVED:	06/01/82	JA: OK	YAHOLA	715.4	PHILLIPS PETROLEU
8237023	14604	3508720658		103		ALLISON #1	S GOLDSBY	0.0	
-AN-SON CORPORATION				RECEIVED:	06/03/82	JA: OK			
8237030	13592	3503920496		102-4		HERIFORD #1	S LEEDY	51.1	
-ANADARKO PRODUCTION COMPANY				RECEIVED:	06/03/82	JA: OK			
8236966	17149	3513921555		102-4		SHIELDS B-1	HOUGH S	36.0	PHILLIPS PETROLEU
-ANDOVER OIL COMPANY				RECEIVED:	06/04/82	JA: OK			
*8237097	14295	3501721786		108		E M KIRBY #14-1		18.0	TRANSOK GAS PIPE
-APOLLO PRODUCTION LTD				RECEIVED:	06/01/82	JA: OK			
8236995	14601	3507323303		103		COFFEY #35-15	N E OKARCHE	66.0	SID RICHARDSON CA
-APOLLO PRODUCTION LTD				RECEIVED:	06/03/82	JA: OK			
8237027	14602	3507323355		103		DORA REHERMAN #11-14	NE OKARCHE	62.0	SID RICHARDSON CA
8237028	14600	3507323155		103		WITTROCK #35-11	SOONER TREND	57.0	SID RICHARDSON CA
-ARAPAHO PETROLEUM INCORPORATED				RECEIVED:	06/01/82	JA: OK			
8237022	14608	3504722473		103		MARNEY 1-17	SOONER TREND	122.0	PHILLIPS PETROLEU
8236996	14607	3507323004		103		MORSEMAN 1-7	SOONER TREND	46.0	PHILLIPS PETROLEU
-ARCO OIL AND GAS COMPANY				RECEIVED:	06/03/82	JA: OK			
8236965	17241	3504321405		102-4		PRESLEY UNIT #2	PUTNAM	300.0	MOBIL OIL CORP
-B R POLK INC				RECEIVED:	06/04/82	JA: OK			
8237055	14727	3508321864		103		GERALDINE #1	S ORLANDO	25.0	EASON OIL CO
8237054	14728	3508320775		103		HAMIEL #1	S E MARSHALL	25.0	EASON OIL CO
-BOBBY J DARNELL				RECEIVED:	06/01/82	JA: OK			
8237000	14594	3508321860		103		BIRCKET #1	S E ORLANDO	36.5	EASON OIL CO
8237001	14592	3508321022		103		DUNSMORE #1	S MULHALL	424.0	EASON OIL CO
-BURRY ENTERPRISES				RECEIVED:	06/01/82	JA: OK			
8237014	17223	3514520857		102-2	103	HORN #1	REDBIRD	215.5	NATURAL GAS ENTER
-CHASE EXPLORATION CORP				RECEIVED:	06/03/82	JA: OK			
8237038	12421	3507121275		108		BUESING 1-9	UNNAMED	2.2	CITIES SERVICE GA
8237039	12487	3507121116		108		CHAPPELL-WA #1-5	UNNAMED	0.3	CITIES SERVICE GA
8237042	12492	3507121532		108		CHAPPELL/MALE 1F #2-5	UNNAMED	0.3	CITIES SERVICE GA
8237040	12488	3507121734		108		CLINE #1-12	UNNAMED	0.7	CITIES SERVICE GA
8237041	12489	3507121735		108		CLINE #2-12	UNNAMED	0.3	CITIES SERVICE GA
8237043	12497	3507121231		108		CUMMINGS #2-1	UNNAMED	0.8	CITIES SERVICE GA
8237034	12523	3507121533		108		VOEGELE #3-21	UNNAMED	0.2	CITIES SERVICE GA
8237035	12522	3507121611		108		VOEGELE 2-28	UNNAMED	0.2	CITIES SERVICE GA
-CITIES SERVICE COMPANY				RECEIVED:	06/03/82	JA: OK			
8237032	17004	3513921486		102-4		KENNEDY B #2	S E EVA	54.8	NORTHERN NATURAL
-CLARK RESOURCES INC				RECEIVED:	06/03/82	JA: OK			
8236968	14736	3504722815		103		BINGHAM 32-1	SOONER TREND	130.0	CITIES SERVICE GA
-COLOMA PETROLEUM INC				RECEIVED:	06/01/82	JA: OK			
8236998	14596	3504722561		103		ANNA #1	SOONER TREND	125.0	GRACE PETROLEUM C

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8236999	14595	3504722563		103		DAILEY #1	SOONER TREND	100.0	GRACE PETROLEUM C
-COPELAND ENERGY CORP				RECEIVED:	06/03/82	JA: OK			
8236970	14719	3508321588		103		BUELL #1	NE CASHION	60.0	
-DAL TEX OIL CO INC				RECEIVED:	06/01/82	JA: OK			
8237019	14612	3514321624		103		FITZPATRICK #1	MOUNDS DIST	159.0	PHILLIPS PETROLEU
8237018	14613	3514321375		103		G MOORE #1	MOUNDS DIST	60.0	PHILLIPS PETROLEU
8237020	14611	3511100000		103		MINNIE TIGER #1	MOUNDS DIST	135.0	PHILLIPS PETROLEU
8237021	14610	3511122976		103		MINNIE TIGER #3	MOUNDS DIST	234.0	PHILLIPS PETROLEU
8237017	14614	3511122975		103		MINNIE TIGER #4	MOUNDS DIST	234.0	PHILLIPS PETROLEU
-DALCO PETROLEUM INC				RECEIVED:	06/04/82	JA: OK			
8237052	14731	3507322488		103		YOUNG #1	SOONER TREND	91.3	CITIES SERVICE GA
-DAVIS OIL COMPANY				RECEIVED:	06/03/82	JA: OK			
8236978	03921	3517207240		103		BOSTON-RADER #1	UNNAMED	30.0	PHILLIPS PETROLEU
8236977	03931	3503920279		103		WINGARD #3	SOUTH THOMAS	1300.0	PUBLIC SERVICE CO
-DEAN CLARK				RECEIVED:	06/01/82	JA: OK			
8237007	14434	3511100000		108		KIMBLE #2	UNKNOWN- NE SW SW-SEC	0.0	PHILLIPS PETROLEU
-DEAN CLARK				RECEIVED:	06/04/82	JA: OK			
8237058	14696	3511123245		103		KECK #1-3	E OKMULGEE SW SE SW S	34.2	PHILLIPS PETROLEU
-DIAMOND SHAMROCK CORPORATION				RECEIVED:	06/03/82	JA: OK			
8237033	14817	3512920603		102-4		H A THOMAS "B" #1	RED FORK	126.0	TRANSWESTERN PIPE
-EL PASO NATURAL GAS COMPANY				RECEIVED:	06/03/82	JA: OK			
8236961	14512	3500935560		108		PUCKETT #2	ERICK SOUTH - BROWN D	18.0	EL PASO NATURAL G
-ELDER & VAUGHN				RECEIVED:	06/03/82	JA: OK			
8236971	14689	3508720607		103		DOLESE #1	N E NEWCASTLE	90.0	SUN GAS CO
-ESTATE OF H L HUNT				RECEIVED:	06/03/82	JA: OK			
8237036	14336	3509321255		108		GOSNEY UNIT #1	CHEYENNE VALLEY	10.0	DELHI GAS PIPELIN
8237037	14528	3509320772		108		N L DAVISON #2	DANE	3.5	DELHI GAS PIPELIN
-F C D OIL CORP				RECEIVED:	06/01/82	JA: OK			
8237006	14593	3504722829		103		NOTEWARE 1-25	EAST NORTH GREEN VALL	127.8	AMINOIL USA INC
-F C D OIL CORP				RECEIVED:	06/03/82	JA: OK			
8236993	14662	3507323181		103		BROWN 1-12	SOONER TREND	11.0	PHILLIPS PETROLEU
-FLOYD BERGEN				RECEIVED:	06/03/82	JA: OK			
8236963	14417	3512120799		103		J DANIEL #2	BLOCKER	150.0	SE TRANSMISSION &
-FUSULINA PETROLEUM CORP				RECEIVED:	06/04/82	JA: OK			
8237095	14644	3507322674		103		GRELLNER-DOWNEN 1-35	SOONER TREND	0.0	PANHANDLE EASTERN
-GILL-MAC INC				RECEIVED:	06/04/82	JA: OK			
8237083	16149	3505300000		103		GURLEY #4		0.0	CITIES SERVICE GA
8237082	16150	3505300000		103		GURLEY #5		0.0	CITIES SERVICE GA
8237084	16148	3505300000		103		GURLEY HAWKINS #2		0.0	CITIES SERVICE GA
8237080	16152	3505320744		103		SMETANA #1		73.0	CITIES SERVICE GA
8237081	16151	3505320793		103		SMETANA #2		73.0	CITIES SERVICE GA
-GLEN BARRETT				RECEIVED:	06/04/82	JA: OK			
8237050	14740	3512300000		103		BARRETT B 1	BYNG	1764.0	ARKANSAS LOUISIAN
-GULF OIL CORPORATION				RECEIVED:	06/03/82	JA: OK			
8236959	14650	3501520959		102-4		J R EPPERLY #1-24	LIBBIE	0.0	ONG WESTERN INC
-H & L OPERATING COMPANY				RECEIVED:	06/03/82	JA: OK			
8236979	14271	3513920690		108		MESSINGER #1	GUYMON-HUGOTON	17.4	NORTHERN NATURAL
-HADSON PETROLEUM CORP				RECEIVED:	06/04/82	JA: OK			
8237057	14706	3513722892		103		LINDSEY 1-3	PURDY	180.0	
-HAMILTON BROTHERS OIL CO				RECEIVED:	06/03/82	JA: OK			
8236992	14646	3512120796		103		SHANN #1-21	WILDCAT	40.0	ARKANSAS LOUISIAN
-HARPER OIL COMPANY				RECEIVED:	06/04/82	JA: OK			
8237088	14714	3504321296		103		BINGHAM #1	W FONDA	360.0	PHILLIPS PETROLEU

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8237085	14717	3503920156		103		CATTLE CO 4-D	SOUTH FAY	54.0	OKLAHOMA GAS & EL
8237087	14715	3504722807		103		DANA #2	N ENID	182.0	CHAMPLIN PETROLEU
8237086	14716	3501120939		103		GROENDYKE #1	SQUAW CREEK	365.0	OKLAHOMA GAS & EL
-HEATH OIL CO INC				RECEIVED:	06/04/82	JA: OK			
8237072	14733	3507122216		103		ARNOLD #3	NO NAME	26.4	CITIES SERVICE GA
8237071	14734	3507122217		103		ARNOLD #4	NO NAME	33.0	CITIES SERVICE GA
-HUNT OIL COMPANY				RECEIVED:	06/04/82	JA: OK			
8237091	14529	3509321233		108		LEO BOWERS #1	DANE	8.0	DELHI GAS PIPELIN
8237092	14527	3509321257		108		SEABOURN #2	DANE	0.0	DELHI GAS PIPELIN
-INTER-GLOBE ENERGY INC				RECEIVED:	06/03/82	JA: OK			
8236987	14656	3598121367		103		CORRENTE #1-3		0.0	SUN GAS CO
-J R THOMPSON				RECEIVED:	06/04/82	JA: OK			
8237046	14749	3511122958		103		SOUDER #2	NE SW NE SECTION 2 14	91.3	PHILLIPS PETROLEU
-JACK BOWLES				RECEIVED:	06/01/82	JA: OK			
8237024	14587	3504722120		103		NONA JOHNSON #1	SOUTH HAYWARD	0.0	AMINOIL USA INC
-JERRY MOORE INC				RECEIVED:	06/04/82	JA: OK			
8237078	16154	3505320446		103		EARLY #2		0.0	CITIES SERVICE GA
8237079	16153	3505320470		103		GURLEY AETNA #1		0.0	CITIES SERVICE GA
8237077	16155	3505320768		103		VERNON #1		0.0	SUN GAS CO
-JET OIL COMPANY				RECEIVED:	06/04/82	JA: OK			
8237056	14697	3508332174		103		GILMORE #1	ORLANDO	5.0	EASON OIL CO
-JONES & PELLOW OIL CO				RECEIVED:	06/01/82	JA: OK			
8237003	14521	3507323147		103		GREENFIELD 25-2	SOONER TREND	3.0	CONOCO INC
-KAISER-FRANCIS OIL COMPANY				RECEIVED:	06/04/82	JA: OK			
8237094	14333	3501720675		108		OGLE #1	S E WATONGA	5.0	OKLAHOMA GAS & EL
8237093	14334	3504720934		108		SCHROEDER ESTATE #1-23	SPRING VALLEY	17.0	GRACE PETROLEUM C
-KEITH F WALKER				RECEIVED:	06/03/82	JA: OK			
8236969	14720	3509920272		103		BURKS		1.2	AMINOIL USA INC
-LADD PETROLEUM CORPORATION				RECEIVED:	06/03/82	JA: OK			
8236962	14471	3504700000		108		MCINTOSH LANG #1	N E ENID	14.0	CITIES SERVICE GA
-LAGUNA PETROLEUM CO				RECEIVED:	06/03/82	JA: OK			
8236990	14649	3501121506		103		COFFEY #1	EAST WATENGA MORROW	0.0	DELHI GAS PIPELIN
-LEWIS EXPLORATION INC				RECEIVED:	06/04/82	JA: OK			
8237065	14753	3507122225		103		BERGMAN #1	DILWORTH	0.0	NEWKIRK GAS TRANS
8237066	14754	3507122223		103		BERGMAN #2	DILWORTH	0.0	NEWKIRK GAS TRANS
8237067	14755	3507122224		103		BERGMAN #3	DILWORTH	0.0	NEWKIRK GAS TRANS
8237068	14756	3507122222		103		BERGMAN #4	DILWORTH	0.0	NEWKIRK GAS TRANS
8237069	14757	3507122317		103		BERGMAN #5	DILWORTH	0.0	NEWKIRK GAS TRANS
8237070	14758	3507122318		103		BERGMAN #6	DILWORTH	0.0	NEWKIRK GAS TRANS
8237044	14759	3507122368		103		BERGMAN #7	DILWORTH	0.0	NEWKIRK GAS TRANS
8237045	14760	3507122369		103		BERGMAN #8	DILWORTH	0.0	NEWKIRK GAS TRANS
-LINCOLN ROCK CORP				RECEIVED:	06/07/82	JA: OK			
8237026	06903	3508500000		103		28B #1	NORTHEAST MARIETTA	5.0	CIMARRON TRANSMIS
-LOBAR OIL CO INC				RECEIVED:	06/03/82	JA: OK			
8236981	12225	3508320876		103		NELLIE BLY #1	CRESCENT-LOVELL	0.0	EASON OIL CO
-M M RESOURCES INC				RECEIVED:	06/04/82	JA: OK			
8237048	14746	3511721311		103		DALLAS #1		36.0	MID-AMERICA GAS L
8237047	14747	3511721280		103		LEAH #1		36.0	MID-AMERICA GAS L
8237049	14745	3511721361		103		PAM #1		36.5	MID-AMERICA GAS L
-MACK OIL CO				RECEIVED:	06/04/82	JA: OK			
8237062	14763	3505320757		103		HARDIMAN #3	SOUTH NASH	250.0	
8237063	14762	3501722075		103		MALLEN #1	N CONCHO	50.0	PHILLIPS PETROLEU
8237064	14761	3501722055		103		ZUM #1	S E OKARCHE	50.0	PHILLIPS PETROLEU

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-MAGIC CIRCLE ENERGY CORP				RECEIVED:	06/04/82	JA: OK			
8237051	14732	3507323196		103		RYLAND #1	WEST CRESENT	0.0	CONOCO INC
-MAGUIRE OIL COMPANY				RECEIVED:	06/04/82	JA: OK			
8237060	14692	3509300000		103		FOSTER "A" #1	CHANEY DELL	0.2	
8237059	14693	3500320897		103		KIRKENDALL "B" #1	CHANEY DELL	0.2	
-MARION CORPORATION				RECEIVED:	06/01/82	JA: OK			
8237011	13736	3514721800		102-2		WILLIAM LITTLE #M-1		766.5	
-MEL-RAY OIL CO				RECEIVED:	06/03/82	JA: OK			
8236984	16156	3505320767		103		HOLDEN #1		0.0	CITIES SERVICE GA
-MURCHISON OIL & GAS INC				RECEIVED:	06/01/82	JA: OK			
8237008	14408	3504921714		103		DRISKILL #1	KLONDIKE	73.0	AMINOIL USA INC
-NATIONAL OIL COMPANY				RECEIVED:	06/04/82	JA: OK			
8237061	14691	3502720456		103		OSBORNE #1 027-66421	SOUTH MOORE	370.0	SUN GAS CO
-P-T LTD 81				RECEIVED:	06/03/82	JA: OK			
8236991	14648	3504722671		103		HUNTER 33-1	SOONER TREND	35.0	WELLHEAD ENTERPRI
-PCX CORP				RECEIVED:	06/03/82	JA: OK			
8237031	18815	3501521124		107-DP		FINNEY #1	WILDCAT	0.0	EL PASO NATURAL G
-PETROLEUM RESERVE CORP				RECEIVED:	06/01/82	JA: OK			
8236994	14598	3510321449		103		CINNAMON 21-1	POLO	55.0	AMINOIL USA INC
-PROEX ENERGY CORP				RECEIVED:	06/04/82	JA: OK			
8237096	14305	3504722613		103		GREGORY #21-1		419.8	PIONEER GAS PRODU
-RACK OIL INC				RECEIVED:	06/03/82	JA: OK			
8236986	14657	3511921546		103		BARROWS #1	CUSHING	15.0	PARKS ENERGY INVE
8236958	14658	3511921500		103		ISBELL #1	CUSHING	15.5	PARKS ENERGY INVE
-RALPH E PLOTNER OIL & GAS INVEST IN				RECEIVED:	06/03/82	JA: OK			
8237029	14378	3501721981		103		ALICE "K" #1	WEST EDMOND	0.0	PHILLIPS PETROLEU
8236989	14651	3501722081		103		STOVER #1	WEST PIEDMONT	36.0	PHILLIPS PETROLEU
8236988	14652	3501722074		103		WARD #1	WEST PIEDMONT	18.0	PHILLIPS PETROLEU
-RDN ENERGY INC				RECEIVED:	06/01/82	JA: OK			
8237002	14581	3509322241		103		FARBER #1	N E AMES	109.5	CITIES SERVICE GA
-RICKS EXPLORATION CO				RECEIVED:	06/03/82	JA: OK			
8236975	12303	3502720340		103		HAMM 15B	N W NORMAN	40.0	SUN GAS CO
8236974	12545	3502720504		103		HAMM 15C	N W NORMAN	51.0	SUN GAS CO
8236976	12144	3507322631		103		LOOSEN 32A	WEST OKARCHE	431.0	PHILLIPS PETROLEU
-SAMSON RESOURCES COMPANY				RECEIVED:	06/03/82	JA: OK			
8236985	15192	3507920424		102-2	103	REUBEN #2 - MID-ATOKA	NORTH SPIRO	547.5	ARKANSAS LOUISIAN
-SENECA OIL COMPANY				RECEIVED:	06/04/82	JA: OK			
8237098	13168	3501722026		103		BROWN ADLER #2-8	PIEDMONT	1170.0	
8237099	13093	3513921456		103		REUSZER #1-31	WEST DOMBEY	640.0	PANHANDLE EASTERN
-SHAR-ALAN OIL CO				RECEIVED:	06/01/82	JA: OK			
8237018	14093	3507323178		103		LULU WILLIAMS #1	WEST CASHION	0.0	CONOCO INC
-SOUTHLAND ROYALTY CO				RECEIVED:	06/01/82	JA: OK			
8237025	14534	3515121155		103		BUCKLAND #2-8	S W AVARD	500.0	PANHANDLE EASTERN
-SOUTHWESTERN EXPLOR CONSULTANTS INC				RECEIVED:	06/04/82	JA: OK			
8237053	14730	3510321440		103		MCNEIL #1	POLO	0.0	ARCO OIL & GAS CO
-SUN OIL COMPANY (DELAWARE)				RECEIVED:	06/01/82	JA: OK			
8237004	14515	3508520455		103		TESTERMAN #1	N MARIETTA	79.0	AMINOIL USA INC
-SUN OIL COMPANY (DELAWARE)				RECEIVED:	06/03/82	JA: OK			
8236960	14514	3501100000		108		GLADYS BEDWELL #1	O'KEENE N W	12.0	OKLAHOMA NATURAL
-SUN OIL COMPANY (DELAWARE)				RECEIVED:	06/04/82	JA: OK			
8237073	08545	3503700000		108		STEWARTFEE #44	CUSHING	0.0	ARCO OIL & GAS CO
-SUNDANCE ENERGY CORP				RECEIVED:	06/03/82	JA: OK			
8236972	14669	3504722755		103		BONNETT #1-A	S HUNTER	100.0	GRACE PETROLEUM C

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-TENNECO OIL COMPANY				RECEIVED: 06/03/82 JA: OK					
8236964	14337	3515330045		108		MILTON H WHEELOCK #2-4	QUINLAN N W	18.0	MICHIGAN WISCONSI
-TEXAS OIL & GAS CORP				RECEIVED: 06/04/82 JA: OK					
8237089	14667	3513921525		103		DUCKETT "B" #1	W DOMBEY	591.0	
8237090	14668	3506120456		103		WALKER "L" #1	WILDCAT	697.0	
-THE WIL-MC OIL CORP				RECEIVED: 06/01/82 JA: OK					
8237015	17203	3513721525		102-4		EDWARDS "E" #3 (144-5)	COMANCHE	203.8	
8237009	14238	3501520861		103		HERBERT GUY 1-B	SOUTH ONEY	202.4	DELHI GAS PIPELIN
-TOMLINSON OIL CO INC				RECEIVED: 06/03/82 JA: OK					
8236983	17097	3504520981		102-4	103	POLIN #1	NOT APPLICABLE	159.1	
-TOWNER PETROLEUM CO				RECEIVED: 06/03/82 JA: OK					
8236980	12276	3501721835		102-2		MESCHBERGER #21-1	CONCHO	0.0	PHILLIPS PETROLEU
-TRIGG DRILLING COMPANY INC				RECEIVED: 06/01/82 JA: OK					
8236997	14597	3508720627		103		JOHN BAILEY #1	SOUTH FREENY	50.0	SUN GAS CO
-TXO PRODUCTION CORP				RECEIVED: 06/01/82 JA: OK					
8237016	16980	3506120482		102-2		BLANKENSHIP "A" #1	WILDCAT	418.0	
-TXO PRODUCTION CORP				RECEIVED: 06/03/82 JA: OK					
8236973	14665	3515321259		103		MOREHART "A" #1	WILDCAT	63.0	
-VULCAN ENERGY CORP				RECEIVED: 06/01/82 JA: OK					
8237012	11425	3508321580		102-4		TUCKER #1	CRESCENT	90.0	EASON OIL CO
-WALTER A KELLY JR				RECEIVED: 06/03/82 JA: OK					
8236982	17230	3511921683		102-2		AHRBERG #2	NORTHWEST BOOMER LAKE	30.0	ARCO OIL & GAS CO
-WHITMAR EXPLORATION CO				RECEIVED: 06/03/82 JA: OK					
8236967	14860	3507920416		102-4	103	GARLAND COAL #1-23	WEST CEDARS	360.0	ARKANSAS LOUISIAN
-WOODS PETROLEUM CORPORATION				RECEIVED: 06/01/82 JA: OK					
8237005	14510	3505121130		103		SAVAGE #21-1	WATONGA	281.0	TRANSOK PIPE LINE

WEST VIRGINIA DEPARTMENT OF MINES

-BEREA OIL AND GAS CORPORATION				RECEIVED: 06/07/82 JA: WV					
*8236921		4700121627		102-4		D GOODWIN #1			
*8236920		4700121621		102-4		D P HANEY #1	BARKER	36.0	CONSOLIDATED GAS
*8236917		4700121594		103		G L YEAGER #1	VALLEY	51.0	CONSOLIDATED GAS
*8236922		4700121594		102-4		G L YEAGER #1	BARKER	68.0	CONSOLIDATED GAS
*8236923		4700121459		102-4		MCCLAIN #2	BARKER	68.0	CONSOLIDATED GAS
-BOGERT COAL & GAS				RECEIVED: 06/07/82 JA: WV			VALLEY	75.0	CONSOLIDATED GAS
8236895		4700100731		108		BROWN #1	PHILIPPI DIST	18.0	CONSOLIDATED GAS
-CABOT OIL & GAS CORP				RECEIVED: 06/04/82 JA: WV					
8236942		4707901035		107-DV		PUTNAM B-22	UNION	40.0	TENNESSEE GAS PIP
8236945		4707901035		103		PUTNAM B-22	UNION	40.0	TENNESSEE GAS PIP
8236943		4707901053		107-DV		PUTNAM B-34	UNION	39.0	TENNESSEE GAS PIP
8236944		4707901053		103		PUTNAM B-34	UNION	39.0	TENNESSEE GAS PIP
-CABOT OIL & GAS CORP				RECEIVED: 06/07/82 JA: WV					
8236916		4703903647		107-DV		JOHN TAIT #1	WASHINGTON	43.0	TENNESSEE GAS PIP
-CHASE PETROLEUM				RECEIVED: 06/04/82 JA: WV					
8236949		4708505090		107-DV		GRIFFIN #3	CLAY DISTRICT	38.0	
8236954		4708505093		107-DV		GRIFFIN #4	CLAY DISTRICT	38.0	
8236955		4701702897		107-DV		HEDRICK LEGGETT #1	SOUTHWEST DISTRICT	28.0	
8236951		4701702898		107-DV		HEDRICK LEGGETT #2	SOUTHWEST DISTRICT	28.0	
8236950		4701702899		107-DV		HEDRICK LEGGETT #3	SOUTHWEST DISTRICT	29.0	
8236953		4708504979		107-DV		SPIKER #1	UNION DISTRICT	39.0	
8236946		4708504977		107-DV		SPIKER #2	UNION DISTRICT	39.0	UNDEDICATED
8236947		4708505003		107-DV		SPIKER #3	UNION DISTRICT	38.0	

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8236957		4708505004		107-DV		SPIKER #4	UNION DISTRICT	39.0	
8236948		4708505005		107-DV		SPIKER #5	UNION DISTRICT	38.0	
8236952		4701702876		107-DV		STINESPRING #3	SOUTHWEST DISTRICT	28.0	
8236956		4701702877		107-DV		STINESPRING #4	SOUTHWEST DISTRICT	29.0	
-CONSOLIDATED GAS SUPPLY CORPORATION		RECEIVED:	06/07/82	JA: WV					
8236901		4703301030		108		ANITA B GOFF 12275	COAL DISTRICT	0.5	GENERAL SYSTEM PU
8236900		4703301934		108		GEORGE H BERRY 12566	EAGLE DISTRICT	0.6	GENERAL SYSTEM PU
8236902		4703100707		108		JUNIOR LANTZ 11942	PHILLIPPI DISTRICT	0.5	GENERAL SYSTEM PU
8236903		4703301835		108		VANCE WARD 11833	GRANT DISTRICT	0.3	GENERAL SYSTEM PU
8236898		4704102051		108		WILLIAM J WOOFTER 12055	FREEMANS CREEK DISTRI	0.2	GENERAL SYSTEM PU
8236899		4704102174		108		WILLIAM WINANS 12487	FREEMAN'S CREEK DISTR	0.4	GENERAL SYSTEM PU
-CONTINENTAL PETROLEUM CO		RECEIVED:	06/07/82	JA: WV					
8236891		4700701723		103		J C CARPER #1	GLENVILLE SOUTH	11.0	CONSOLIDATED GAS
-D C MALCOLM INC		RECEIVED:	06/07/82	JA: WV					
8236897		4703903783		107-DV		ALDERSON #4	BLUE CREEK	36.0	COLUMBIA GAS TRAN
-DEVON CORPORATION		RECEIVED:	06/07/82	JA: WV					
8236892		4703501626		103		CARL W PIGNATO #969	RIPLEY	68.0	DEVON PIPELINE CO
-EASTERN AMERICAN ENERGY CORPORATION		RECEIVED:	06/04/82	JA: WV					
8236940		4704103109		103		LOUDIN #4	COURTHOUSE	25.0	
8236941		4704103109		107-DV		LOUDIN #4	COURTHOUSE	25.0	
-JAMES F SCOTT		RECEIVED:	06/07/82	JA: WV					
8236906		4703302679		103		CATHERINE COURTNEY S-390	UNION	36.0	CONSOLIDATED GAS
8236907		4701703028		103		EVA CASWELL #2 S-367	GREENBRIER	16.0	CONSOLIDATED GAS
8236908		4700101562		103		HILLMAN COAL & COKE S-371	PLEASANT	26.0	CONSOLIDATED GAS
8236905		4703302676		103		VIOLET RODNEY #1 S-391	UNION	69.0	CONSOLIDATED GAS
8236904		4703302677		103		VIOLET RODNEY #2 S-392	UNION	64.0	CONSOLIDATED GAS
-JOHNSON EXPLORATION CO		RECEIVED:	06/07/82	JA: WV					
8236918		4702103848		103		G A BUSH #1-J	LEADING CREEK	11.0	COLUMBIA GAS TRAN
8236919		4702103848		107-DV		G A BUSH #1-J	LEADING CREEK	11.0	COLUMBIA GAS TRAN
-LINVILLE GAS CO		RECEIVED:	06/07/82	JA: WV					
8236888		4704322523		107-DV		OKEY LINVILLE #1	JEFFERSON DISTRICT	0.0	COLUMBIA GAS TRAN
-ROYAL OIL & GAS CORPORATION		RECEIVED:	06/07/82	JA: WV					
8236889		4702103676		103		NETTIE BUSH #2	LEADING CREEK	90.0	CONSOLIDATED GAS
-SENECA-UPSHUR PETROLEUM CO		RECEIVED:	06/07/82	JA: WV					
8236915		4705900975		107-DV		C-10	HARDEE	35.0	COLUMBIA GAS TRAN
8236909		4705900976		107-DV		C-11	HARDEE	35.0	COLUMBIA GAS TRAN
8236910		4705900969		107-DV		C-13	HARDEE	35.0	COLUMBIA GAS TRAN
8236911		4705900970		107-DV		C-14	HARDEE	35.0	COLUMBIA GAS TRAN
8236912		4705900978		107-DV		C-20	HARDEE	35.0	COLUMBIA GAS TRAN
8236914		4705900981		107-DV		C-21	HARDEE	35.0	COLUMBIA GAS TRAN
8236913		4705900982		107-DV		C-22	HARDEE	35.0	COLUMBIA GAS TRAN
-SPARTAN GAS COMPANY		RECEIVED:	06/07/82	JA: WV					
8236893		4710900863		103		Y & O COAL CO 85-S-276	OCEANA	73.0	COLUMBIA GAS TRAN
-STONEWALL GAS CO INC		RECEIVED:	06/04/82	JA: WV					
8236939		4701702995		103		E MAY SUMMERS #1 79-S	GREENBRIER DISTRICT	20.0	CONSOLIDATED GAS
-TRIO OIL & GAS CO INC		RECEIVED:	06/07/82	JA: WV					
8236894		4701700521		108		S N MONTGOMERY LEASE WELL #3	WEST UNION DISTRICT	1.5	CONSOLIDATED GAS
-TWI OIL CO		RECEIVED:	06/07/82	JA: WV					
8236896		4708505123		107-DV		WALLER #1	GRANT	0.0	CONSOLIDATED GAS

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WYOMING OIL & GAS CONSERVATION COMMISSION

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-J C BAKER & SONS INC RECEIVED: 06/07/82 JA: WY

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8236890		4900701658		103		LAKE & HOPKINS	SALT LICK DIST	20.0	CONSOLIDATED GAS
-ARCO OIL AND GAS COMPANY				RECEIVED: 06/07/82		JA: NM 0			
8237136	NM-0136-82	3003502030		108		JUSTIS FEDERAL #3-Y	JUSTIS (BLINEBRY)	3.0	EL PASO NATURAL G
** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, DENVER,CO									
-MESA PETROLEUM CO				RECEIVED: 06/08/82		JA: CO 1			
8236935	CD 0152-82	0512506633		102-2	107-TF	ECKELY FEDERAL 28 #2	ECKLEY	104.0	
-TETON ENERGY CO INC				RECEIVED: 06/08/82		JA: CO 1			
8236937	CD 0156-82	0510308748		103	107-TF	FEDERAL 9-4	SOUTH DOUGLAS CREEK	39.0	NORTHWEST PIPELIN
-WALTER S FEES JR				RECEIVED: 06/08/82		JA: CO 1			
8236936	CD 0533-81	0507708311		102-3		HUNTERS CANYON UNIT #6	HUNTERS CANYON	0.0	WESTERN SLOPE GAS
-ARCO OIL AND GAS COMPANY				RECEIVED: 06/08/82		JA: UT 1			
8236926	UD 0190-82	4301905513		108		SAN ARROYO UNIT #19	SAN ARROYO	9.0	MESA PIPELINE CO
8236932	UD 0195-82	4301905520		108		SAN ARROYO UNIT #22	SAN ARROYO	7.0	MESA PIPELINE CO
8236927	UD 0194-82	4301905497		108		SAN ARROYO UNIT #26	SAN ARROYO	12.0	MESA PIPELINE CO
8236931	UD 0191-82	4301905509		108		SAN ARROYO UNIT #29	SAN ARROYO	15.0	MESA PIPELINE CO
-COASTAL OIL & GAS CORP				RECEIVED: 06/08/82		JA: UT 1			
8236928	UD 0196-82	4304730536		103	107-TF	NBU 38N2 (13-10-22)	NATURAL BUTTES	264.0	COLORADO INTERSTA
8236934	UD 0160-82	4304730838		103	107-TF	NBU 58N2 (27-10-22)	NATURAL BUTTES	383.0	COLORADO INTERSTA
8236933	UD 0164-82	4304731090		103	107-TF	NBU 69N2 (35-9-21)	NATURAL BUTTES	127.0	COLORADO INTERSTA
-EXXON CORPORATION				RECEIVED: 06/08/82		JA: UT 1			
8236925	CD0180-82	4304731035		103		UTE TRIBAL UNIT #1 ALTERNATE	BLUEBELL	1.0	GARY ENERGY CORP
8236930	UD 0181-82	4304730931		103		UTE TRIBAL UNIT COM #1	BLUEBELL	2.0	GARY ENERGY CORP
-MCOR OIL & GAS CORP				RECEIVED: 06/08/82		JA: UT 1			
8236938	UD 0357-81	4303730622		102-4		FEDERAL 3-19	SQUAW CANYON	164.3	EL PASO NATURAL G
-ODEGARD RESOURCES INC				RECEIVED: 06/08/82		JA: UT 1			
8236929	UD 0161-82	4301930895		103		FEDERAL "C" #1	WESTWATER	270.0	NORTHWEST PIPELIN
8236924	UD0162-82	4301930891		103		FEDERAL "D" #1	WESTWATER	306.0	NORTHWEST PIPELIN
** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, ALBUQUERQUE,NM									
-AMOCO PRODUCTION CO				RECEIVED: 06/07/82		JA: NM 4			
8237120	NM-0896-81	3001523181		102-4		FEDERAL "AI" COM #1	WILDCAT MORROW	250.0	LLANO INC
8237122	NM-1044-81	3001523384		102-4		FEDERAL "BB" #1	UND SCOGGIN DRAW MORR	383.0	LLANO INC
8237118	NM-0748-81	3001523458		102-4		FEDERAL BN #1	UND MORROW	1000.0	EL PASO NATURAL G
8237147	NM 0290-82	3004524865		103		GALLEGOS CANYON UNIT #209E	BASIN DAKOTA	0.0	EL PASO NATURAL G
8237146	NM 0289-82	3004524948		103		GALLEGOS CANYON UNIT #226E	BASIN DAKOTA	17.0	EL PASO NATURAL G
8237148	NM 0291-82	3004525210		103		GALLEGOS CANYON UNIT #263E	BASIN DAKOTA	28.0	AMOCO GAS CO
8237165	NM 0311-82	3004524756		103		GINTHER GAS COM #2E	BASIN DAKOTA	43.0	EL PASO NATURAL G
8237145	NM 0288-82	3003922482		103		JICARILLA CONTRACT 146 #31	OTERO CHACRA	30.0	EL PASO NATURAL G
8237143	NM-0280-82	3003905525		108		JICARILLA 35-A GAS COM #1	BASIN DAKOTA	0.0	EL PASO NATURAL G
8237166	NM 0312-82	3004524478		103		MARTIN GAS COM "C" #1E	BASIN DAKOTA	26.0	EL PASO NATURAL G
8237144	NM 0287-82	3004524478		103		MARTIN GAS COM "I" #1	UNDESIGNATED CHACRA	13.0	EL PASO NATURAL G
8237167	NM 0313-82	3004524662		103		R P HARGRAVE "J" #1E	BASIN DAKOTA	16.0	SOUTHERN UNION GA
-ANTWEIL OIL CO				RECEIVED: 06/07/82		JA: NM 4			
8237119	NM-0886-81	3001523561		102-4		FEDERAL HG #1	HG MORROW GAS	0.0	LLANO INC
-ARCO OIL AND GAS COMPANY				RECEIVED: 06/07/82		JA: NM 4			
8237179	NM 0338-82	3004525254		103		MADDOX WN FEDERAL #4F (DK)	BASIN DAKOTA	146.0	NORTHWEST PIPELIN
-BLACKWOOD & NICHOLS CO LTD				RECEIVED: 06/07/82		JA: NM 4			
8237174	NM 0332-82	3004525235		103		NORTHEAST BLANCO UNIT #53A	BLANCO MESAVERDE D-28	200.0	EL PASO NATURAL G
-CITIES SERVICE COMPANY				RECEIVED: 06/07/82		JA: NM 4			
8237168	NM 0314-82	3001523508		103		GOVERNMENT-AM COM #1	UND N TURKEY TRACK (M	73.0	

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-COTTON PETROLEUM CORPORATION				RECEIVED:	06/07/82	JA: NM 4			
8237129	NM-1961-81	3003922214		108		APACHE #30	SOUTH BLANCO - PICTUR	35.0	NORTHWEST PIPELIN
-DAVE M THOMAS JR				RECEIVED:	06/07/82	JA: NM 4			
8237117	NM-0576-81	3004320268		108		CHACON JICARILLA #9	BALLARD PICTURED CLIF	18.2	EL PASO NATURAL G
-DOME PETROLEUM CORP				RECEIVED:	06/07/82	JA: NM 4			
8237160	NM 0304-82	3004524049		103		DOME FEDERAL 17-27-13 #4	WAW FRUITLAND - P C	49.6	EL PASO NATURAL G
8237159	NM 0303-82	3004524047		103		DOME FEDERAL 7-27-13 #3	WAW FRUITLAND - PICTU	38.4	EL PASO NATURAL G
8237158	NM 0302-82	3004523398		103		DOME FEDERAL 8-27-13 #1	WAW FRUITLAND - P C	77.4	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY				RECEIVED:	06/07/82	JA: NM 4			
8237125	NM-1735-81	3004511747		108		BLANCO #17	SOUTH BLANCO - PICTUR	24.0	EL PASO NATURAL G
8237103	NM-0346-82	3002524561		108		COOPER FEDERAL #1	COOPER MORROW	23.0	EL PASO NATURAL G
8237173	NM 0331-82	3004524847		103		HUERFANO UNIT #213E	BASIN DAKOTA	50.0	EL PASO NATURAL G
8237182	NM-0345-82	3004521139		108		HUGHES A #8	BLANCO PICTURED CLIFF	19.0	EL PASO NATURAL G
8237139	NM-0179-82	3003906017		108		JICARILLA E #10	SOUTH BLANCO - PICTUR	21.0	EL PASO NATURAL G
8237121	NM-0904-81	3004520456		108		MCCULLEY #8	AZTEC PICTURED CLIFFS	17.0	EL PASO NATURAL G
8237128	NM-1943-81	3004509054		108		MURPHY E #3	AZTEC PICTURED CLIFFS	22.0	EL PASO NATURAL G
8237180	NM-0343-82	3003920713		108		RINCON UNIT #195	SOUTH BLANCO-PICTURED	19.0	EL PASO NATURAL G
8237100	NM 0036-81PB	3003982363		108-PB		SAN JUAN 27-5 UNIT #80	TAPACITO- PICTURED CL	19.0	EL PASO NATURAL G
8237110	NM0060-82PB	3003920574		108-PB		SAN JUAN 28-6 UNIT #130	BASIN - DAKOTA	20.0	EL PASO NATURAL G
8237127	NM-1921-81	3003921732		108		SAN JUAN 28-7 UNIT #110	BASIN DAKOTA	21.0	EL PASO NATURAL G
8237181	NM-0344-82	3003920797		108		SAN JUAN 28-7 UNIT #179	BLANCO-PICTURED CLIFF	18.0	EL PASO NATURAL G
8237154	NM 0296-82	3003922762		103		SAN JUAN 29-7 UNIT #117	BASIN DAKOTA	110.0	EL PASO NATURAL G
8237124	NM-1678-81	3003982387		108		SAN JUAN 30-4 UNIT #33	BLANCO-MESAVERDE	25.0	EL PASO NATURAL G
8237126	NM-1802-81	3003907889		108		SAN JUAN 30-6 UNIT #46	BLANCO - MESA VERDE	22.0	EL PASO NATURAL G
8237153	NM 0295-82	3003922652		103		SAN JUAN 30-6 UNIT #73A	BLANCO MESAVERDE	260.0	EL PASO NATURAL G
8237152	NM 0294-82	3003922651		103		SAN JUAN 30-6 UNIT #84A	BLANCO MESAVERDE	250.0	EL PASO NATURAL G
8237151	NM 0293-82	3003922654		103		SAN JUAN 30-6 UNIT #94A	BLANCO MESAVERDE	250.0	EL PASO NATURAL G
-ENERGY RESERVES GROUP INC				RECEIVED:	06/07/82	JA: NM 4			
8237131	NM-0064-82	3003922856		103		JICARILLA 35 #14	WEST LINDRITH GALLUP-	29.9	NORTHWEST PIPELIN
-ENSERCH EXPLORATION INC				RECEIVED:	06/07/82	JA: NM 4			
8237172	NM 0330-82	3004120625		103		SCOTT-FEDERAL #1	N PETERSON	5.0	TRANSWESTERN PIPE
-FRED POOL JR				RECEIVED:	06/07/82	JA: NM 4			
8237140	NM-0209-82	3000560957		107-TF		M & M FEDERAL #1	UND WILDCAT	0.0	TRANSWESTERN PIPE
8237130	NM-2039-81	3000560957		102-2		M&M FEDERAL #1	UND WILDCAT	0.0	TRANSWESTERN PIPE
-GETTY OIL COMPANY				RECEIVED:	06/07/82	JA: NM 4			
8237156	NM 0298-82	3002527481		103		MYERS LANGLIE MATTIX UNIT #166	LANGLIE MATTIX	2.6	EL PASO NATURAL G
8237157	NM 0299-82	3002527482		103		MYERS LANGLIE MATTIX UNIT #182	LANGLIE MATTIX	6.6	EL PASO NATURAL G
8237155	NM 0297-82	3002526905		103		MYERS LANGLIE MATTIX UNIT #230	LANGLIE MATTIX	47.5	EL PASO NATURAL G
-J GLENN TURNER				RECEIVED:	06/07/82	JA: NM 4			
8237171	NM 0325-82	3004500000		103		EST OF J GLENN TURNER HEIRS 1 FD28	BASIN-DAKOTA	150.0	EL PASO NATURAL G
-MARATHON OIL COMPANY				RECEIVED:	06/07/82	JA: NM 4			
8237116	NM-0149-81	3003922434		103		JICARILLA APACHE #16-E	JICARILLA APACHE	185.0	NORTHWEST PIPELIN
-MESA PETROLEUM CO				RECEIVED:	06/07/82	JA: NM 4			
8237138	NM-0163-82	3003922759		102-2		SOUTH BLANCO NAVAJO 31 #2	LYBROOK GALLUP EXT	37.0	GAS CO OF NEW MEX
-MOBIL PRDG TEXAS & NEW MEXICO INC				RECEIVED:	06/07/82	JA: NM 4			
8237170	NM-0323-82	3004509323		108-SA		STEPHENS GAS UNIT #1	BASIN DAKOTA	2.2	NORTHWEST PIPELIN
-NORTHWEST PIPELINE CORPORATION				RECEIVED:	06/07/82	JA: NM 4			
8237103	NM0051-82PB	3004521487		108-PB		HOLT UNIT #3	BLANCO PICTURED CLIFF	21.0	NORTHWEST PIPELIN
8237104	NM0054-82-PB	3003907946		108-PB		ROSA UNIT #15	BLANCO	11.0	NORTHWEST PIPELIN
8237105	NM0055-82PB	3003907963		108-PB		ROSA UNIT #16	BLANCO MV	0.0	EL PASO NATURAL G
8237106	NM0056-82PB	3003907955		108-PB		ROSA UNIT #19	BLANCO MV	15.0	NORTHWEST PIPELIN
8237107	NM0057-82PB	3003900000		108-PB		ROSA UNIT 14	BLANCO	12.0	NORTHWEST PIPELIN
8237113	NM0099-82PB	3003900000		108-PB		S/J 30-5 UNIT #2 R	BLANCO	19.0	NORTHWEST PIPELIN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8237109	NM0059-82PB	3003907799		108-PB		S/J 30-5 UNIT #30
8237112	NM0097-82PB	3003907799		108-PB		S/J 30-5 UNIT #30
8237102	NM 0050-82PB	3003920712		108-PB		SAN JUAN 29-5 #68
8237114	NM0100-82PB	3003921028		108-PB		SAN JUAN 29-5 UNIT #61
8237101	NM 0049-82PB	3003900000		108-PB		SAN JUAN 29-5 78
8237169	NM-0318-82	3003907572		108		SAN JUAN 29-6 UNIT #91
8237111	NM0096-82PB	3003907835		108-PB		SAN JUAN 30-5 UNIT 25
8237115	NM0101-82PB	3003907907		108-PB		SAN JUAN 31-6 #14
-PERRY R BASS				RECEIVED:	06/07/82	JA: NM 4
8237137	NM-016282103	3001523473		103		BIG EDDY UNIT #70
-PETROLEUM DEVELOPMENT CORP				RECEIVED:	06/07/82	JA: NM 4
8237141	NM-0278-82	3002526901		103		SHELLY FEDERAL COMM #1
-SOUTHLAND ROYALTY CO				RECEIVED:	06/07/82	JA: NM 4
8237175	NM 0336-82-A	3004525037		103		CAIN #22
8237176	NM 0336-82-B	3004525037		103		CAIN #22
8237177	NM 0337-82-A	3004525039		103		COOPER #3-E
8237178	NM 0337-82-B	3004525039		103		COOPER #3-E
8237184	NM 0368-82	3001523449		103		EMPIRE FEDERAL "35" COM #1
-SUPRON ENERGY CORPORATION				RECEIVED:	06/07/82	JA: NM 4
8237149	NM 0292-82-A	3004525078		103		TALIAFERRO #3-E
8237150	NM 0292-82-B	3004525078		103		TALIAFERRO #3-E
-TENNECO OIL COMPANY				RECEIVED:	06/07/82	JA: NM 4
8237164	NM 0309-82	3004525022		103		FLORANCE #126
8237161	NM 0305-82	3004524923		103		HEATON COM B3
8237162	NM 0306-82	3004524806		103		NEAL COM #2
8237163	NM 0308-82	3004524924		103		NEWBERRY B 1E
-YATES PETROLEUM CORPORATION				RECEIVED:	06/07/82	JA: NM 4
8237123	NM-1581-81	3001523642		103		FEDERAL "AB" #8
8237135	NM-0128-82	3000561154		103	107-TF	LEEMAN "OC" FEDERAL #2
-BARUCH-FOSTER CORP				RECEIVED:	06/07/82	JA: OK 4
8237142	OKA-0279-82	3511921230		108		NORA BARKER HEIRS #1
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	06/07/82	JA: OK 4
8237133	OKA 0125-82	3501521142		103		E BINGER UNIT #59-2
8237132	NM-0105-82	3501520324		108		EAST BINGER UNIT #27-01
8237134	OKA 0126-82	3501521146		103		EAST BINGER UNIT #58-2

OTHER PURCHASERS VOLUME NO :678

8236917	BROOKLYN UNION GAS CO
8236920	BROOKLYN UNION GAS CO
8236921	BROOKLYN UNION GAS CO
8236922	BROOKLYN UNION GAS CO
8236923	BROOKLYN UNION GAS CO
8237097	PUBLIC SERVICE CO OF OKLA

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-18291 Filed 7-2-82; 8:45 am]

BILLING CODE 6717-01-C

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FIELD NAME	PROD	PURCHASER
BLANCO	13.0	NORTHWEST PIPELIN
BLANCO	13.0	NORTHWEST PIPELIN
BASIN DAKOTA	19.0	EL PASO NATURAL G
BLANCO MESAVERDE	0.0	EL PASO NATURAL G
BASIN DAKOTA	21.0	NORTHWEST PIPELIN
BASIN DAKOTA	19.0	NORTHWEST PIPELIN
BLANCO MESAVERDE	0.0	EL PASO NATURAL G
BLANCO MESAVERDE	0.0	EL PASO NATURAL G
UNDESIGNATED	300.0	NATURAL GAS PIPEL
NORTH LUSK BONE SPRIN	50.0	CONOCO INC
BLANCO	200.0	SOUTHERN UNION GA
BASIN	75.0	SOUTHERN UNION GA
CROUCH MESA	1050.0	SOUTHERN UNION GA
BASIN	225.0	SOUTHERN UNION GA
UNDESIGNATED	95.0	NORTHERN NATURAL
BLANCO MESAVERDE	0.0	SOUTHERN UNION GA
BASIN DAKOTA	6.8	SOUTHERN UNION GA
BASIN DAKOTA	500.0	EL PASO NATURAL G
BASIN DAKOTA	500.0	EL PASO NATURAL G
BASIN DAKOTA	500.0	EL PASO NATURAL G
BASIN DAKOTA	500.0	NORTHWEST PIPELIN
PENASCO DRAW-SA-YESO	0.0	TRANSWESTERN PIPE
UND ABO	0.0	TRANSWESTERN PIPE
RAVENDALE	8.0	CITIES SERVICE GA
EAST BINGER	0.0	OKLAHOMA NATURAL
	0.0	OKLAHOMA NATURAL
EAST BINGER	0.0	OKLAHOMA NATURAL

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: June 29, 1982.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION									
-A G HILL				RECEIVED:	06/10/82	JA: TX			
8237406	F-08-051642	4237133465		102-4		TREES "43" WELL #3	A G H (CHERRY CANYON)	29.2	WARREN PETROLEUM
-ADAMS ENERGY CO				RECEIVED:	06/10/82	JA: TX			
8237209	F-10-040427	4206530938		103		MCCONNELL L S R-1	PANHANDLE WEST	0.0	KERR-MCGEE CORP
-ADOBE OIL & GAS CORPORATION				RECEIVED:	06/10/82	JA: TX			
8237469	F-8A-051802	4244531024		103		MULDROW "A" #5	PRENTICE N W (SAN AND	8.0	AMOCO PRODUCTION
-ALAMO PETROLEUM COMPANY				RECEIVED:	06/10/82	JA: TX			
8237239	F-02-043952	4223931557		102-4 103		ROSE & SAMPLE #2	EL TORO	150.0	VALERO TRANSMISSI
-AMAX PETROLEUM CORPORATION				RECEIVED:	06/10/82	JA: TX			
8237325	F-03-049943	4215731275		102-4 103		J W FARRIS #1	KATY S (FIRST WILCOX)	1300.0	HOUSTON PIPE LINE
8237393	F-03-051435	4215731207		102-2		L R MORGAN #1	KATY S (FIRST WILCOX)	1300.0	HOUSTON PIPE LINE
-AMERICAN QUASAR PETROLEUM CO				RECEIVED:	06/10/82	JA: TX			
8237213	F-09-041132	4218130772		102-4		W STRICKLAND GAS UNIT #1	NW NEW MAG	0.0	
-AMMEX PETROLEUM INC				RECEIVED:	06/10/82	JA: TX			
8237334	F-03-050488	4214931165		102-2 103		GLYNDA #1	GIDDINGS (AUSTIN CHAL	756.0	CLAJON GAS CO
8237333	F-03-050400	4205132032		102-2 103		TOMMY UNIT #1	BIG A (TAYLOR)	76.3	CLAJON GAS CO
-AMOCO PRODUCTION CO				RECEIVED:	06/10/82	JA: TX			
8237507	F-8A-051942	4218930332		103		ANTON - IRISH CLEARFORK UNIT #448	ANTON - IRISH	0.3	PIONEER CORP
8237472	F-04051812	4247933162		102-4	107-TF	KILLAM HURD AMOCO ALEXANDER #2	DEL MAR (LOWER HIRSCH	149.7	DELHI GAS PIPELIN
8237471	F-04-051811	4247932948		102-4	107-TF	KILLAM HURD AMOCO TRAUTMAN #1	DEL MAR (LOWER HIRSCH	649.7	DELHI GAS PIPELIN
8237438	F-08-051742	4213533656		103		NORTH COWDEN UNIT #1115	COWDEN NORTH	31.0	PIONEER CORP
-ANDERSON PETROLEUM INC				RECEIVED:	06/10/82	JA: TX			
8237279	F-7C-046829	4210532143		108		ELMER HOOVER HATTON ESTATE "I" 1-13	OZONA (CANYON SAND)	0.0	ANDERSON PIPELINE
8237278	F-7C-046827	4210532165		108		ELMER HOOVER HATTON ESTATE "J" 2-13	OZONA (CANYON SAND)	0.0	ANDERSON PIPELINE
8237277	F-7C-046822	4210531658		108		IRA CARSON "A" 3-48	OZONA (CANYON SAND)	0.0	ANDERSON PIPELINE
8237273	F-7C-046797	4210531688		108		IRA CARSON "D" 1-2	OZONA (CANYON SAND)	0.0	ANDERSON PIPELINE
8237276	F-7C-046820	4210532123		108		LAURA HOOVER ESTATE "A" 1-40	OZONA (CANYON SAND)	0.0	ANDERSON PIPELINE
8237274	F-7C-046800	4210532185		108		LAURA HOOVER ESTATE "C" 1-41	OZONA (CANYON SAND)	0.0	ANDERSON PIPELINE
8237275	F-7C-046812	4210532225		108		MOODY MINERALS "A" 3-29A	OZONA (CANYON SAND)	0.0	ANDERSON PIPELINE
-ARCADIA REFINING CO				RECEIVED:	06/10/82	JA: TX			
8237214	F-06-041384	4240131088		103	107-TF	T P CANNON #1	HENDERSON NORTH (COTT	0.0	UNITED GAS PIPELI
-ARCO OIL AND GAS COMPANY				RECEIVED:	06/10/82	JA: TX			
8237255	F-7C-045737	4231131652		103		P KYNETTE #29	S CAMPANA (QUEEN 5900	146.0	ARCO PETROLEUM PR
8237271	F-06-046726	4236531281		102-2	107-TF	S W WILCOTS GAS UNIT #2	CARTHAGE (COTTON VALL	200.0	SOUTHERN NATURAL
8237298	F-04-048313	4221531081		102-4		SCHUSTER GAS UNIT #2	DONNA (MONTGOMERY)	1000.0	TENNESSEE GAS PIP
8237509	F-08-051958	4232930985		103		W M SCHROCK"22" #7	SPRABERRY (TREND AREA	22.0	EL PASO NATURAL G
-ASPEN PETROLEUM INC				RECEIVED:	06/10/82	JA: TX			
8237487	F-10-051879	4217930898		103		SHERIDAN #7 04719	PANHANDLE GRAY COUNTY	72.0	CABOT PIPELINE CO
8237486	F-10-051878	4217930900		103		SHERIDAN #8 04719	PANHANDLE GRAY COUNTY	72.0	CABOT PIPELINE CO
-ASTRO PRODUCTION INC				RECEIVED:	06/10/82	JA: TX			
8237485	F-04-051622	4247932969		102-2		HAIZLIP #6	LAREDO N (WILCOX)	691.0	TRANSCONTINENTAL

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
-ATAPCO						
8237424	F-09-051718	4249731553		RECEIVED:	06/10/82	JA: TX
8237425	F-09-051721	4249732069		103		EAST UNIT #3-3 #16204
-BAJA ENERGY INC				103		EAST UNIT #4-6 #16204
8237387	F-7C-051365	4208131108		RECEIVED:	06/10/82	JA: TX
-BEAL OPERATING				102-4		PRICE "A" #1
8237237	F-7B-043791	4208300000		RECEIVED:	06/10/82	JA: TX
-BERT FIELDS JR				102-4		RUTH ANN HEMPHILL #5 (096241)
8237234	F-7C-043664	4238300000		RECEIVED:	06/10/82	JA: TX
8237233	F-7C-043658	4238300000		108		UNIVERSITY "E" #2
-BILL FORNEY INC				108		UNIVERSITY "F" #7
8237493	F-02-051891	4229732703		RECEIVED:	06/10/82	JA: TX
-BLACK JACK RESOURCES INC				102-4		J T LYNE GAS "B" #2 RRC# 098616
8237294	F-03-047991	4248132116		RECEIVED:	06/10/82	JA: TX
-BLAIK OIL COMPANY				103		DONALD DUNCAN #1
8237408	F-10-051657	4223300000		RECEIVED:	06/10/82	JA: TX
-BLAIR OIL COMPANY				108		KIRK-FARRINGTON #1
8237250	F-10-045029	4206530930		RECEIVED:	06/10/82	JA: TX
-BLUESKY OIL & GAS INC				103		SHELIA #4
8237267	F-03-046350	4205131452		RECEIVED:	06/10/82	JA: TX
-BOB WALLACE OIL INC				102-2 103		W HELWIG #1
8237354	F-10-050840	4206531080		RECEIVED:	06/10/82	JA: TX
-CAMBRIDGE & NAIL				103		CULBERTSON (04944) # 4-6
8237196	F-10-036838	4221131053		RECEIVED:	06/10/82	JA: TX
-CARAWAY OPERATING CO				108		HUMPHREYS #1 ID NO 81020
8237468	F-7C-051795	4241331188		RECEIVED:	06/10/82	JA: TX
-CHAMPLIN PETROLEUM COMPANY				103		MRS A B THOMERSON "B" #2M (09375)
*8237195	F-04-035121	4224900000		RECEIVED:	06/10/82	JA: TX
-CHEVRON U S A INC				108		G P WARDNER #119
8237291	F-03-047775	4235130358		RECEIVED:	06/10/82	JA: TX
8237451	F-8A-051765	4241532136		102-4		C T BLEDSOE "B" UNIT #1
8237452	F-8A-051766	4241532115		103		SACROC UNIT #39-8
8237453	F-8A-051767	4241532022		103		SACROC UNIT #60-7
8237450	F-8A-051764	4241532117		103		SACROC UNIT #69-5
-CITIES SERVICE COMPANY				103		SACROC UNIT #71-7
8237436	F-08-051740	4238931208		RECEIVED:	06/10/82	JA: TX
-CLEMENTS ENERGY INC				103		PERKINS F #1
8237496	F-08-051897	4249531322		RECEIVED:	06/10/82	JA: TX
-COLUMBIA GAS DEVELOPMENT CORP				103		VEST RANCH #1
8237500	F-03-051922	4205131876		RECEIVED:	06/10/82	JA: TX
-CONOCO INC				102-2		MARION J FILIPPONE #6
8237204	F-04-040017	4250531367		RECEIVED:	06/10/82	JA: TX
-CONSOLIDATED OIL & GAS INC				103	107-TF	BELIA R BENAVIDES "B" #2
8237474	F-04-051827	4247932411		RECEIVED:	06/10/82	JA: TX
-COPET INC				103	107-TF	HACHAR #15
8237392	F-7B-051434	4204900000		RECEIVED:	06/10/82	JA: TX
-COTTON PETROLEUM CORPORATION				103		OLIVER STEEL/JENNY BELL FISHER A-2
8237263	F-08-046195	4247532362		RECEIVED:	06/10/82	JA: TX
8237258	F-7C-046092	4246131778		103		UNIVERSITY 18-18 #1
-CROWN EXPLORATION CO				103		UNIVERSITY 3-9 #1
8237379	F-7B-051313	4215100000		RECEIVED:	06/10/82	JA: TX
-DAVID A SCHLACHTER OIL & GAS				103		PLEMONS #2
8237332	F-08-050377	4200333016		RECEIVED:	06/10/82	JA: TX
				103		CASCADE "B" #3

FIELD NAME	PROD	PURCHASER
ALVORD SOUTH (CADDO C	2.0	MITCHELL ENERGY C
ALVORD SOUTH (CADDO C	5.4	MITCHELL ENERGY C
ACR (CANYON)	71.0	SUN OIL CO
HEMPHILL (MORRIS)	90.0	ODESSA NATURAL CO
BLOCK 49 (2450)	0.0	J L DAVIS
BLOCK 49 (2450)	1.3	J L DAVIS
CHARLINE (FORNEY)	0.0	TRA NSCONTINE NTAL
EGYPT FIELD (ALEX EDG	54.8	TEXAS EASTERN TRA
SHIRLEY-TONKAWA	20.0	NORTHERN NATURAL
PANHANDLE - CARSON CO	0.0	PANHANDLE EASTERN
GIDDINGS (AUSTIN CHAL	0.0	FERGUSON CROSSING
PANHANDLE CARSON COUN	81.0	CABOT PIPELINE CO
TWISTER (DOUGLAS)	0.0	NORTHERN NATURAL
TOE NAIL (STRAWN)	53.0	ARCO OIL & GAS CO
STRATTON	13.5	TENNESSEE GAS PIP
LEMONVILLE (YEGUA L)	401.5	VALERO TRANSMISSI
KELLY-SNYDER	6.0	EL PASO NATURAL G
KELLY-SNYDER	7.0	EL PASO NATURAL G
KELLY-SNYDER	41.0	EL PASO NATURAL G
KELLY-SNYDER	27.0	EL PASO NATURAL G
COLLIE (DELAWARE)	23.0	INTRATEX GAS CO
ARENOSO (STRAWN DETRI	60.0	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHAL	4.0	FERGUSON CROSSING
HUNDIDO (LOBO)	700.0	
LAREDO (NAVARRO)	121.0	VALERO TRANSMISSI
BROWN COUNTY REGULAR	10.0	LONE STAR GAS CO
WAR-WINK SO (WOLFCAMP	0.0	TEXACO INC
SPRAYBERRY (TREND ARE	10.0	PHILLIPS PETROLEU
ROYSTON	0.0	LONE STAR GAS CO
GOLDSMITH N (SAN ANDR	17.5	PHILLIPS PETROLEU

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-DAVIS OIL COMPANY				RECEIVED:	06/10/82	JA: TX			
8237350	F-7C-050754	4209530585		102-4		SMITH LAND & CATTLE COMPANY #1	PAINT ROCK SW (GARDNE	438.0	LONE STAR GAS CO
-DELTA DRILLING CO				RECEIVED:	06/10/82	JA: TX			
8237190	F-7C-018720	4243500000		108-ER		SHURLEY #2	SAWYER (CANYON SAND)	21.9	NORTHERN NATURAL
-DELTA OIL & GAS CO				RECEIVED:	06/10/82	JA: TX			
8237342	F-7B-050651	4242900000		103		DICK ATKINS RRC #80504	CRYSTAL FALLS EAST (C	0.0	SUN GAS TRANSMISS
8237477	F-7B-051845	4242900000		108		R M ROGERS ESTATE "H" RRC #16849 #1	STEPHENS COUNTY REGUL	5.4	LONE STAR GAS CO
8237375	F-7B-051250	4236300000		103		ROGERS ROGERS & KING "A" RRC #85838	R R & K (2900)	0.0	LONE STAR GAS CO
-DEMARCO OIL & GAS INC				RECEIVED:	06/10/82	JA: TX			
8237344	F-7B-050667	4244131758		103		PATTERSON 17466	LAWN SOUTHWEST	12.0	UNION TEXAS PETRO
-DIAMOND SHAMROCK CORPORATION				RECEIVED:	06/10/82	JA: TX			
8237264	F-7B-046213	4236332739		103		PARISH 36 #1	JVT	0.0	
8237497	F-10-051908	4221100000		108		WILLIAM DALE NIX "R" #1-89	CANADIAN NW	7.0	NORTHERN NATURAL
-EL RAN INC				RECEIVED:	06/10/82	JA: TX			
8237394	F-8A-051455	4221900000		103		DAVIS #11 RRC #61676	LEVELLAND	89.8	EL PASO NATURAL G
-ENSERCH EXPLORATION INC				RECEIVED:	06/10/82	JA: TX			
8237283	F-06-047093	4218300000		108		B A SKIPPER "A" #1	WILLOW SPRINGS	1.0	WESTERN GAS CORP
-EXXON CORPORATION				RECEIVED:	06/10/82	JA: TX			
8237292	F-02-04848	4229732609		103		CHARLES MCCASLIN #18F #98109	RAMIRENA SW (YEGUA 7	778.0	NATURAL GAS PIPEL
8237504	F-04-051933	4213135108		102-4		D C R C STATE "A"-4 (94924)	GOV'T WELLS N (A-93)	115.0	
8237402	F-04-051604	4204730983		102-4		D J SULLIVAN "B" 53 (10013)	PITA (C-10-E SEG II)	26.0	TENNESSEE GAS PIP
8237390	F-08-051400	4200332937		103		FULLERTON CLEARFORK UNIT #1243	FULLERTON	15.0	PHILLIPS PETROLEU
8237373	F-08-051243	4200332967		103		FULLERTON CLEARFORK UNIT #3119	FULLERTON	15.0	PHILLIPS PETROLEU
*8237505	F-03-051937	4215731170		103		J H P DAVIS EST #62-L	THOMPSON SOUTH	320.0	ARMCO STEEL CORP
*8237492	F-04-051888	4227331184		102-4		K R VISNAGA 16 (097711)	YEARY (I-15)	255.0	ARMCO STEEL CORP
*8237407	F-03-051656	4215731202		103		LOCKWOOD & SHARP "A" #95	THOMPSON	17.0	ARMCO STEEL CORP
8237374	F-08-051245	4200333059		103		MEANS/SAN ANDRES/UNIT #1456	MEANS	15.0	PHILLIPS PETROLEU
8237503	F-04-051932	4224730834		102-4		MRS A M K BASS "B" 17-D (90027)	KELSEY DEEP (6060)	3.6	TRUNKLINE GAS CO
8237395	F-7C-051476	4241330958		107-TF		PEARL WILLIAMS #10U	DOVE CREEK (CANYON C)	196.0	NORTHERN NATURAL
*8237348	F-04-050709	4204730992		102-4		RJK JR TR VIBORAS PAST 98 (09896)	VIBORAS (ZONE 1 VIII	65.0	ARMCO STEEL CORP
8237288	F-8A-047550	4216532227		103		ROBERTSON CLEARFORK UNIT #8303	ROBERTSON N (CLEARFOR	15.0	PHILLIPS PETROLEU
8237403	F-04-051605	4226130648		103		SARITA FIELD OIL & GAS 168 (06963)	SARITA (3-E)	55.0	NATURAL GAS PIPEL
8237435	F-04-051738	4226130649		103		SARITA FIELD OIL & GAS 169 (09964)	SARITA (7-B,W)	5.0	NATURAL GAS PIPEL
8237391	F-04-051404	4226130562		103		SARITA GAS UNIT 7 2-D (97534)	SARITA (FLEMING)	234.0	NATURAL GAS PIPEL
8237305	F-04-048767	4248930673		103		SAUZ RANCH MULATOS PAST 175 09940	WILLAMAR WEST (MIOCEN	200.0	NATURAL GAS PIPEL
8237353	F-7C-050810	4246131739		103		STATE UNIVERSITY "EJ" #1	SPRABERRY (TREND AREA	21.0	
8237506	F-03-051938	4220131338		103		WEBSTER FIELD UNIT #1322	WEBSTER	176.0	HOUSTON PIPELINE
-FARGO ENERGY CORP				RECEIVED:	06/10/82	JA: TX			
8237410	F-03-051662	4205132129		102-2		BURLESON FEDERAL #1	GIDDINGS (AUSTIN CHAL	365.0	PHILLIPS PETROLEU
8237409	F-03-051661	4214930970		102-2		CASPER #1 RRC #14235	GIDDINGS (AUSTIN CHAL	1.8	PHILLIPS PETROLEU
-FISHER-WEBB INC				RECEIVED:	06/10/82	JA: TX			
8237449	F-7C-051763	4208131099		103		HARRIS "B" #4	BLOODWORTH SOUTH (570	30.0	SUN GAS CO
8237456	F-7C-051775	4208130985		103		HARRIS ESTATE #2	BLOODWORTH SOUTH (570	50.0	SUN EXPLORATION &
-FRANK CASS				RECEIVED:	06/10/82	JA: TX			
8237314	F-7C-049416	4243532601		103	107-TF	ALLISON-MIERS 8001 RRC #098339	SAWYER (CANYON)	300.0	EL PASO NATURAL G
-GAS DEVELOPMENT CORP				RECEIVED:	06/10/82	JA: TX			
8237307	F-7C-048870	4243532633		103	107-TF	JO NELL JOHNSON "18" #4	JO NELL (CANYON "D")	182.5	NORTHERN NATURAL
-GAYLYN EXPLORATION-TENSTRIKE				RECEIVED:	06/10/82	JA: TX			
8237385	F-09-051348	4223700000		102-4		J D WALDEN #1	WALDEN (3318)	75.0	SOUTHWESTERN GAS
-GENERAL PRODUCTION CORP				RECEIVED:	06/10/82	JA: TX			
8237241	F-06-044415	4205100000		103		HELEN DOSS "A" #1	WILLARD (NAVARRO)	0.0	FERGUSON CROSSING
8237323	F-03-049797	4247730455		103		SCOTT-LEWIS UNIT #1	GIDDINGS (AUSTIN CHAL	0.0	CLAJON GAS CO
-GETTY OIL COMPANY				RECEIVED:	06/10/82	JA: TX			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8237240	F-06-044346	4236500000		103	107-TF	BEALL NORMAN #5
8237236	F-06-043715	4236500000		103	107-TF	BLANKENSHIP #3
8237244	F-06-044573	4236500000		103	107-TF	E C POWERS #4
8237238	F-06-043898	4240100000		102-4	103	J N HALE #1
8237243	F-06-044572	4236500000		103	107-TF	J T ROSS UNIT #3
8237272	F-06-046765	4236500000		103	107-TF	WERNER-WHITE #1
-GHR ENERGY CORP				RECEIVED: 06/10/82 JA: TX		
8237295	F-04-048000	4250531362		102-4	107-TF	MCASKILL #6
8237286	F-04-047451	4247933038		102-4	107-TF	ROTTERSMAN #3
8237300	F-04-048500	4247900000		102-4	107-TF	VAQUILLAS #6
-GMW CORP				RECEIVED: 06/10/82 JA: TX		
8237331	F-08-050360	4230130322		107-DP		SHARP NOSE #1
-GOLDEN ENGINEERING INC				RECEIVED: 06/10/82 JA: TX		
8237311	F-03-049177	4214931254		102-2		RICHARD C ULLRICH #1
-GOLDKING PRODUCTION COMPANY				RECEIVED: 06/10/82 JA: TX		
8237266	F-04-046278	4221500000		102-4		HANKAMER "A" #3
8237265	F-04-046236	4235500000		102-4		MANLEY #2-L
-GUEST ENERGY CORP				RECEIVED: 06/10/82 JA: TX		
8237327	F-7B-049977	4213333160		103		BACON #1
-GULF OIL CORPORATION				RECEIVED: 06/10/82 JA: TX		
8237201	F-09-039096	4239330844		102-4		CHAMBERS J S #3-66
8237188	F-10-07535	4239300000		108-ER		JOHN HAGGARD #15
8237202	F-10-039751	4219597018		108		SHELTON #1
-GUPTON GAS CO				RECEIVED: 06/10/82 JA: TX		
8237384	F-7B-051344	4236700000		103		DOSS #1 096635
-H L BROWN JR				RECEIVED: 06/10/82 JA: TX		
8237427	F-08-051727	4231732418		103		CORONET #1
8237426	F-08-051726	4231732440		103		SLAUGHTER-HARRIS #3
-H V RISIEN				RECEIVED: 06/10/82 JA: TX		
8237309	F-04-049056	4224931497		103		BUEHRING CARVER #3
-HANLEY COMPANY				RECEIVED: 06/10/82 JA: TX		
8237459	F-7C-051783	4238332133		103		UNIVERSITY 2-25A (7C-09337) #1
8237462	F-7C-051786	4238332140		103		UNIVERSITY 2-25B (7C-09338) #1
8237461	F-7C-051785	4238332146		103		UNIVERSITY 2-25C (7C-09380) #1
8237460	F-7C-051784	4238332145		103		UNIVERSITY 2-25D (7C-09379) #1
8237463	F-7C-051787	4238331988		103		UNIVERSITY 2-26C (7C-09378) #1
-HANSON MINERALS CO				RECEIVED: 06/10/82 JA: TX		
8237222	F-01-042159	4231131564		102-4		HAGIST RANCH GAS UNIT #1
-HEWIT & DOUGHERTY				RECEIVED: 06/10/82 JA: TX		
8237508	F-02-051955	4239100000		103		ROCHE "D" #4
-HEXAGON OIL & GAS INC				RECEIVED: 06/10/82 JA: TX		
8237433	F-7B-051735	4236332737		103		COLE #1
8237434	F-7B-051736	4236332653		103		DUNAWAY #1
8237432	F-7B-051734	4237332712		103		FULTON #1
8237431	F-7B-051733	4236332707		103		GILBERT #1
8237428	F-7B-051729	4236332708		103		GOLDSTON #1
8237430	F-7B-051731	4236332672		103		MATNEY #1
-HEYDRICK PETROLEUM CO				RECEIVED: 06/10/82 JA: TX		
8237377	F-09-051257	4207732559		103		A VEITENHEIMER 1-C
8237376	F-09-051256	4207700000		103		AL R LINDEMAN #1 RRC#21227
8237366		4207732109		102-4		P VEITENEHIMER #1 RRC#-21373
-HILL INTERNATIONAL PRODUCTION CO				RECEIVED: 06/10/82 JA: TX		
8237220	F-06-041889	4240100000		103	107-TF	N C NORRIS #2

FIELD NAME	PROD	PURCHASER
CARTHAGE (COTTON VALL	0.0	UNITED GAS PIPELI
CARTHAGE (COTTON VALL	0.0	UNITED GAS PIPELI
CARTHAGE (COTTON VALL	0.0	UNITED GAS PIPELI
REDWINE (TRAVIS PEAK	0.0	UNITED GAS PIPELI
CARTHAGE (COTTON VALL	0.0	UNITED GAS PIPELI
CARTHAGE (COTTON VALL	0.0	UNITED GAS PIPELI
MCASKILL (LOBO 9900)	110.0	VALERO TRANSMISSI
ROTTERSMAN (9020)	365.0	VALERO TRANSMISSI
VAQUILLAS RANCH (WILC	219.0	VALERO TRANSMISSI
ARAPAHO (MORROW)	237.0	EL PASO NATURAL G
GIDDINGS (AUSTIN CHAL	117.0	CLAJON GAS CO
SAN SALVADOR (7750')	0.0	ESPERANZA PIPELIN
DOUGHTY (FRIO 9950')	0.0	HOUSTON PIPELINE
MANGUM NORTH (3200)	3.0	ODESSA NATURAL CO
WILDCAT	110.0	MICHIGAN WISCONSI
QUINDUNO	0.5	NATURAL GAS PIPEL
CLEMENTINE	4.0	NORTHERN NATURAL
(NEW FIELD DISCOVERY)	180.0	LONE STAR GAS CO
SULPHUR DRAW (DEAN 87	24.5	GETTY OIL CO
SULPHUR DRAW (DEAN)	547.5	GETTY OIL CO
WADE CITY (HET 2900)	485.0	VALERO TRANSMISSI
SPRABERRY (TREND AREA	8.0	NORTHERN NATURAL
SPRABERRY (TREND AREA	8.0	NORTHERN NATURAL
SPRABERRY (TREND AREA	8.0	NORTHERN NATURAL
SPRABERRY (TREND AREA	8.0	NORTHERN NATURAL
SPRABERRY (TREND AREA	8.0	NORTHERN NATURAL
HAGIST RANCH (800')	73.0	SEAGULL PIPELINE
ROCHE WEST (6300' SAN	51.1	TENNESSEE GAS PIP
MORGAN MILL (MARBLE F	206.0	INTRASTATE GATHER
BRAZOS E (CADDO)	68.0	INTRASTATE GATHER
MORGAN MILL (MARBLE F	74.0	INTRASTATE GATHER
MORGAN MILL (MARBLE F	21.0	INTRASTATE GATHER
MORGAN MILL (MARBLE F	127.0	INTRASTATE GATHER
MORGAN MILL (MARBLE F	25.0	INTRASTATE GATHER
SCALING RANCH SOUTH (	1.8	FAGADAU ENERGY CO
SCALING RANCH SOUTH (	0.7	FAGADAU ENERGY CO
ARROWHEAD (CADDO)	1.6	FAGADAU ENERGY CO
OAK HILL (COTTON VALL	0.0	DELHI GAS PIPELIN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-HNG OIL COMPANY				RECEIVED:	06/10/82	JA: TX			
8237187	F-10-004819	4221130911		103	107-TF	L L JONES "36" #1	VIKING	300.0	KANSAS NEBRASKA N
8237349	F-7C-050730	4243500000		103	107-TF	SHURLEY "141" #5	SAWYER (CANYON)	0.0	INTRATEX GAS CO
-HUMBLE EXPLORATION CO INC				RECEIVED:	06/10/82	JA: TX			
8237232	F-03-043592	4228700000		102-2	103	JOSIE LAUDERDALE #1	GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
8237249	F-03-044985	4247700000		102-2	103	OCTAVIA #1 -	GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
8237247	F-01-044838	4217700000		102-2	103	RACHEL #1 -	PEACH CREEK (AUSTIN C	0.0	
-HUNT OIL COMPANY				RECEIVED:	06/10/82	JA: TX			
8237337	F-06-050517	4228930442		102-2		CHALLACOMBE RANCH #1	SUPRON (PETTIT)	630.0	LONE STAR GAS CO
-J A MARCH				RECEIVED:	06/10/82	JA: TX			
8237324	F-7C-049806	4245130799		102-4	103	JOHNSON RANCH #1	JOHNSON RANCH (ELLENB	138.0	PRODUCERS GAS CO
-J C MCCABE				RECEIVED:	06/10/82	JA: TX			
8237270	F-04-046538	4250531395		103		HINNANT HEIRS "A"-1	HINNANT RANCH FIELD	36.0	HOUSTON PIPE LINE
8237269	F-04-046536	4250531395		103		HINNANT HEIRS "A"-2	HINNANT RANCH FIELD	72.0	HOUSTON PIPE LINE
-J CLEO THOMPSON & JAMES CLEO THOMPS				RECEIVED:	06/10/82	JA: TX			
8237361	F-7C-051161	4210533900		102-4		UNIVERSITY 30-27 #1	UNIVERSITY 31 (QUEEN)	150.0	
-J M HUBER CORPORATION				RECEIVED:	06/10/82	JA: TX			
8237347	F-10-050682	4223331283		103		MAGNOLIA HERRING #22	PANHANDLE	43.0	COLORADO INTERSTA
-JAKO OIL OF TEXAS INC				RECEIVED:	06/10/82	JA: TX			
8237304	F-7B-048691	4213333402		102-4		HARRELSON #1	RICHARDSON (MARBLE FA	55.0	SOUTHWESTERN GAS
-JOHN L COX				RECEIVED:	06/10/82	JA: TX			
8237219	F-08-041785	4232900000		103		BUCHANAN "B" #1-X RRC #21513	SPRABERRY (TREND AREA	10.0	PHILLIPS PETROLEU
8237261	F-08-046140	4231700000		103		GRAY UNIT #2 RRC #15885	SPRABERRY (TREND AREA	10.0	PHILLIPS PETR CO
8237259	F-08-046137	4231732449		103		HOUSTON WOODY #2-4 RRC #21906	SPRABERRY (TREND AREA	10.0	ALPINE OIL CO
8237203	F-08-039877	4231700000		103		MARY WOLERT #1-X RRC #22332	SPRABERRY (TREND AREA	10.0	ALPINE OIL CO
8237260	F-08-046138	4231732466		103		MELTON MCMORRIES #1	SPRABERRY (TREND AREA	10.0	ALPINE OIL CO
8237218	F-7C-041765	4246131797		103		POWELL "13" #1	SPRABERRY (TREND AREA	10.0	MOBIL PRODUCING T
8237197	F-7C-038014	4246131773		103		POWELL "16" #1 RRC #09133	SPRABERRY (TREND AREA	10.0	MOBIL PRODUCING T
8237216	F-7C-041757	4246131796		103		POWELL "26" #1	SPRABERRY (TREND AREA	10.0	MOBIL PRODUCING T
8237262	F-7C-046146	4238332122		103		ROCKEN B "F" #3-4 RRC #04577	SPRABERRY (TREND AREA	10.0	EL PASO NATURAL G
8237217	F-7C-041761	4238300000		103		ROCKER B "K" #5-X RRC #04686	SPRABERRY (TREND AREA	10.0	EL PASO NATURAL G
-JONES CO				RECEIVED:	06/10/82	JA: TX			
8237411	F-7B-051671	4241733837		102-4		MATTHEWS "14" #2 (95818)	MATTHEWS (CONGLOMERAT	206.0	DELHI GAS PIPELIN
8237412	F-7B-051672	4241733376		102-4		MATTHEWS "23" #1 (90296)	MATTHEWS (CADDO)	1236.0	DELHI GAS PIPELIN
8237413	F-7B-051674	4241733688		102-4		MATTHEWS "23" #3 (16914)	MATTHEWS (CHAPPEL)	46.0	DELHI GAS PIPELIN
8237414	F-7B-051676	4241734106		102-4		MATTHEWS "23" #5 (17096)	MATTHEWS (ELLEN)	55.0	DELHI GAS PIPELIN
8237488	F-7B-051881	4241733556		102-4		NEWELL "114" #1 (16672)	NEWELL (MISSISSIPPIAN	99.0	DELHI GAS PIPELIN
8237489	F-7B-051883	4241733618		102-4		NEWELL "114" #2 (094514)	NEWELL (CADDO)	188.0	DELHI GAS PIPELIN
8237490	F-7B-051884	4241733557		102-4		NEWELL "2" #1 (092722)	NEWELL (CADDO)	139.0	DELHI GAS PIPELIN
8237511	F-7B-051962	4205932692		103		RAY GREEN "2295" #1 (15928)	CALLAHAN COUNTY REGUL	1.0	DELHI GAS PIPELIN
8237510	F-7B-051961	4205933208		103		RAY GREEN "2295" #2 (15928)	CALLAHAN COUNTY REGUL	1.0	DELHI GAS PIPELIN
8237513	F-7B-051964	4205933277		103		RAY GREEN "2295A" #2 (17227)	CALLAHAN COUNTY REGUL	1.0	DELHI GAS PIPELIN
8237512	F-7B-051963	4205933369		103		RAY GREEN "2295A" #4 (17227)	CALLAHAN COUNTY REGUL	1.0	DELHI GAS PIPELIN
8237352	F-7B-050795	4242903160		102-4		ROY CORBETT #6	CORBETT (STRAWN)	496.0	SOUTHWESTERN GAS
8237338	F-7B-050565	4241734160		102-4		SOUTH GREEN "68B" #1	ROCKWELL E (CONGL)	604.0	DELHI GAS PIPELIN
-L & L PETROLEUM CORPORATION				RECEIVED:	06/10/82	JA: TX			
8237381	F-02-051326	4229732752		102-4	103	ANNA MAY MCNEILL #1	MCNEILL (YEGUA 5800)	182.0	VALLEY GAS TRANSM
-LAYTON ENTERPRISES INC				RECEIVED:	06/10/82	JA: TX			
8237400	F-8A-051521	4207931476		103		REED WRIGHT #33	LEVELLAND	7.8	CITIES SERVICE CO
-LIVINGSTON ENERGY CORP				RECEIVED:	06/10/82	JA: TX			
8237228	F-08-043196	4236300000		103		LINUS TUCKER #1	RECTOR (MARBLE FALLS)	81.0	CHRISTIE GAS TRAN
-LLOYD PATTON				RECEIVED:	06/10/82	JA: TX			
8237429	F-7B-051730	4233243200		102-4		BENNIE W EVANS JR #1	GORDON S E (CONGLOMER	365.0	LONE STAR GAS CO

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
-MCCOMMONS OIL COMPANY				RECEIVED:	06/10/82	JA: TX
8237478	F-09-051851	4249700000		108		MONTGOMERY HEIRS #1
-MCCULLOCH OIL CORP OF TEXAS				RECEIVED:	06/10/82	JA: TX
8237355	F-10-050856	4221100000		108		STUDER #2
-MCIVER INC				RECEIVED:	06/10/82	JA: TX
8237225	F-7B-043070	4208300000		102-4		ETHEL MATHEWS #1
-MCMURREY PETROLEUM INC				RECEIVED:	06/10/82	JA: TX
8237242	F-05-044435	4246730515		103		H LONG #1
-MEG PETROLEUM CORP				RECEIVED:	06/10/82	JA: TX
8237439	F-7B-051748	4235331150		103		MCLAUGHLIN #5
-MERCURY EXPLORATION CO				RECEIVED:	06/10/82	JA: TX
8237370	F-7B-051222	4205933211		102-4		ALBERT BETCHER #1
8237367	F-7B-051216	4225331835		102-4		J W TINER #1
8237369	F-7B-051218	4225331890		102-4		JONES #1
8237368	F-7B-051217	4225331917		102-4		TINER "A" #1
-NEWBOURNE OIL COMPANY				RECEIVED:	06/10/82	JA: TX
8237254	F-10-045525	4229530961		102-4		RADAR #1 RRC LSE #05007
8237383	F-10-051342	4229531154		103		SCHULTZ "716" #2 RRC ID #05053
-NILES PRODUCTION CO				RECEIVED:	06/10/82	JA: TX
8237359	F-09-051146	4223734184		102-4		M P NOEFLE "F" #2 (PENDING)
-NITCHELL ENERGY CORPORATION				RECEIVED:	06/10/82	JA: TX
8237210	F-09-040513	4223733434		103		I P LEWIS #2
8237290	F-09-047773	4249700000		108		M L WAGGONER #11 #29310
8237289	F-09-047763	4249700000		108		SAM LYNCH #1 20593
-NOBIL PRDG TEXAS & NEW MEXICO INC				RECEIVED:	06/10/82	JA: TX
*8237301	F-04-048509	4247932815		107-TF		SOUTH CALLAGHAN RANCH #5
-NONSANTO COMPANY				RECEIVED:	06/10/82	JA: TX
8237448	F-08-051759	4247532520		103		THORNTON #3
8237443	F-08-051754	4200333073		103		UNIVERSITY "A" 14-19 #1
8237442	F-08-051753	4200333074		103		UNIVERSITY "A" 14-19 #5
8237441	F-08-051752	4200333130		103		UNIVERSITY "A" 14-19 #6
8237440	F-08-051751	4200333125		103		UNIVERSITY "A" 14-19 #7
8237445	F-08-051756	4200333075		103		UNIVERSITY "B" 14-19 #1
8237446	F-08-051757	4200333129		103		UNIVERSITY "B" 14-19 #2
8237447	F-08-051758	4200333124		103		UNIVERSITY "B" 14-19 #3
8237444	F-7C-051755	4210533453		103		UNIVERSITY 46-13 #1
-MORROW RESOURCES INC				RECEIVED:	06/10/82	JA: TX
8237473	F-7C-051818	4245130909		102-2	107-TF	MATHEWS #3
-MOSBACHER PRODUCTION CO				RECEIVED:	06/10/82	JA: TX
8237470	F-03-051810	4248100000		108		DONALD DUNCAN #1
8237501	F-01-051924	4217731133		103		MELVA R BURGE #1
-MR OIL CO				RECEIVED:	06/10/82	JA: TX
8237483	F-08-051872	4247532418		103		MCFARLAND I B SEC 29 #15
-MURPHY H BAXTER				RECEIVED:	06/10/82	JA: TX
8237382	F-02-051332	4223931628		102-4		MCCORMACK #1
-MYRL M FURRY				RECEIVED:	06/10/82	JA: TX
8237330	F-7C-050347	4230730489		103		L S WALKER "C" #3
-NELSON & TUCKER OPERATING CO				RECEIVED:	06/10/82	JA: TX
8237329	F-03-050234	4248132151		102-4		DUNCAN A-10
-NORTH RIDGE CORP				RECEIVED:	06/10/82	JA: TX
*8237268	F-7B-046469	4213333441		102-4	103	B A DAVIS #1
-NUCORP ENERGY INC				RECEIVED:	06/10/82	JA: TX
8237362	F-03-051177	4228730980		102-2		MAURICE MALUSCHKA

FIELD NAME	PROD	PURCHASER
BOONSVILLE BEND (CONG	18.0	NATURAL GAS PIPEL
CANADIAN SE - DOUGLAS	18.0	NORTHERN NATURAL
TRICKHAM (CROSSCUT)	7.0	LONE STAR GAS CO
FRUITVALE EAST (RODES	200.0	UNITED GAS PIPELI
JMM (CANYON)	162.0	SUN GAS CO
TURNAROUND - GRAY SAN	32.0	LONE STAR GAS CO
ACE-TINER (CANYON REE	36.0	PALO DURO PIPELIN
ACE-JONES - CANYON RE	60.0	PALO DURO PIPELIN
ACE-TINER (CANYON REE	27.0	PALO DURO PIPELIN
CARROLL (CLEVELAND)	10.0	TRANSWESTERN PIPE
SKUNK CREEK (HEPLER)	30.0	TRANSWESTERN PIPE
ANTELOPE SE (MARBLE F	30.0	SOUTHWESTERN GAS
MARYETTA (ATOKA 5360)	60.0	SOUTHWESTERN GAS
BOONSVILLE (BEND CONG	10.4	LONE STAR GAS CO
GREENWOOD (ATOKA 6650	8.8	NATURAL GAS PIPEL
BECCERO CREEK (WILCOX	324.0	UNITED TEXAS TRAN
RHODA WALKER (CANYOU	41.0	NORTHERN NATURAL
SHAFTER LAKE (SAN AND	6.0	
SHAFTER LAKE (SAN AND	7.0	
SHAFTER LAKE (SAN AND	7.0	
SHAFTER LAKE (SAN AND	7.0	
SHAFTER LAKE (SAN AND	14.0	
SHAFTER LAKE (SAN AND	5.0	
SHAFTER LAKE (SAN AND	6.0	
BLOCK 46 EAST (GRAYBU	6.0	
K W B (STRAWN)	117.7	LONE STAR GAS CO
DUNCAN (WILCOX)	1.0	VALERO TRANSMISSI
COST (AUSTIN CHALK)	143.0	VALERO TRANSMISSI
WARD-ESTES NORTH	63.0	WESTERN COUNTIES
WESTHOFF RANCH (FRIO	73.0	CHANNEL INDUSTRIE
WALKER - GRANT (STRAW	3.0	SIOUX PIPELINE CO
SPANISH CAMP NORTH 84	91.0	TEXAS EASTERN TRA
RANGER (BLACK LIME WE	0.0	PRISM ENTERPRISES
GIDDINGS (AUSTIN CHAL	9.0	PHILLIPS PETROLEU

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
-ONEOK EXPLORATION CO				RECEIVED:	06/10/82	JA: TX
8237293	F-10-047988	4229530688		103		KLEIWER UNIT #2
-OWL PETROLEUM CO				RECEIVED:	06/10/82	JA: TX
8237284	F-03-047095	4208931192		103		W W ALLEN #1
8237285	F-02-047096	4223900000		102-4		WILLIAM BORCHERS #2-T
-OXY PETROLEUM INC				RECEIVED:	06/10/82	JA: TX
8237207	F-04-040151	4260330175		102-4		STATE LEASE M-77220 845-S #3 U
8237208	F-04-050152	4260330175		102-4		STATE LEASE M-77220 845-S #3L
-PAUL E CAMERON JR INC				RECEIVED:	06/10/82	JA: TX
8237322	F-03-049791	4218500000		102-4		FREEMAN UNIT #1
-PDC GAS CO				RECEIVED:	06/10/82	JA: TX
8237328	F-08-050168	4237100000		103		UNIVERSITY "A-3" #7
-PEL-TEX OIL COMPANY INC				RECEIVED:	06/10/82	JA: TX
8237191	F-03-028516	4215731122		102-4		M MILLER #1-T
-PENNZOIL PRODUCING COMPANY				RECEIVED:	06/10/82	JA: TX
8237280	F-06-046972	4236531310		103	107-TF	TILLERY #3
-PETRO-LEWIS CORPORATION				RECEIVED:	06/10/82	JA: TX
8237454	F-7C-051768	4223531891		103		ELLA C SUGG #5
-PETROLEUM TECHNICAL SERVICES CO				RECEIVED:	06/10/82	JA: TX
8237356	F-10-050940	4229531129		103		BALLENTINE #1
-PETROLEUM UNLIMITED INC				RECEIVED:	06/10/82	JA: TX
8237206	F-03-040106	4208931228		102-4		DORIS LEE CLIPSON #1
-PETRUS OPERATING CO INC				RECEIVED:	06/10/82	JA: TX
8237360	F-06-051152	4240131303		102-4		CLARENCE MILEY #1
8237336	F-06-050509	4240131334		102-4		MCMILLAN UNIT 2 #1
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	06/10/82	JA: TX
*8237321	F-10-049748	4223300000		108		BARNES B #2
8237479	F-08-051854	4213531992		108		COWDEN U #2
8237194	F-10-033801	4248300000		108		DESON #12
8237351	F-08-050775	4200304596		108		EMBAR B #28-C
8237346	F-10-050679	4217900000		103		GATSY #4
*8237192	F-10-030124	4242130247		103		STARNES G #2
8237227	F-08-043168	4200304784		108		UNIVERSITY ANDREWS #77
-PIONEER PRODUCTION CORPORATION				RECEIVED:	06/10/82	JA: TX
8237358	F-8A-051059	4221933428		103		SCHOENROCK #1-21
8237455	F-10-051771	4229500000		108		SCHULTZ "C" #1
-POWCO OIL & GAS INC				RECEIVED:	06/10/82	JA: TX
8237388	F-06-051372	4245900000		103	107-TF	B J PORTER JR #1
-PRAIRIE PRODUCING CO				RECEIVED:	06/10/82	JA: TX
8237252	F-03-045238	4224130346		102-4		CHAMPION UNIT #1-C 014884
8237253	F-03-045238	4224130346		102-4		CHAMPION UNIT #1-T 096163
8237282	F-06-047086	4234730656		102-4		HARTT #1 097203
-PREMIUM OIL & GAS INC				RECEIVED:	06/10/82	JA: TX
8237399	F-7C-051499	4245100000		103		KILE #1
-PYRO ENERGY CORP				RECEIVED:	06/10/82	JA: TX
8237345	F-01-050674	4217730808		102-2		J VLASAK #1
-QUINTEX PETROLEUM CORP				RECEIVED:	06/10/82	JA: TX
8237215	F-02-041497	4229732614		102-4		E A HINES #1-L
-R H ENGELKE				RECEIVED:	06/10/82	JA: TX
8237287	F-02-047499	4223731175		103		JOHN M BENNETT "B" #1
-RALPH L WAY INC				RECEIVED:	06/10/82	JA: TX
8237498	F-7C-051917	4238331893		103		UNIVERSITY "8" #14
8237499	F-7C-051919	4238331892		103		UNIVERSITY "8" #15

FIELD NAME	PROD	PURCHASER
FOLLETT NW (MORROW UP	20.0	PHILLIPS PETROLEU
GARWOOD	40.0	LONE STAR GAS CO
MCDANIEL	60.0	TEXAS EASTERN TRA
MATAGORDA ISLAND BLOC	720.0	CHANNEL INDUSTRIE
MATAGORDA ISLAND BLOC	720.0	CHANNEL UNDUSTRIE
IOLA EAST (GEORGETOWN	146.0	MORGAS CO
CARDINAL (QUEEN W)	36.0	NORTHERN NATURAL
ROSENBURG (FRIO 5600)	556.5	UNITED GAS PIPE L
BETHANY EAST/COTTON V	475.0	UNITED GAS PIPE L
HOWDA	40.0	J L DAVIS CORP
MAMMOTH CREEK NORTH (	1525.0	TRANSWESTERN PIPE
ROCK ISLAND (FRIO 342	127.8	HOUSTON PIPELINE
EZIM (PETTIT)	0.0	VALERO TRANSMISSI
EZIM (PETTIT)	0.0	VALERO TRANSMISSI
MORSE S W BROWN DOLOM	0.0	EL PASO NATURAL G
DONNALLY (SAN ANDRES)	5.0	EL PASO NATURAL G
PANHANDLE WHEELER	0.0	
GOLDSMITH N (SAN ANDR	21.0	EL PASO NATURAL G
PANHANDLE GRAY	0.0	
TEXAS HUGOTON	0.0	EL PASO NATURAL G
EMBAR (PERMIAN)	0.0	EL PASO NATURAL G
MUNNIE (CLEARFORK)	0.0	
MAMMOTH CREEK (CLEVEL	0.0	TRANSWESTERN PIPE
GLENWOOD (COTTON VALL	365.0	DELHI GAS PIPELIN
GIST WEST (6700 FB-B)	36.0	TEXAS EASTERN TRA
GIST WEST (7200 FB2)	360.0	TEXAS EASTERN TRA
NACONICHE CREEK (TRAV	400.0	UNITED GAS PIPELI
KENT (STRAWN LOWER)	100.0	ARCO OIL & GAS CO
PEACH CREEK (AUSTIN C	0.0	VALERO TRANSMISSI
MOUNTAINVIEW N E (WIL	700.0	VALERO TRANSMISSI
LASALLE	42.9	TENNESSEE GAS PIP
FARMER (SAN ANDRES)	6.6	NORTHERN NATURAL
FARMER (SAN ANDRES)	5.6	NORTHERN NATURAL

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
RAY TEMPLETON CO									
8237401	F-7B-051566	4208332700		RECEIVED:	06/10/82	JA: TX			
REO INDUSTRIES INC				103		D A COOK #1	NEECE (GARDNER)	30.0	LONE STAR GAS CO
8237372	F-10-051226	4223300000		RECEIVED:	06/10/82	JA: TX			
SAGE ENERGY CO				103		WHITTENBURG 33-4	PANHANDLE HUTCHINSON	0.0	TRANS-PAN PIPELIN
8237343	F-03-050663	4205100000		RECEIVED:	06/10/82	JA: TX			
8237318	F-03-049697	4205100000		102-2		BIRCH CREEK "B" #2	GIDDINGS (AUSTIN CHAL	240.0	PHILLIPS PETROLEU
8237357	F-8A-050946	4203300000		102-2		BIRCH CREEK "D" #1 RRC #	GIDDINGS (AUSTIN CHAL	200.0	PHILLIPS PETROLEU
8237340	F-03-050596	4205100000		103		E G CATES #1	ACKERLY (DEAN SAND)	11.0	TEXACO INC
8237317	F-03-049679	4205100000		102-2		NEWT UNIT #1 RRC #	GIDDINGS (AUSTIN CHAL	146.0	PHILLIPS PETROLEU
SAMEDAN OIL CORPORATION				102-2		RATHJEN UNIT #1 RRC #	GIDDINGS (AUSTIN CHAL	150.0	PHILLIPS PETROLEU
8237223	F-03-042587	4222500000		RECEIVED:	06/10/82	JA: TX			
SANCHEZ-OBRIEN OIL & GAS CORP				102-4		KENNON #1	FT TRINIDAD NE (GLENN	275.0	SOUTH TEXAS GATHE
8237205	F-02-040018	4205731057		RECEIVED:	06/10/82	JA: TX			
8237211	F-02-040867	4229732643		102-4		A W HAHN #1 API NO 42 057 31057	COLOMA CREEK N (7575)	500.0	UNITED TEXAS TRAN
SANDEFER OIL & GAS INC				102-4		GODFREY-BRYSCH GAS UNIT #2 WELL #1	WEST GEORGE WEST (105	500.0	UNITED TEXAS TRAN
8237482	F-03-051870	4232131064		RECEIVED:	06/10/82	JA: TX			
SANTA FE ENERGY PRODUCTS CO				103		STEWART SAVAGE #1-14128	WADSWORTH CH-1	20.0	DOW CHEMICAL CO
8237404	F-03-051610	4205100000		RECEIVED:	06/10/82	JA: TX			
SHAR-ALAN OIL CO				102-2		JAMES LASTLY #4	GIDDINGS (AUSTIN-CHAL	365.0	FERGUSON CROSSING
8237200	F-03-039056	4231330305		RECEIVED:	06/10/82	JA: TX			
8237257	F-03-046049	4231330338		103		H L HENSARLING #1	FT TRINIDAD-BARRETT E	0.0	SOUTH TEXAS GATHE
SHELDON PETROLEUM CO				103		H L HENSARLING #2	FT TRINIDAD-BARRETT E	0.0	SOUTH TEXAS GATHE
8237221	F-7B-042041	4205900000		RECEIVED:	06/10/82	JA: TX			
SPARKMAN PRODUCING CO				103		CHATHAM #1	OPLIN (GRAY SAND)	0.0	
8237467	F-04-051791	4221500000		RECEIVED:	06/10/82	JA: TX			
8237335	F-02-050490	4212331181		102-4		R L HINOJOSA #1-T	LA REFORMA E (FRIO 67	73.0	VALERO INTERSTATE
SUN EXPLORATION & PRODUCTION CO				102-4		SAGER #1	ARNECKEVILLE (2650)	28.0	UNITED GAS PIPELI
8237420	F-04-051697	4242700000		RECEIVED:	06/10/82	JA: TX			
8237339	F-8A-050573	4250132133		108		B G DEGARCIA 32L	BAROSA SOUTH (FRIO 47	5.0	
8237306	F-04-048811	4242700000		103		BENNETT RANCH UNIT #327	WASSON	2.0	SHELL OIL CO
8237423	F-8A-051700	4207931373		108		GEORGE H SPEER-STATE B #18	SUN	10.0	
8237303	F-7B-048619	4213333148		103		LEAGUE 91 PROJECT LEASE #207	SLAUGHTER	10.0	AMOCO PRODUCTION
8237302	F-7B-048613	4213333147		103		N C GAILEY UNIT #6	EASTLAND COUNTY REGUL	8.0	SOUTHWESTERN GAS
8237417	F-7B-051694	4214300000		103		N C GAILEY UNIT #7	EASTLAND COUNTY REGUL	11.0	SOUTHWESTERN GAS
8237416	F-7B-051693	4214300000		108		T P FEE (DIAZ) #12	DIAZ (STRAWN)	5.0	SOUTHWESTERN GAS
8237415	F-7B-051691	4214300000		108		T P FEE (DIAZ) #13	DIAZ (STRAWN)	9.0	SOUTHWESTERN GAS
8237422	F-7B-051699	4214300000		108		T P FEE (DIAZ) #15	DIAZ (STRAWN)	10.0	SOUTHWESTERN GAS
8237421	F-7B-051698	4214300000		108		T P FEE (DIAZ) #4	DIAZ (STRAWN)	8.0	SOUTHWESTERN GAS
8237418	F-7B-051695	4214300000		108		T P FEE (DIAZ) #8	DIAZ (STRAWN)	7.0	SOUTHWESTERN GAS
8237419	F-7B-051696	4214300000		108		T P FEE (DIAZ) WELL #5	DIAZ (STRAWN)	3.0	SOUTHWESTERN GAS
SUN OIL COMPANY (DELAWARE)				108		T P FEE DEED #2 #1	X-RAY (MARBLE FALLS)	9.0	LONE STAR GAS CO
8237193	F-7C-030743	4208100000		RECEIVED:	06/10/82	JA: TX			
TALON OIL CO				108		J S WALKER #2	JAMESON SE (STRAWN)	19.0	LONE STAR GAS CO
8237310	F-02-049160	4217500000		RECEIVED:	06/10/82	JA: TX			
TARTAN OIL & GAS				108		ELENORA NATHO #97117			
8237326	F-03-049944	4215700000		RECEIVED:	06/10/82	JA: TX	WEESATCHE WEST (YEGUA	6.0	UNITED GAS PIPELI
TAYLOR OPERATING COMPANY				102-4		MARTHA W PILCIK #1			
8237484	F-09-051874	4223700000		RECEIVED:	06/10/82	JA: TX	MOORES ORCHARD (YEGUA	30.0	
8237246	F-7B-044750	4213300000		103		JOHNSON RANCH "B" #2 (21679)			
8237485	F-09-051875	4207700000		103		MCCOLLUM #1 (95434)	JACK COUNTY REGULAR	14.6	LONE STAR GAS CO
8237245	F-09-044749	4223700000		103		NOLEN "A" #1 (22023)	SIPE SPRINGS (MARBLE	15.0	LONE STAR GAS CO
8237319	F-09-049711	4249700000		103		P L CRUM OIL UNIT #1 (21353)	BUFFALO SPRINGS SOUTH	69.4	LONE STAR GAS CO
				103		STULTZ #1 (90885)	CRUM (MARBLE FALLS)	1.5	SOUTHWESTERN GAS
							BOONSVILLE (BEND CONG	29.2	NATURAL GAS PIPEL

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-TENNECO OIL COMPANY				RECEIVED:	06/10/82	JA: TX			
8237281	F-10-047012	4239330818		103		BRAINARD #1-7	WILLOW CREEK (UPPER M	0.0	TRANSWESTERN PIPE
8237341	F-10-050610	4239330621		102-2		MORRISON #2-8	CAT CREEK	399.6	TRANSWESTERN PIPE
-TEXACO INC				RECEIVED:	06/10/82	JA: TX			
8237312	F-8A-049314	4221900000		103		IRA P DELOACHE #24	LEVELLAND	37.6	AMOCO PRODUCTION
8237308	F-8A-049040	4221933350		103		IRA P DELOACHE #37	LEVELLAND	32.5	AMOCO PRODUCTION
8237313	F-8A-049315	4221933349		103		IRA P DELOACHE #38	LEVELLAND	82.1	AMOCO PRODUCTION
8237320	F-8A-049738	4221933318		103		IRA P DELOACHE #50	LEVELLAND	17.2	AMOCO PRODUCTION
-TEXAS GENERAL PETROLEUM CORP				RECEIVED:	06/10/82	JA: TX			
8237363	F-03-051197	4214931225		102-2		B H DRAWE #1	GIDDINGS (AUSTIN CHAL	73.0	PHILLIPS PETROLEU
8237386	F-01-051361	4217731149		102-4		BILLY WINKENWERDER #1	WINKENWERDER (BUDA) F	47.0	
8237371	F-03-051224	4214931092		102-2		DONNIE ALBERS #1	GIDDINGS (AUSTIN CHAL	18.1	PHILLIPS PETROLEU
8237365	F-03-051199	4204130616		102-2		J W LESTER UNIT #1	KURTEN (BUDA)	73.0	
8237364	F-03-051198	4214931058		102-2		ROBERT WALSH #1	GIDDINGS (AUSTIN CHAL	17.2	PHILLIPS PETROLEU
-TEXAS OIL & GAS CORP				RECEIVED:	06/10/82	JA: TX			
8237297	F-05-048053	4234932093		103	107-TF	INMON "C" #1	KERENS S (CVL)	0.0	
8237212	F-02-041130	4223931392		108		WEARDEN #5	WEARDEN FIELD	0.0	TENNESSEE GAS PIP
-THE ARD DRILLING COMPANY INC				RECEIVED:	06/10/82	JA: TX			
8237296	F-8A-048012	4207931199		103		C S DEAN #1-R #91530	LEVELLAND (SAN ANDRES	292.0	EL PASO NATURAL G
-THROCKMORTON GAS SYSTEMS				RECEIVED:	06/10/82	JA: TX			
8237199	F-7B-038427	4244732636		102-2		PUTNAM #8 "A" (17374)	RICHARDS RANCH (MISSI	0.0	WARREN PETROLEUM
-TIPPERARY OIL AND GAS CORP				RECEIVED:	06/10/82	JA: TX			
8237458	F-01-051782	4211730847		103		W L BARNETT #4	COST (AUSTIN CHALK)	365.0	HNG PETROCHEMICAL
-TOM KIDD OIL PROPERTIES				RECEIVED:	06/10/82	JA: TX			
8237198	F-09-038070	4223700000		102-4		A V HANNAH #1 RRC ID #07649	MARBLE FALLS	144.0	SOUTHWESTERN GAS
-TOTAL ENERGY CO OF TEXAS				RECEIVED:	06/10/82	JA: TX			
8237315	F-10-049532	4217900000		108		JOHNSON #107	PANHANDLE GRAY	0.0	PHILLIPS PETROLEU
-TXO PRODUCTION CORP				RECEIVED:	06/10/82	JA: TX			
8237226	F-02-043139	4246900000		102-4		ADCOCK #4	RICHARD ADCOCK (3400'	0.0	UNITED GAS PIPELI
8237256	F-04-045916	4226130541		102-4		ERCK #20	MCGILL (9400' SEGMENT	0.0	DELHI GAS PIPELIN
8237231	F-02-043366	4228500000		108		HANCOCK UNIT #1-1	PROVIDENT CITY (WILCO	0.0	TEXAS EASTERN TRA
8237248	F-04-044959	4250531221		103		LOPENO #32	LOPENO	0.0	DELHI GAS PIPELIN
8237230	F-02-043258	4239131317		103		MARBERRY B-4	MCFADDIN (5300')	0.0	UNITED GAS PIPELI
8237380	F-06-051319	4226330937		102-4		MICHAELS "A" #1	WOODLAWN (PETTIT-PAGE	0.0	DELHI GAS PIPELIN
8237229	F-02-043258	4212331178		103		MUSSELMAN CATTLE CO H-2	BALFOUR (YEGUA 5350')	0.0	DELHI GAS PIPELIN
-U S OPERATING INC				RECEIVED:	06/10/82	JA: TX			
8237299	F-03-048407	4228730963		102-4		EUGENIA UNIT #1 RRC ID N/A	GIDDINGS (AUSTIN CHAL	0.0	PERRY PIPELINE CO
-UNION OIL COMPANY OF CALIF				RECEIVED:	06/10/82	JA: TX			
8237502	F-08-051929	4200332972		103		FUHRMAN-MASCHO UNIT #805 BLK 10	FUHRMAN-MASCHO	1.0	PHILLIPS PETROLEU
-W B TRAMMELL				RECEIVED:	06/10/82	JA: TX			
8237398	F-7B-051488	4215131416		102-4		W B TRAMMELL #2-24	JUDY GAIL EAST (CANYO	0.0	PALO DURO PIPELIN
8237397	F-7B-051487	4215131416		102-4		W B TRAMMELL #4-24	JUDY GAIL EAST (CANYO	0.0	PALO DURO PIPELIN
-W L BRUCE OPERATOR				RECEIVED:	06/10/82	JA: TX			
8237437	F-10-051741	4206531056		103		ENSERCH #2 RRC#04953	PANHANDLE CARSON	220.0	GETTY OIL CO
8237457	F-10-051780	4234130739		103		RESER #7 03709	PANHANDLE MOORE A B	547.0	PHILLIPS PETROLEU
-W R EDWARDS JR				RECEIVED:	06/10/82	JA: TX			
8237465	F-10-051789	4223300000		103		BEARKILLER #13	PANHANDLE HUTCHINSON	250.0	PANHANDLE PRODUCI
8237464	F-10-051788	4223300000		103		BEARKILLER #14	PANHANDLE	250.0	PANHANDLE PRODUCI
8237396	F-10-051481	4223300000		103		BEARKILLER #30	PANHANDLE HUTCHINSON	150.0	PANHANDLE PRODUCI
8237495	F-10-051896	4223300000		103		BEARKILLER #35	PANHANDLE HUTCHINSON	350.0	PANHANDLE PRODUCI
8237494	F-10-051895	4223300000		103		BEARKILLER #37	PANHANDLE HUTCHINSON	350.0	PANHANDLE PRODUCI
8237491	F-10-051885	4223300000		103		BEARKILLER #40	PANHANDLE HUTCHINSON	350.0	PANHANDLE PRODUCI
8237466	F-10-051790	4223300000		103		BEARKILLER #7	PANHANDLE HUTCHINSON	250.0	PANHANDLE PRODUCI

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED:	06/10/82	JA: TX			
8237186	F-08-004684	4210331955		103		P J LEA #76	LEA (SAN ANDRES)	8.0	EL PASO NATURAL G
-WES-MOR DRILLING INC				RECEIVED:	06/10/82	JA: TX			
8237389	F-09-051384	4223734058		102-4	103	ELSIE RIDER "A" #4	BARTON CHAPEL S (ELLE	0.0	LONE STAR GAS CO
8237475	F-09-051829	4250335689		103		HARRISON #1 RRC ID #22021	BO SCAN (CONGL)	87.6	SUN GAS TRANSMISS
-WESTERN CHIEF OIL & GAS CO				RECEIVED:	06/10/82	JA: TX			
8237251	F-09-045032	4250334848		103		ARTHUR S SHANAFELT #1 116316	YOUNG COUNTY REGULAR	14.5	SOUTHWESTERN GAS
8237316	F-09-049555	4250335598		103		ARTHUR S SHANAFELT #3 ID PENDING	YOUNG COUNTY REGULAR	18.0	SOUTHWESTERN GAS
-WILHAM INVESTMENTS INC				RECEIVED:	06/10/82	JA: TX			
8237189	F-10-018224	4235700000		108		E M MCGARRAUGH "A" #1 (22342)	LIPS (CLEVELAND)	19.0	NORTHERN NATURAL
-WILLIAM PERLMAN				RECEIVED:	06/10/82	JA: TX			
8237185	F-7C-000712	4243500000		103		BROCKMAN 54-4	SAWYER (CANYON)	0.0	EL PASO NATURAL G
-WILSON EXPLORATION CO				RECEIVED:	06/10/82	JA: TX			
8237235	F-06-043668	4236500000		103		JERNIGAN UNIT #2 RRC ID #40708	CARTHAGE (TRAVIS PEAK	0.0	ARKANSAS LOUISIAN
-WINN EXPLORATION/DULCE CO				RECEIVED:	06/10/82	JA: TX			
8237378	F-01-051258	4250731585		102-4		PRYOR RANCH #47	WINN-DULCE	0.0	NORTHERN NATURAL
-WOODS PETROLEUM CORPORATION				RECEIVED:	06/10/82	JA: TX			
8237480	F-8A-051855	4207931454		102-4	103	RJR RANCH #4-1	BONANZA (SAN ANDRES)	5.0	WARREN PETROLEUM
8237481	F-8A-051856	4207931455		102-4	103	RJR RANCH #4-2	BONANZA (SAN ANDRES)	5.0	WARREN PETROLEUM
-WY-VEL CORP				RECEIVED:	06/10/82	JA: TX			
8237476	F-10-051833	4217931119		103		O'NEAL (05037) #2	PANHANDLE	140.0	GETTY OIL CO
-XB ENERGY SERVICES INC				RECEIVED:	06/10/82	JA: TX			
8237224	F-01-043058	4216331961		103		ARTHUR HURT JR 3-B	PEARSALL (AUSTIN CHAL	0.0	TGP INC

OTHER PURCHASERS VOLUME NO :679

8237192	PANHANDLE EASTERN P L CO
8237195	COLUMBIA GAS TRANS CORP
8237268	LONE STAR GAS CO
8237301	TRANSCONTINENTAL GAS P L CO
8237321	PANHANDLE EASTERN P L CO
8237348	E I DUPONT DE*NEMOURS & CO INC
8237407	E I DUPONT DE*NEMOURS & CO INC
8237492	E I DUPONT DE*NEMOURS & CO INC
8237505	E I DUPONT DE*NEMOURS & CO INC

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-18292 Filed 7-2-82; 8:45 am]

BILLING CODE 6717-01-C

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	Issued June 29, 1982	FIELD NAME	PROD	PURCHASER
LOUISIANA OFFICE OF CONSERVATION										
-BETHLAN PRODUCTION CORP					RECEIVED:	06/10/82	JA: LA			
8237535	82-0358	1707321370		108		A THIBEAUX #1		MONROE GAS FIELD	14.8	IMC PIPELINE CO I
8237542	82-0359	1707321407		108		A THIBEAUX #2		MONROE GAS FIELD	14.8	IMC PIPELINE CO I
8237541	82-0360	1707321422		108		A THIBEAUX #3		MONROE GAS FIELD	14.8	IMC PIPELINE CO I
8237540	82-0361	1707321406		108		CUMMINS #1		MONROE GAS FIELD	8.6	IMC PIPELINE CO I
8237584	82-0199	1707321767		103		FIDDLER #1		MONROE GAS FIELD	16.2	IMC PIPELINE CO I
8237576	82-0193	1707321620		108		INABNET-BETHLAN #1		MONROE GAS FIELD	11.2	IMC PIPELINE CO I
8237579	82-0194	1707321621		108		INABNET-BETHLAN #2		MONROE GAS FIELD	10.8	IMC PIPELINE CO I
8237578	82-0195	1707321622		108		INABNET-BETHLAN #3		MONROE GAS FIELD	10.8	IMC PIPELINE CO I
8237580	82-0196	1707321625		108		INABNET-BETHLAN #4		MONROE GAS FIELD	11.2	IMC PIPELINE CO I
8237581	82-0197	1707321765		103		MAE POWELL #1		MONROE	19.8	IMC PIPELINE CO I
8237582	82-0198	1707321766		103		MAE POWELL #2		MONROE GAS FIELD	19.8	IMC PIPELINE CO I
8237546	82-0191	1707321611		108		MARCOVITZ #1		MONROE GAS FIELD	5.4	IMC PIPELINE CO I
8237577	82-0192	1707321612		108		PERRY JONES #1		MONROE GAS FIELD	2.5	IMC PIPELINE CO I
-C SMITH					RECEIVED:	06/10/82	JA: LA			
8237558	82-0302	1711123473		103	107-TF	MASHAW #1		MONROE	11.0	WEST MONROE GAS G
-DMK EXPLORATION & DEVELOPMENT					RECEIVED:	06/10/82	JA: LA			
8237566	82-0419	1711123320		103	107-TF	OLLIE ALBRITTON #1		MONROE	9.0	WEST MONROE GAS G
-DYNAMIC EXPLORATION INC					RECEIVED:	06/10/82	JA: LA			
8237685	82-0450	1711321144		102-4		D J NUNEZ #1 (SIDETRACK HOLE)		GROSSE ISLE	110.0	UNITED GAS PIPELI
-ERGON INC					RECEIVED:	06/10/82	JA: LA			
8237596	82-0285	1711123191		103	107-TF	C L ALLEN #2		MONROE (6824)	12.1	TEXAS GAS TRANSMI
8237526	82-0306	1711123276		103	107-TF	C W WHEELER #3		MONROE (6824)	11.5	TEXAS GAS TRANSMI
8237567	82-0421	1711123357		103	107-TF	EDWIN RAMSEY #1		MONROE (6824)	13.3	TEXAS GAS TRANSMI
8237523	82-0425	1711123205		103	107-TF	J K WALKER #1		MONROE (6824)	12.1	TEXAS GAS TRANSMI
8237568	82-0422	1711122990		103	107-TF	J M EDWARDS #1		MONROE (6824)	14.9	TEXAS GAS TRANSMI
8237536	82-0357	1711123448		103	107-TF	MARTHA FREE #1		MONROE (6824)	13.3	TEXAS GAS TRANSMI
8237554	82-0423	1711123192		103	107-TF	MILES GREEN #1		MONROE (6824)	2340.0	TEXAS GAS TRANSMI
8237569	82-0424	1711123203		103	107-TF	R F COX #1		MONROE (6824)	11.5	TEXAS GAS TRANSMI
8237537	82-0356	1711123359		103	107-TF	W A EDWARDS #2		MONROE (6824)	9.9	TEXAS GAS TRANSMI
8237527	82-0305	1711123190		103	107-TF	W T PRATT #1		MONROE (6824)	13.7	TEXAS GAS TRANSMI
-GAS RESOURCES INC					RECEIVED:	06/10/82	JA: LA			
8237555	82-0482	1711122089		108		EXXON #10		MONROE GAS	2.0	IMC EXPLORATION C
8237521	82-0483	1711122187		108		EXXON #11		MONROE GAS	4.0	IMC EXPLORATION C
8237571	82-0484	1711122210		108		EXXON #12		MONROE GAS	4.0	IMC EXPLORATION C
8237570	82-0485	1711122409		108		EXXON #13		MONROE GAS	21.0	IMC EXPLORATION C
8237519	82-0480	1711122115		108		EXXON #7		MONROE GAS	4.0	IMC EXPLORATION C
8237520	82-0481	1711122116		108		EXXON #8		MONROE GAS	2.0	IMC EXPLORATION C
-GLENDA PETROLEUM CORP					RECEIVED:	06/10/82	JA: LA			
8237524	82-0446	1707321747		103		MCKNIGHT #10 S/N 174984		MONROE	15.0	UNITED GAS PIPELI
8237607	82-0447	1707321748		103		MCKNIGHT #11 S/N 174985		MONROE	15.0	UNITED GAS PIPELI

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8237606	82-0448	1707321749		103		MCKNIGHT #12 S/N 174986	MONROE	15.0	UNITED GAS PIPELI
8237530	82-0352	1707321743		103		MCKNIGHT #6 S/% 174980	MONROE	15.0	UNITED GAS PIPELI
8237534	82-0353	1707321515		103		PENNZOIL 28 #3 S/N 176968	MONROE	15.0	UNITED GAS PIPELI
8237533	82-0354	1707321517		103		PENNZOIL 28 #5 S/N 176970	MONROE	15.0	UNITED GAS PIPELI
8237538	82-0355	1707321494		103		PENNZOIL 4 #10 S/N 176963	MONROE	15.0	UNITED GAS PIPELI
8237604	82-0499	1707321761		103		STEELE WILLIAMS #2 S/N 175151	MONROE	15.0	UNITED GAS PIPELI
8237601	82-0495	1707321726		103		WILLIAMS #1 S/N 174570	MONROE	15.0	UNITED GAS PIPELI
8237602	82-0496	1707321727		103		WILLIAMS #2 S/N 174571	MONROE	15.0	UNITED GAS PIPELI
8237603	82-0497	1707321728		103		WILLIAMS #3 S/N 174572	MONROE	15.0	UNITED GAS PIPELI
8237575	82-0498	1707321729		103		WILLIAMS #4 S/N 174573	MONROE	15.0	UNITED GAS PIPELI
-GODFREY & RILEY				RECEIVED:	06/10/82	JA: LA			
8237518	82-0478	1711122957		108		EUBANKS #8	MONROE	13.5	IMC PIPELINE CO I
-GULF OIL CORPORATION				RECEIVED:	05/05/82	JA: LA			
8237682	81-2732	1707522720		103		S L 195 QQ #97	WEST BLACK BAY FIELD	9.5	SOUTHERN NATURAL
-HADDOX PETROLEUM CORP				RECEIVED:	06/10/82	JA: LA			
8237531	82-0332	1711123379		103		DAY #1	MONROE	227.0	LOUISIANA POWER &
8237522	82-0490	1707321840		103		INABNET C #1	MONROE	12.8	MID LOUISIANA GAS
8237572	82-0491	1707321841		103		INABNET C #2	MONROE	12.8	MID LOUISIANA GAS
8237532	82-0331	1711123281		103		JOHN S MEDLIN #1	MONROE	18.3	LOUISIANA POWER &
8237516	82-0476	1711123462		103		PEEK ESTATE #1	MONROE	10.9	MID LOUISIANA GAS
8237517	82-0477	1711123463		103		PEEK ESTATE #2	MONROE	10.9	MID LOUISIANA GAS
8237557	82-0299	1711123396		103		U S A #1	MONROE	14.6	IMC PIPELINE CO I
-IMC EXPLORATION COMPANY				RECEIVED:	06/10/82	JA: LA			
8237574	82-0493	1706120153		108		C WILKERSON #1 C RA SUI	RUSTON	9.0	LOUISIANA GAS INT
8237600	82-0492	1706120189		108		RAY E UPCHURCH #1 LCV RA SUA	HICO-KNOWLES	9.0	MISSISSIPPI RIVER
-K D LANKFORD JR & L&N DRLG CO				RECEIVED:	06/10/82	JA: LA			
8237528	82-0328	1711121475		108		EDWARDS #1	MONROE	20.0	UNITED GAS PIPE L
8237529	82-0329	1711121875		108		EDWARDS #2	MONROE	20.0	UNITED GAS PIPE L
-MID LOUISIANA GAS COMPANY				RECEIVED:	06/10/82	JA: LA			
8237563	82-0365	1706721650		103		MLGC FEE GAS #1077	MONROE GAS FIELD	18.3	MID LOUISIANA GAS
8237545	82-0366	1706721651		103		MLGC FEE GAS #1078	MONROE GAS FIELD	8.0	MID LOUISIANA GAS
8237564	82-0367	1711123296		103		MLGC FEE GAS #1079	MONROE GAS FIELD	25.5	MID LOUISIANA GAS
8237539	82-0362	1707321790		103		MLGC FEE GAS #1083	MONROE GAS FIELD	36.5	MID LOUISIANA GAS
8237544	82-0363	1707321791		103		MLGC FEE GAS #1084	MONROE GAS FIELD	36.5	MID LOUISIANA GAS
8237543	82-0364	1711123398		103		MLGC FEE GAS #1102	MONROE GAS FIELD	36.5	MID LOUISIANA GAS
-PENNZOIL PRODUCING COMPANY				RECEIVED:	06/10/82	JA: LA			
8237547	82-0469	1707321693		103		FEE 709 #1	MONROE	25.0	UNITED GAS PIPE L
8237553	82-0468	1707321700		103		FEE 709 #10	MONROE	25.0	UNITED GAS PIPE L
8237548	82-0470	1707321694		103		FEE 709 #2	MONROE	25.0	UNITED GAS PIPE L
8237549	82-0471	1707321695		103		FEE 709 #3	MONROE	25.0	UNITED GAS PIPE L
8237550	82-0472	1707321696		103		FEE 709 #4	MONROE	25.0	UNITED GAS PIPE L
8237551	82-0473	1707321697		103		FEE 709 #5	MONROE	25.0	UNITED GAS PIPE L
8237514	82-0474	1707321698		103		FEE 709 #6	MONROE	25.0	UNITED GAS PIPE L
8237525	82-0466	1707321701		103		FEE 709 #7	MONROE	25.0	UNITED GAS PIPE L
8237552	82-0467	1707321703		103		FEE 709 #9	MONROE	25.0	UNITED GAS PIPE L
-PETRO-LEWIS CORPORATION				RECEIVED:	06/10/82	JA: LA			
8237586	82-0246	1711102593		108		FROST LUMBER IND #2	MONROE	14.7	SOUTHERN NATURAL
8237589	82-0249	1711120944		108		FROST LUMBER IND D-15	MONROE	0.0	SOUTHERN NATURAL
8237590	82-0250	1711121061		108		N R NOLAN #7	MONROE	17.8	SOUTHERN NATURAL
8237591	82-0251	1707321082		108		REA GREEN #14	MONROE	6.9	SOUTHERN NATURAL
8237585	82-0245	1707300561		108		ROBERTSON-REED #1	MONROE	12.2	SOUTHERN NATURAL
8237583	82-0244	1707300579		108		SLAGLE JOHNSON FEE CHAUVIN #1	MONROE	19.2	SOUTHERN NATURAL
8237587	82-0247	1711101461		108		UNION POWER CO C-9	MONROE	19.7	SOUTHERN NATURAL

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8237588	82-0248	1711101596		108		UNION PRODUCING CO B-7	MONROE	20.4	SOUTHERN NATURAL
-RALPH L LEADERBRAND				RECEIVED:	06/10/82	JA: LA			
8237556	82-0488	1703100220		108		JETER SU R ALSTON #1 42022	LOGANSPORT	0.0	SOUTHERN NATURAL
-REMUDA OIL & GAS CO				RECEIVED:	06/10/82	JA: LA			
8237573	81-2787	1708120383		103		T P STEPHENS #1	RED RIVER BULL BAYOU	1.0	ROMANOFF CORP
-SHADRACK PRODUCTION CO				RECEIVED:	06/10/82	JA: LA			
8237598	82-0287	1711123388		103	107-TF	DAY #1	MONROE	13.0	WEST MONROE GAS G
8237560	82-0289	1711123390		103	107-TF	DONALD DAY #1	MONROE	13.0	WEST MONROE GAS G
8237599	82-0288	1711123389		103	107-TF	DOYLE CROW #1	MONROE	13.0	WEST MONROE GAS G
8237562	82-0291	1711123392		103	107-TF	EAST UNION ACADEMY #1	MONROE	13.0	WEST MONROE GAS G
8237561	82-0290	1711123391		103	107-TF	GEORGE #1	MONROE	13.0	WEST MONROE GAS G
8237565	82-0368	1711123403		103	107-TF	REPPOND-BRYANT #1	MONROE	13.0	WEST MONROE GAS G
8237597	82-0286	1711123387		103	107-TF	T BAKER #1	MONROE	13.0	WEST MONROE GAS G
-WELLS-BATTELSTEIN OIL & GAS INC				RECEIVED:	06/10/82	JA: LA			
8237515	82-0475	1711123442		103		PEARL RHYMES #1	MONROE GAS	30.0	I M C PIPELINE CO
8237559	82-0304	1711123311		103	107-TF	RABUN #2	MONROE	60.0	WEST MONROE GAS G
-WEST MONROE JOINT VENTURE				RECEIVED:	06/10/82	JA: LA			
8237592	82-0276	1711122180		107-TF		SCHUTZE #1	MONROE	8.0	TEXAS GAS TRANSMI
8237593	82-0277	1711122255		107-TF		SCHUTZE #2	MONROE	8.0	TEXAS GAS TRANSMI
8237594	82-0278	1711122440		107-TF		SCHUTZE #3	MONROE	8.0	TEXAS GAS TRANSMI
8237595	82-0279	1711122636		107-TF		SCHUTZE #4	MONROE	8.0	TEXAS GAS TRANSMI
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MICHIGAN DEPARTMENT OF NATURAL RESOURCES									
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-SUN OIL COMPANY (DELAWARE)				RECEIVED:	06/08/82	JA: MI			
8237659		2108733731		103		HARLAND WELKE #1	RICH	0.0	SOUTHEASTERN MICH
**********									
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION									
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-BEREA OIL AND GAS CORPORATION				RECEIVED:	06/10/82	JA: NY			
8237640	2528	3101316060		107-TF		DAVID BALL UNIT #1	GERRY	12.5	COLUMBIA GAS TRAN
8237639	2526	3101315692		107-TF		NYS REFORESTATION AREA #1 - WELL #1	CHERRY CREEK	18.0	COLUMBIA GAS TRAN
8237642	2529	3101316062		107-TF		T REARICK UNIT #1	GERRY	0.1	COLUMBIA GAS TRAN
-COLUMBIA GAS TRANSMISSION CORP				RECEIVED:	06/10/82	JA: NY			
8237638	2006	3101314503		102-2		LEONARD J HUTCHISON 620087	PANAMA	31.5	COLUMBIA GAS TRAN
-CUMBERLAND OIL CORP				RECEIVED:	06/10/82	JA: NY			
8237635	2480	3101316313		107-TF		LYLE SAGER #1	LAKESHORE	20.0	NATIONAL FUEL GAS
-DESERT GAS EXPLORATION CO INC				RECEIVED:	06/10/82	JA: NY			
8237628	2507	3101315026		107-TF		BENDER UNIT #1 - DG #121	LAKESHORE	0.0	NATIONAL FUEL GAS
8237633	2512	3101315027		107-TF		BENDER UNIT #2 - DG #122	LAKESHORE	0.0	NATIONAL FUEL GAS
8237634	2513	3101315028		107-TF		BENDER UNIT #3 - DG #123	LAKESHORE	0.0	NATIONAL FUEL GAS
8237649	2504	3101315012		107-TF		KIRYLENKO UNIT #1 - DG #120	LAKESHORE	0.0	NATIONAL FUEL GAS
8237629	2508	3101314181		107-TF		LARRAINE UNIT #1 - DG#111	LAKESHORE	0.0	NATIONAL FUEL GAS
8237648	2505	3101314527		107-TF		LUDWIG UNIT #1 - DG #124	LAKESHORE	0.0	NATIONAL FUEL GAS
8237631	2510	3101316026		107-TF		SMITH UNIT #1 - DG-#129	LAKESHORE	0.0	NATIONAL FUEL GAS
8237647	2506	3101316027		107-TF		SMITH UNIT #2 - DG-#130	LAKESHORE	0.0	NATIONAL FUEL GAS
8237630	2509	3101300000		107-TF		TRI VAL FARMS #3 DG #127	LAKESHORE	0.0	NATIONAL FUEL GAS
8237645	2514	3101315045		107-TF		TRI-VAL FARMS #1 - DG #125	LAKESHORE	0.0	NATIONAL FUEL GAS
8237632	2511	3101315656		107-TF		TRI-VAL FARMS #4 - DG #4	LAKESHORE	0.0	NATIONAL FUEL GAS
-ECLIPSE MANAGEMENT ASSOCIATES INC				RECEIVED:	06/10/82	JA: NY			
8237641	2092	3101314396		108		BESCH #3 #3127	LAKE SHORE	0.0	NATIONAL FUEL GAS
8237644	1784	3101314394		108		BESCH I #3125	LAKE SHORE	9.0	NATIONAL FUEL GAS
8237643	2373	3101314330		108		THOMPSON #2 #3101	LAKE SHORE	17.0	NATIONAL FUEL GAS

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-ENVIROGAS INC				RECEIVED:	05/12/82	JA: NY			
8237768	1909	3101315207		107-TF		H PAULUS #1	LAKESHORE	18.0	COLUMBIA GAS TRAN
-ENVIROGAS INC				RECEIVED:	06/10/82	JA: NY			
8237656	2499	3101315941		107-TF		FLUVANNA COMMUNITY CHURCH #1	WILDCAT	18.0	NATIONAL FUEL GAS
8237658	2498	3101315959		107-TF		R SHAVER #1	WILDCAT	18.0	NATIONAL FUEL GAS
-MAYNARD OIL COMPANY				RECEIVED:	06/10/82	JA: NY			
8237637	3454	3102917183		103		CASH C #1 #02322		0.0	NATIONAL FUEL GAS
8237636	3453	3102917169		103		MULHOLLAN #1	ORCHARD PARK	0.0	NATIONAL FUEL GAS
-OILMARK & CO INC				RECEIVED:	06/10/82	JA: NY			
8237625	2435	3101315363		107-TF		BUSAN #1	LAKESHORE	12.0	NATIONAL FUEL GAS
8237618	2437	3101314476		107-TF		ELLIS #1	LAKESHORE	10.0	COLUMBIA GAS TRAN
8237655	2427	3101315837		107-TF		G WINCH #2	LAKESHORE	20.0	COLUMBIA GAS TRAN
8237626	2439	3101314830		107-TF		H JOHNSON #1	GERRY	20.0	COLUMBIA GAS TRAN
8237619	2438	3101313959		107-TF		HANKS #1	LAKESHORE	20.0	COLUMBIA GAS TRAN
8237627	2440	3101314834		107-TF		KOPROWSKI #1	LAKESHORE	10.0	NATIONAL FUEL GAS
8237608	2441	3101314835		107-TF		KOPROWSKI #2	LAKESHORE	10.0	NATIONAL FUEL GAS
8237610	2443	3101314630		107-TF		MULLARD CHARLES JR #2	STEBBINS CORNERS	15.0	COLUMBIA GAS TRAN
8237609	2442	3101314629		107-TF		MULLARD JR #1	STEBBINS CORNERS	15.0	COLUMBIA GAS TRAN
8237611	2444	3101314472		107-TF		MULLARD SR #1	BUSTI	60.0	NATIONAL FUEL GAS
8237620	2445	3101314627		107-TF		MULLARD SR #2	BUSTI	10.0	NATIONAL FUEL GAS
8237621	2446	3101314828		107-TF		P PETERSON #2	GERRY	20.0	COLUMBIA GAS TRAN
8237622	2447	3101315310		107-TF		R RAMMELT #1	LAKESHORE	12.0	NATIONAL FUEL GAS
8237623	2448	3101314831		107-TF		ROLPH #1	LAKESHORE	15.0	COLUMBIA GAS TRAN
8237624	2449	3101314475		107-TF		SHERMET #1	LAKESHORE	20.0	COLUMBIA GAS TRAN
-US ENERGY DEVELOPMENT CORP				RECEIVED:	06/10/82	JA: NY			
8237616	2418	3101315415		107-TF		C OLSEN #1	GERRY	20.0	COLUMBIA GAS TRAN
8237650	2424	3101315498		107-TF		DANIELSON #1	BUSTI	20.0	NATIONAL FUEL GAS
8237654	2425	3101315499		107-TF		DANIELSON #2	BUSTI	20.0	NATIONAL FUEL GAS
8237615	2417	3101315418		107-TF		H OLMSTEAD #1	GERRY	20.0	COLUMBIA GAS TRAN
8237651	2423	3101315419		107-TF		HAMMOND #1	GERRY	20.0	NATIONAL FUEL GAS
8237613	2415	3101315420		107-TF		HAMMOND #2	GERRY	20.0	NATIONAL FUEL GAS
8237612	2414	3101314462		107-TF		MARKHAM #1	LAKESHORE	20.0	COLUMBIA GAS TRAN
8237614	2416	3101314463		107-TF		MARKHAM #2	LAKESHORE	20.0	COLUMBIA GAS TRAN
8237617	2419	3101314827		107-TF		P PETERSON #1	GERRY	15.0	COLUMBIA GAS TRAN
8237646	2420	3101314464		107-TF		WESTFIELD FISH & GAME #1	LAKESHORE	20.0	COLUMBIA GAS TRAN
8237653	2421	3101314465		107-TF		WESTFIELD FISH & GAME #2	LAKESHORE	37.0	COLUMBIA GAS TRAN
8237652	2422	3101315364		107-TF		WESTFIELD FISH & GAME #3	LAKESHORE	20.0	COLUMBIA GAS TRAN
8237657	2479	3101315407		107-TF		WOLFF #2	LAKESHORE	20.0	COLUMBIA GAS TRAN
OKLAHOMA CORPORATION COMMISSION									
-ANADARKO PRODUCTION COMPANY				RECEIVED:	06/07/82	JA: OK			
8237741	17274	3500722170		102-4		PATTERSON "C" #1	FLORIS	110.0	PANHANDLE EASTERN
8237758	14764	3513920968		108		POLLOCK A #2	RICHLAND CENTER NORTH	8.0	PANHANDLE EASTERN
-ARAPAHO PETROLEUM INCORPORATED				RECEIVED:	06/07/82	JA: OK			
8237681	14609	3504722580		103		B LEE 1-30	SOONER TREND	146.0	PHILLIPS PETROLEU
-BLUE QUAIL ENERGY INC				RECEIVED:	06/07/82	JA: OK			
8237680	14390	3510920448		103		ATLEE #1	NW NW NW SEC 31 T12N	210.0	CONOCO INC
-BOGERT OIL CO				RECEIVED:	06/07/82	JA: OK			
8237661	14688	3507323139		103		CHLOUBER #4-16	SOONER TREND	300.0	PHILLIPS PETROLEU
-C F BRAUN & CO				RECEIVED:	06/07/82	JA: OK			
8237671	17325	3512920611		102-2		LOVETT #1	WICKHAM RANCH	365.0	DELHI GAS PIPELIN
-C J CASSELMAN				RECEIVED:	06/07/82	JA: OK			

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8237678	13209	3511100000		108		EVANS #1-A	MORRIS	10.0	PHILLIPS PETROLEU
				RECEIVED:	06/07/82	JA: OK			
-CHASE EXPLORATION CORP									
8237754	12486	3507121276		108		BUESING 2-9	UNNAMED	0.1	CITIES SERVICE GA
8237753	12490	3507121166		108		COFFEE #1-1	UNNAMED	0.3	CITIES SERVICE GA
8237750	12508	3507121323		108		KUCERA #2-8	UNNAMED	0.9	CITIES SERVICE GA
8237744	12531	3507120841		108		MILLER #2-24	UNNAMED	4.0	CITIES SERVICE GA
8237743	12538	3507121299		108		SCOTT #1-10	UNNAMED	0.0	CITIES SERVICE GA
8237751	12501	3507121326		108		SHEIR #2-29	UNNAMED	0.1	CITIES SERVICE GA
8237749	12513	3507120884		108		TAYLOR 4-22	UNNAMED	0.0	CITIES SERVICE GA
8237748	12524	3507121206		108		VOLGELL #1-21	UNNAMED	1.6	CITIES SERVICE GA
8237747	12526	3507121279		108		WATHOR 1-11	UNNAMED	0.1	CITIES SERVICE GA
8237745	12536	3507121639		108		WOOD #2-31	UNNAMED	1.6	CITIES SERVICE GA
8237746	12527	3507121488		108		WRIGHT 1-31	UNNAMED	0.4	CITIES SERVICE GA
8237752	12498	3507121492		108		WRIGHT 2-31	UNNAMED	0.4	CITIES SERVICE GA
				RECEIVED:	06/07/82	JA: OK			
-CLARK RESOURCES INC									
8237665	14818	3509322374		103		CAMPBELL 22-1	SOONER TREND	90.0	CITIES SERVICE GA
				RECEIVED:	06/09/82	JA: OK			
-COTTON PETROLEUM CORPORATION									
8237683	14845	3504520994		103		JOE #1	GAGE	260.0	PHILLIPS PETROLEU
				RECEIVED:	06/07/82	JA: OK			
-CUSHING DRILLING FUND LTD 80									
8237732	14255	3511921315		102-2	103	HILBERT #1	INGALLS	36.5	COLORADO GAS COMP
				RECEIVED:	06/09/82	JA: OK			
-DAWN ENERGY CO									
8237712	14767	3513921479		103		MCDONALD #1-22	NORTH RICE	54.0	PHILLIPS PETROLEU
				RECEIVED:	06/07/82	JA: OK			
-DEVON CORPORATION									
8237669	14823	3513321634		103		W N GOSS #3	ONG	0.0	ARCO OIL & GAS CO
				RECEIVED:	06/09/82	JA: OK			
-DLB ENERGY CORP									
8237724	17244	3507323460		102-4	103	COFFEY #32-6	SOONER TREND	0.0	PHILLIPS PETROLEU
				RECEIVED:	06/07/82	JA: OK			
-DYCO PETROLEUM CORPORATION									
8237662	14769	3505121099		103		SHOCKEY #1-25	UNDESIGNATED	180.0	MOBIL OIL CORP
				RECEIVED:	06/07/82	JA: OK			
-EAGLE MINERALS INC.									
8237735	17272	3514920252		102-4		FERGUSON #1		200.0	OKLAHOMA NATURAL
				RECEIVED:	06/09/82	JA: OK			
-EASON OIL COMPANY									
8237704	14701	3508720651		103		E M GARRETT #1-15		14.0	SUNGAS CO
				RECEIVED:	06/09/82	JA: OK			
-ENNEX PRODUCTION COMPANY									
8237722	16808	3503920498		102-4	103	HERRING #1	ANTHON	0.0	
				RECEIVED:	06/09/82	JA: OK			
-ENTEX PETROLEUM INC									
8237705	14702	3505121156		103		OSCAR LEONARD HEIRS #2	N E VERDEN	20.0	MOBIL OIL CORP
				RECEIVED:	06/09/82	JA: OK			
-FUNK EXPLORATION INC									
8237713	14777	3500722225		103		DOUBLE CHECK #1	S BALKO	0.0	
8237714	14779	3500722216		103		RUSSELL #1	MOCANE - LAVERNE	0.0	
				RECEIVED:	06/09/82	JA: OK			
-FUSULINA PETROLEUM CORP									
8237688	14844	3504722765		103		KENNEDY 1-29	SOONER TREND	33.0	PHILLIPS PETROLEU
				RECEIVED:	06/07/82	JA: OK			
-GRACE PETROLEUM CORPORATION									
8237739	17285	3512920616		102-2		JASON #1	INDIAN GULCH	0.0	
				RECEIVED:	06/09/82	JA: OK			
-HANOVER MANAGEMENT CO									
8237707	14704	3506100000		103		DOSS #1	NOT YET ASSIGNED	73.0	ARKANSAS LOUISIAN
				RECEIVED:	06/07/82	JA: OK			
-HARTER OIL CO									
8237675	17356	3510120668		102-2		DAVID HALL #1 OTC 101-68080	COLE DISTRICT	0.0	PHILLIPS PETROLEU
8237674	17328	3510120675		102-2		DAVID HALL #2 OTC 101-68080	COLE DISTRICT	25.6	PHILLIPS PETROLEU
				RECEIVED:	06/07/82	JA: OK			
-INEXCO OIL COMPANY									
8237737	17277	3512920711		102-4		GATES #1-3	NORTH EAST STRONG CIT	220.0	
8237738	17278	3512920596		102-4		ROGER MILLS #1-18	NORTH EAST STRONG CIT	500.0	
8237736	17276	3512920597		102-4		WICKHAM #1-31	NORTH EAST STRONG CIT	300.0	
-J R THOMPSON									
				RECEIVED:	06/09/82	JA: OK			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8237709	14743	3511122429		103		DENHAM 1A	NW-SW-NE SEC 35-15N 1	36.5	PHILLIPS PETROLEU
8237710	14776	3511121684		103		SIMS 1A	SENWNW SE 1/4 SEC 35-	25.6	PHILLIPS PETROLEU
				RECEIVED:	06/09/82	JA: OK			
-JAMES C MEADE									
8237711	14765	3504321260		103		LADD CURTIS #2	HUCMAC	365.0	TRANSOK PIPE LINE
				RECEIVED:	06/09/82	JA: OK			
-JCCO INC									
8237706	14703	3503120744		103		HUNTER #1 - SEC 17	PUMPKIN CENTER	10.0	MANN INDUSTRIES I
				RECEIVED:	06/07/82	JA: OK			
-JERNIGAN OIL CORP									
8237670	17324	3509321235		102-2		WARNER #1		0.0	CONOCO INC
				RECEIVED:	06/09/82	JA: OK			
-JOHNSON-GIPSON OIL CO									
8237717	14803	3506321351		103		LETA M CHAPMAN #3	HOLDENVILLE	23.0	ARCO OIL & GAS CO
8237719	14805	3506321250		103		LETA M CHAPMAN EST #1-10	HOLDENVILLE	23.1	ARCO OIL & GAS CO
8237718	14804	3506321322		103		LETA M CHAPMAN EST #2	HOLDENVILLE	20.0	ARCO OIL & GAS CO
				RECEIVED:	06/07/82	JA: OK			
-KENNEDY & MITCHELL INC									
8237677	02253	3505900000		102-4		WEAVER #14-104	UNDESIGNATED FIELD (S	60.0	NORTHERN NATURAL
				RECEIVED:	06/09/82	JA: OK			
-KLINE & PITTENGER EXPLORATION									
8237690	14824	3504722649		103		CAMPBELL #1	NW CARRIER	18.0	PANHANDLE EASTERN
				RECEIVED:	06/07/82	JA: OK			
-L O WARD									
8237759	14771	3504722468		103		BLANSIT A-3	SOONER TREND	30.2	OKLAHOMA NATURAL
				RECEIVED:	06/07/82	JA: OK			
-LADD PETROLEUM CORPORATION									
8237733	14470	3504700000		108		HOPWOOD B #1	N E ENID	11.0	CITIES SERVICE GA
				RECEIVED:	06/09/82	JA: OK			
-LEWIS EXPLORATION INC									
8237684	13898	3507122077		108		CHRISTENSEN #2	UNNAMED	15.6	CITIES SERVICE GA
8237696	13896	3507100000		108		CHRISTENSEN 1-B	UNNAMED	12.0	CITIES SERVICE GA
8237686	13899	3507100000		108		CHRISTENSEN 3	UNNAMED	17.7	CITIES SERVICE GA
8237685	13897	3507121616		108		CURL #1	UNNAMED	6.4	CITIES SERVICE GA
8237687	13900	3507100000		108		CURL 1 A	UNNAMED	63.5	CITIES SERVICE GA
				RECEIVED:	06/07/82	JA: OK			
-MAGIC CIRCLE ENERGY CORP									
8237763	14786	3515121194		103		JOHN HULL #1	WILDCAT	186.0	
				RECEIVED:	06/07/82	JA: OK			
-MAPCO PRODUCTION COMPANY									
8237765	17123	3501922452		102-4	103	WILLIAMS #1-18	WEST HEWITT FIELD	30.0	AMINOIL USA INC
				RECEIVED:	06/09/82	JA: OK			
-MERLIN PETROLEUM CORP									
8237725	17130	3508322005		102-2		WRIGHT #1	NORTH COON CREEK	0.5	WESTERN STATES GA
				RECEIVED:	06/09/82	JA: OK			
-NATURAL GAS COMPRESSION CORP									
8237694	13549	3500700000		108		FLANIGAN #1-27	LIGHT GAS AREA	15.0	PANHANDLE EASTERN
				RECEIVED:	06/07/82	JA: OK			
-PARK CENTER OIL & GAS INC									
8237760	14780	3510321523		103		BEZDICEK #10-1	S PERRY	233.0	AMINOIL USA INC
8237762	14783	3510321378		103		BEZDICEK PARK CENTER 1-2	S E PERRY	37.0	AMINOIL USA INC
8237761	14781	3510321399		103		MARY BEZDICEK 2-2	S E PERRY	37.0	AMINOIL USA INC
-PARK CENTER OIL & GAS INC									
8237715	14782	3510321520		RECEIVED:	06/09/82	JA: OK			
				103		BEZDICEK #2-10	S PERRY	233.0	AMINOIL USA INC
-PELTO OIL CO				RECEIVED:	06/07/82	JA: OK			
8237660	14647	3504722556		103		SIMONS #1	SOUTH COVINGTON	20.0	OKLAHOMA NATURAL
				RECEIVED:	06/07/82	JA: OK			
-PETRO-LEWIS CORPORATION									
8237731	14172	3500300000		108		DAISY 15-1	RINGWOOD	9.9	PARTNERSHIP PROPE
8237726	13868	3507300000		108		HAJEK 14-1	SOONER TREND	0.1	PARTNERSHIP PROPE
8237729	14170	3500300000		108		LEWIS 18-1	SOONER TREND	19.4	PARTNERSHIP PROPE
8237764	14787	3507323319		103		MERCER 20-1	SOONER TREND	57.0	PARTNERSHIP PROPE
8237730	14171	3500300000		108		NANCY 12-1	SOONER TREND	8.8	PARTNERSHIP PROPE
8237728	14169	3500300000		108		NORMA 13-1	SOONER TREND	8.4	AMINOIL USA INC
8237727	14168	3500300000		108		STEWART 14 #1	RINGWOOD	4.4	PARTNERSHIP PROPE
-PETRO-LEWIS CORPORATION				RECEIVED:	06/09/82	JA: OK			
8237689	14415	3509223400		103		HAMMER 7-2	SOONER TREND FIELD	100.4	CITIES SERVICE GA
8237695	13805	3507300000		108		RIVERSIDE 8-1	SOONER TREND	7.9	PARTNERSHIP PROPE

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	06/09/82	JA: OK			
8237720	14810	3501721242		108-ER		BOMHOFF "B" #1	NORTH CONCHO	10.0	PANHANDLE EASTERN
-RAIZEN OIL CO				RECEIVED:	06/09/82	JA: OK			
8237708	14711	3504921748		103		ISAAC #1 DEAN	PAULS VALLEY	100.0	WARREN PETROLEUM
-RALPH E PLOTNER OIL & GAS INVEST			IN	RECEIVED:	06/09/82	JA: OK			
8237693	13305	3501721993		103		BRODERSEN #1-33	WEST PIEDMONT	45.0	PHILLIPS PETROLEU
-READING & BATES PETROLEUM CO				RECEIVED:	06/07/82	JA: OK			
8237672	17290	3503920627		102-2		FLAMING #1-5	PITTS CREEK	216.0	
-RESOURCES INVESTMENT CORPORATION				RECEIVED:	06/07/82	JA: OK			
8237667	14820	3502720546		103		IDELL #2	N W NORMAN	100.5	SUN GAS CO
-RICK BUCK				RECEIVED:	06/07/82	JA: OK			
8237663	14815	3504722651		103		JULIE ANN #1	EAST BISON	126.0	PAN HANDLE EASTER
-RICKS EXPLORATION CO				RECEIVED:	06/07/82	JA: OK			
8237756	12892	3504321325		103		FRANCIS #3A	PUTMAN	109.0	MOBIL OIL CORP
8237757	13240	3504320918		103		NEW 13A	S E HARMON	108.0	PHILLIPS PETROLEU
8237755	12871	3502720479		103		TULLIUS 15A	N W NORMAN	54.0	SUN GAS CO
-SAKET PETROLEUM CO				RECEIVED:	06/07/82	JA: OK			
8237679	13779	3511122473		103		BADGER TRUST #2		0.0	PHILLIPS PETROLEU
-SAXON OIL COMPANY				RECEIVED:	06/09/82	JA: OK			
8237721	16081	3503120849		107-DP		LONE WOLF #1		0.0	MICHIGAN-WISCONSI
-SENECA OIL COMPANY				RECEIVED:	06/09/82	JA: OK			
8237716	14831	3501722056		103		EVERY #2-31	PIEDMONT	0.0	
-SOUTHLAND ROYALTY CO				RECEIVED:	06/07/82	JA: OK			
8237673	10913	3515120977		108-PB		MARIE #1-11	S W FREEDOM	21.0	PANHANDLE EASTERN
-SUN OIL COMPANY (DELAWARE)				RECEIVED:	06/07/82	JA: OK			
8237725	14359	3501900000		108		HEFNER "F" #4	FOX GRAHAM	0.1	AMINOIL USA INC
-TENNECO OIL COMPANY				RECEIVED:	06/07/82	JA: OK			
8237742	13276	3515320165		108-ER		ALEXANDER GARVIE #4-33	CHESTER WEST	12.0	MICHIGAN-WISCONSI
8237666	14819	3504321322		103		CROSS #1-2	SQUIRREL CREEK	12.0	
8237676	17337	3504321306		102-4		PERCY #1-16	N W NOBSCOT	55.0	
-TEXAS OIL & GAS CORP				RECEIVED:	06/09/82	JA: OK			
8237692	13122	3503920528		103		SMITH HH #1	S W ALEDO	1084.0	
-TEXOMA RESOURCES INC				RECEIVED:	06/09/82	JA: OK			
8237691	12973	3507323240		103		BRAME #1-24	SOONER TREND	500.0	CONOCO INC
-THE WIL-MC OIL CORP				RECEIVED:	06/07/82	JA: OK			
8237740	17315	3513722043		102-4		EDWARDS ESTATE #1 (151-10)	COMANCHE	203.7	
-THOMAS N BERRY & CO				RECEIVED:	06/07/82	JA: OK			
8237668	14822	3503723589		103		TIGER #2	SOUTHWEST KELLYVILLE	12.0	GOLDEN ARROW GAS
-WALKER CORP				RECEIVED:	06/07/82	JA: OK			
8237734	14700	3501721866		103		CHESTER BRAKEFIELD #36-1	E YUKON	277.0	CONOCO INC
-WALTER A KELLY JR				RECEIVED:	06/07/82	JA: OK			
8237766	17231	3511921813		102-2		AHRBERG #3	NORTHWEST BOOMER LAKE	6.0	ARCO OIL & GAS CO
8237767	17233	3511921885		102-2		BRATCHER-STATE #1	NORTHWEST BOOMER LAKE	12.0	ARCO OIL & GAS CO
-WESSELY ENERGY CORPORATION				RECEIVED:	06/07/82	JA: OK			
8237664	14816	3504921586		103		HOLT #1-16	N ANTIOCH	41.0	WARREN PETROLEUM
-WESTWOOD ENERGY INC				RECEIVED:	06/09/82	JA: OK			
8237697	17372	3511900000		102-4	103	DAVIDSON #1 (119-68649)	MARKHAM	0.5	PHILLIPS PETROLEU
8237703	17376	3511900000		102-4	103	DELAY #2 (119-63170)	MARKHAM	16.0	PHILLIPS PETROLEU
8237700	17373	3511900000		102-4	103	DOLL #1 (119-68818)	MARKHAM	2.0	PHILLIPS PETROLEU
8237695	17374	3511900000		102-4	103	FRANK FORD (119-63171)	MARKHAM	0.5	PHILLIPS PETROLEU
8237701	17379	3511900000		102-4		MARATHON ELLIOTT (119-64178)	MARKHAM	24.0	PHILLIPS PETROLEU
8237698	17375	3511900000		102-4	103	MATHENY #1 (119-62518)	MARKHAM	9.0	PHILLIPS PETROLEU
8237702	17377	3511900000		102-4		MILLS #1 (119-68534)	MARKHAM	21.0	PHILLIPS PETROLEU

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 21, 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. 82–18293 Filed 7–2–82; 8:45 am]

BILLING CODE 6717–01–M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: June 29, 1982.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
OHIO DEPARTMENT OF NATURAL RESOURCES									
-B T SIMPSON JR				RECEIVED:	06/11/82	JA: OH			
8238065		3407523494		103		STEPHEN EILER #3	WELCOME	60.0	COLUMBIA GAS TRAN
8238064		3407523733		103		W BIRD & M BOWER #3	WELCOME	60.0	COLUMBIA GAS TRAN
-BEREA OIL AND GAS CORPORATION				RECEIVED:	06/11/82	JA: OH			
8237771		3411925841		103	107-TF	J VANREETH #1	UNION	0.0	COLUMBIA GAS TRAN
-BUCKEYE CRUDE EXPLORATION INC				RECEIVED:	06/11/82	JA: OH			
8237805		3400922062		107-TF		JOHNSON #1	AMES	1.5	COLUMBIA GAS TRAN
8237807		3400922160		107-TF		JOHNSON #11	AMES	1.0	COLUMBIA GAS TRAN
8237811		3400922180		107-TF		JOHNSON #12	AMES	4.3	COLUMBIA GAS TRAN
8237810		3400922179		107-TF		JOHNSON #13	AMES	4.3	COLUMBIA GAS TRAN
8237808		3400922177		107-TF		JOHNSON #14	AMES	3.5	COLUMBIA GAS TRAN
8237809		3400922178		107-TF		JOHNSON #15	AMES	2.0	COLUMBIA GAS TRAN
8237803		3400921766		107-TF		JOHNSON #2	AMES	2.3	COLUMBIA GAS TRAN
8237804		3400922060		107-TF		JOHNSON #3	AMES	4.3	COLUMBIA GAS TRAN
8237806		3400922127		107-TF		JOHNSON #8	AMES	3.6	COLUMBIA GAS TRAN
-CARL E SMITH PETROLEUM INC				RECEIVED:	06/11/82	JA: OH			
8238066		3410522091		103		HOMER A COLE #220	ORANGE	13.6	COLUMBIA GAS TRAN
-CLEARFORK OIL CO				RECEIVED:	06/11/82	JA: OH			
8237812		3411122549		107-DV		C WECKBACHER #2	WASHINGTON	10.0	COLUMBIA GAS TRAN
-CLINTON OIL CO				RECEIVED:	06/11/82	JA: OH			
8237813		3412725523		103	107-TF	O SIDWELL #1-711	DEAVERTOWN	10.0	
-COLUMBIA GAS TRANSMISSION CORP				RECEIVED:	06/11/82	JA: OH			
8237838		3410300210		108		ADOLF MUREN 703769	NORTHERN DIST STE OF	0.7	COLUMBIA GAS TRAN
8237816		3400500130		108		ALBERT HEFFNER 704687	NORTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8237868		3416900910		108		ALVIN S ROBER 704257	NORTHERN DIST STE OF	3.0	COLUMBIA GAS TRAN
8237833		3409300220		108		BUNDY GREKCO 704423	NORTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8237862		3416721333		108		CLAIR LEWIS ETAL 704504	SOUTHERN DIST STE OF	0.5	COLUMBIA GAS TRAN
8237859		3416302420		108		CLYDIA MING ET AL 701020	SOUTHERN DIST STE OF	3.0	COLUMBIA GAS TRAN
8237857		3412103900		108		CONSOLIDATION COAL 701278	SOUTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8237843		3410300320		108		D C HALLER	NORTHERN DIST STE OF	0.7	COLUMBIA GAS TRAN
8237820		3407503990		108		DAVID J MILLER ETAL	SOUTHERN DIST STE OF	3.0	COLUMBIA GAS TRAN
8237848		3410300450		108		DOUGLAS A BALLASH	NORTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8237861		3416701750		108		EDITH HANDSCHUMACHER 701253	SOUTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8237839		3410300220		108		EMILY KRANTZ 703782	NORTHERN DIST STE OF	0.6	COLUMBIA GAS TRAN
8237855		3411106630		108		ESTHER V KILGORE 701120	SOUTHERN DIST STE OF	0.7	COLUMBIA GAS TRAN
8237825		3408300090		108		ETHEL M SHRIMPLIN 701172	SOUTHERN DIST STE OF	0.0	COLUMBIA GAS TRAN
8237869		3416900920		108		F E GINGERY 704431	NORTHERN DIST STE OF	3.0	COLUMBIA GAS TRAN
8237823		3408300060		108		FLOYD D SWANGER 703514	SOUTHERN DIST STE OF	2.0	COLUMBIA GAS TRAN
8237824		3408300080		108		FOURSQUARE E DIST 701104	SOUTHERN DIST STE OF	0.0	COLUMBIA GAS TRAN
8237827		3408900070		108		HAROLD R BODKIN 700457	SOUTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8237817		3400904300		108		HARRY G HENRY 703522	SOUTHERN DIST STE OF	0.5	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8237856		3411107320		108		HELEN E BURKHART 701241	SOUTHERN DIST STE OF	0.8	COLUMBIA GAS TRAN
8237866		3416900870		108		HILTON E BOWMAN 704039	NORTHERN DIST STE OF	4.0	COLUMBIA GAS TRAN
8237864		3416900780		108		HOWARD M HINES 703626	NORTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8237834		3410300040		108		ISSAC FETTER 700315	NORTHERN DIST STE OF	0.6	COLUMBIA GAS TRAN
8237841		3410300280		108		JACK E BLANK 701194	NORTHERN DIST STE OF	5.0	COLUMBIA GAS TRAN
8237851		3410300490		108		JAMES A WILSON ETAL 701026	NORTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8237814		3400500050		108		JAMES MARKLING ETAL 701398	NORTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8237836		3410300090		108		JOHN KRUK 703629	NORTHERN DIST STE OF	3.0	COLUMBIA GAS TRAN
8237853		3410500240		108		JOHN T WOLFE AGENT 700371	SOUTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8237822		3407504970		108		JOHN W STITZLEIN 704275	SOUTHERN DIST STE OF	3.0	COLUMBIA GAS TRAN
8237819		3407503160		108		JONATHAN C YODER	SOUTHERN DIST STE OF	0.9	COLUMBIA GAS TRAN
8237854		3410502180		108		LENNA CHASE ETAL 704709	SOUTHERN DIST STE OF	0.0	COLUMBIA GAS TRAN
8237826		3408900050		108		LEORA M VARNER 701191		0.7	COLUMBIA GAS TRAN
8237830		3408900120		108		LICKING RURAL 703682	SOUTHERN DIST STE OF	0.2	COLUMBIA GAS TRAN
8237846		3410300410		108		LOUIS PERZY 703738	NORTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8237850		3410300470		108		LOUISE HERRON ETAL 704662	NORTHERN DIST STE OF	2.0	COLUMBIA GAS TRAN
8237821		3407504960		108		MARTHA MASTER 704029	SOUTHERN DIST STE OF	2.0	COLUMBIA GAS TRAN
8237858		3416301430		108		MARY P VERKAMP 701267	SOUTHERN DIST STE OF	0.9	COLUMBIA GAS TRAN
8237860		3416304270		108		MARY P VERKAMP 701879	SOUTHERN DIST STE OF	0.5	COLUMBIA GAS TRAN
8237815		3400500090		108		MAY FLETCHER 703842	NORTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8237844		3410300360		108		MICHAEL F FECHKO 700952	NORTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8237845		3410300370		108		MYRTLE GARMAN 701238	NORTHERN DIST STE OF	2.0	COLUMBIA GAS TRAN
8237835		3410300060		108		ORA SHILLING 704059	NORTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8237852		3410300500		108		PAUL O EMERSON 701347	NORTHERN DIST STE OF	0.7	COLUMBIA GAS TRAN
8237828		3408900030		108		RALPH J CALLAN 703698	SOUTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8237818		3400947400		108		RAYMOND H MAXWELL 704745	SOUTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8237865		3416900850		108		ROBERT MESKER 701027	NORTHERN DIST STE OF	0.7	COLUMBIA GAS TRAN
8237849		3410300460		108		RONALD L DOUGSTRUP 704545	NORTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8237831		3409300110		108		ROY W MAYES 704435	NORTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8237829		3408900110		108		STANLEY HAAS 700433	SOUTHERN DIST STE OF	2.0	COLUMBIA GAS TRAN
8237837		3410300100		108		THOMAS H PURSLEY 704710	NORTHERN DIST STE OF	0.8	COLUMBIA GAS TRAN
8237847		3410300440		108		VERNER DIETRICH 704497	NORTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8237840		3410300250		108		VICTOR E RUPERT 701033	NORTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8237842		3410300310		108		W B CLEVELAND 704050	NORTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8237832		3409300180		108		WALTER KOBASUK 703528	NORTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8237867		3416900890		108		WILLIAM CLEVELAND 704100	NORTHERN DIST STE OF	1.0	COLUMBIA GAS TRAN
8237863		3416900410		108		WILLIAM D FARRISS 704676	NORTHERN DIST STE OF	0.3	COLUMBIA GAS TRAN
-DOLPHA ANDERSON				RECEIVED:	06/11/82	JA: OH			
8237769		3416725084		108		KRIS-MAR #1	WARREN TWP	4.4	GAS TRANSPORT CO
-EDWARD E ATHA				RECEIVED:	06/11/82	JA: OH			
8237770A		3400922469		103		SUGAR KNOLL FARMS #1	ALFRED	12.0	
8237770B		3400922469	D	107-TF		SUGAR KNOLL FARMS #1	ALFRED	12.0	
-ENERGY UNLIMITED INC				RECEIVED:	06/11/82	JA: OH			
8237872		3400922458		107-TF		GOLDSBERRY #1	LODI TOWNSHIP	0.0	COLUMBIA GAS TRAN
8237870		3400922408		107-TF		JONES #1	LODI TOWNSHIP	0.0	COLUMBIA GAS TRAN
8237873		3400922459		107-TF		MERRILL #1	LODI TOWNSHIP	0.0	COLUMBIA GAS TRAN
8237874		3416725370		107-DV		SWOPE #1	LUDLOW TOWNSHIP	0.0	COLUMBIA GAS TRAN
8237871		3400922409		107-TF		WINNER #1	LODI TOWNSHIP	0.0	COLUMBIA GAS TRAN
-ENTERPRISE ENERGY CORP				RECEIVED:	06/11/82	JA: OH			
8237875		3405923139		107-TF		MID-OHIO COAL #9	JACKSON	27.3	COLUMBIA GAS TRAN
-GEO ENERGY INC				RECEIVED:	06/11/82	JA: OH			
8237918		3411925475		107-TF		BOYD KENNEDY #31-1	RICH HILL	5.0	COLUMBIA GAS TRAN
-GNC ENERGY CORP				RECEIVED:	06/11/82	JA: OH			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8237898		3411522115		107-TF		A MARGARET YERIAN #1	MALTA	15.0	TENNESSEE GAS PIP
8237899		3411522323		107-TF		A MARGARET YERIAN #4A	MALTA	15.0	TENNESSEE GAS PIP
8237900		3411522408		107-TF		BARKMAN RAYMOND & CLARA #3	ROKEBY LOCK	15.0	COLUMBIA GAS TRAN
8237879		3411522053		107-TF		EDGAR GIBSON #1	MALTA	15.0	TENNESSEE GAS PIP
8237878		3411522052		107-TF		EDGAR GIBSON #3	MALTA	15.0	TENNESSEE GAS PIP
8237903		3411522456		107-TF		JOHN & BARBARA SCHODITSCH #2	ROKEBY LOCK	0.0	COLUMBIA GAS TRAN
8237892		3411522084		107-TF		JOHN & SARAH EPPLEY #1	MALTA	15.0	TENNESSEE GAS PIP
8237893		3411522085		107-TF		JOHN & SARAH EPPLEY #2	MALTA	15.0	TENNESSEE GAS PIP
8237896		3411522113		107-TF		JOSEPH PEYTON #1	MALTA	15.0	TENNESSEE GAS PIP
8237897		3411522114		107-TF		JOSEPH PEYTON #3	MALTA	15.0	TENNESSEE GAS PIP
8237908		3411522622		103		KENNETH & ANITA BENJAMIN #1	RINGGOLD	15.0	
8237880		3411522064		107-TF		ORLIE WESTFALL #1	MALTA	15.0	TENNESSEE GAS PIP
8237901		3411522453		107-TF		RAYMOND & CLARA BARKMAN #10	ROKEBY LOCK	15.0	COLUMBIA GAS TRAN
8237905		3411522458		107-TF		RAYMOND & CLARA BARKMAN #12	ROKEBY LOCK	15.0	COLUMBIA GAS TRAN
8237904		3411522457		107-TF		RAYMOND & CLARA BARKMAN #9	ROKEBY LOCK	15.0	COLUMBIA GAS TRAN
8237881		3411522067		107-TF		ROBERT & PEARL DAVIS #1	MALTA	15.0	TENNESSEE GAS PIP
8237894		3411522093		107-TF		ROBERT & PEARL DAVIS #2	MALTA	15.0	TENNESSEE GAS PIP
8237882		3411522068		107-TF		ROBERT & PEARL DAVIS #3	MALTA	15.0	TENNESSEE GAS PIP
8237883		3411522069		107-TF		ROBERT & PEARL DAVIS #5	MALTA	15.0	TENNESSEE GAS PIP
8237895		3411522107		107-TF		ROBERT & PEARL DAVIS #9	MALTA	15.0	TENNESSEE GAS PIP
8237888		3411522080		107-TF		RONNIE FOUTS #2	MALTA	15.0	TENNESSEE GAS PIP
8237889		3411522081		107-TF		RONNIE FOUTS #4	MALTA	15.0	TENNESSEE GAS PIP
8237890		3411522082		107-TF		RONNIE FOUTS #5	MALTA	15.0	TENNESSEE GAS PIP
8237891		3411522083		107-TF		RONNIE FOUTS #8	MALTA	15.0	TENNESSEE GAS PIP
8237884		3411522070		107-TF		ROY WISEMAN #1	MALTA	15.0	TENNESSEE GAS PIP
8237885		3411522071		107-TF		ROY WISEMAN #3	MALTA	15.0	TENNESSEE GAS PIP
8237886		3411522072		107-TF		ROY WISEMAN #5	MALTA	15.0	TENNESSEE GAS PIP
8237887		3411522073		107-TF		ROY WISEMAN #7	MALTA	15.0	TENNESSEE GAS PIP
8237910		3411522704		103		RUSSELL B ABEL #1	RINGGOLD	15.0	
8237902		3411522455		107-TF		SCHODITSCH JOHN & BARBARA #1	ROKEBY LOCK	15.0	COLUMBIA GAS TRAN
8237906		3411522459		107-TF		WARREN & HELEN CLARK #1	YORK	15.0	COLUMBIA GAS TRAN
8237907		3411522460		103	107-TF	WARREN & HELEN CLARK #2	ROKEBY LOCK	15.0	COLUMBIA GAS TRAN
8237909		3411522623		103		WARREN & LILLIE FUSSNER #1	RINGGOLD	15.0	
8237876		3411521950		107-TF		WILLIAM CLEMENS ET AL #2	MALTA	15.0	TENNESSEE GAS PIP
8237877		3411521952		107-TF		WILLIAM CLEMENS ET AL #4	MALTA	15.0	TENNESSEE GAS PIP
-GWF CORP				RECEIVED:	06/11/82	JA: OH			
8237911		3400922117		107-TF		BYRON W JAMES #1	LODI	0.0	COLUMBIA GAS TRAN
8237914		3400922136		107-TF		CLARENCE FROST #1	ROME	0.0	COLUMBIA GAS TRAN
8237912		3400922118		107-TF		J BERRY #1	ROME	0.0	COLUMBIA GAS TRAN
8237913		3400922119		107-TF		PHILLIP LAVELLE #1	ROME	80.0	COLUMBIA GAS TRAN
8237916		3400922158		107-TF		RALPH BYRON #1	ROME	20.0	COLUMBIA GAS TRAN
8237917		3400922379		107-TF		ROBERT A BOBO #1A	LODI	10.0	COLUMBIA GAS TRAN
8237915		3400922146		107-TF		ROY PARSONS #2	ROME	20.0	COLUMBIA GAS TRAN
-HERALD OIL & GAS CO				RECEIVED:	06/11/82	JA: OH			
8237980		3410522355		107-TF		ALVIN WAGGONER #1	SCIPIO	0.0	COLUMBIA GAS TRAN
8237976		3410522189		107-TF		BOB BRANHAM #1	SCIPIO	0.0	COLUMBIA GAS TRAN
8237953		3410521924		107-TF		C O HARRISON #1	RUTLAND	0.0	COLUMBIA GAS TRAN
8237955		3410521937		107-TF		C O ROGERS #1	BEDFORD	0.0	COLUMBIA GAS TRAN
8237977		3410522201		107-TF		CARL NICHOLS #1	SALISBURY	0.0	COLUMBIA GAS TRAN
8237934		3410521830		107-TF		CHARLES DAVIDSON #1	RUTLAND	5.4	COLUMBIA GAS TRAN
8237963		3410522095		107-TF		CLIFFORD WHITINGTON #1	RUTLAND	0.0	COLUMBIA GAS TRAN
8237919		3405320418		107-TF		CROW & MORGAN #1	CHESHIRE	0.0	COLUMBIA GAS TRAN
8237920		3405320445		107-TF		CROW & MORGAN #2	CHESHIRE	5.4	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8237921		3405320446		107-TF		CROW & MORGAN #3	CHESHIRE	5.4	COLUMBIA GAS TRAN
8237958		3410521961		107-TF		DALE LITTLE #1	SALISBURY	0.0	COLUMBIA GAS TRAN
8237947		3410521897		107-TF		DAVID PRICE #1	SALISBURY	0.0	COLUMBIA GAS TRAN
8237937		3410521834		107-TF		DENNIS PALMER #1	SALISBURY	5.4	COLUMBIA GAS TRAN
8237936		3410521833		107-TF		DENNIS SAELENS #1	SALISBURY	5.4	COLUMBIA GAS TRAN
8237935		3410521832		107-TF		DORIS WOODYARD #1	SALISBURY	5.4	COLUMBIA GAS TRAN
8237932		3410521810		107-TF		DREHEL #5	RUTLAND	5.4	COLUMBIA GAS TRAN
8237931		3410521809		107-TF		DREHEL #6	RUTLAND	5.4	COLUMBIA GAS TRAN
8237930		3410520486		107-TF		DREHEL #7	CHESHIRE	5.4	COLUMBIA GAS TRAN
8237928		3405320696		107-TF		EMMETT ELLIOTT #1	ADDISON	0.0	COLUMBIA GAS TRAN
8237961		3410522072		107-TF		FELIX ALIRE #1	SCIPIO	0.0	COLUMBIA GAS TRAN
8237951		3410521913		107-TF		FRED THOMPSON #1	SALISBURY	5.0	COLUMBIA GAS TRAN
8237957		3410521951		107-TF		FRICK-PULLINS #1	SALISBURY	0.0	COLUMBIA GAS TRAN
8237974		3410522184		107-TF		GUY HARPER #1	SCIPIO	0.0	COLUMBIA GAS TRAN
8237948		3410521898		107-TF		GUY SARGENT #1	SALISBURY	0.0	COLUMBIA GAS TRAN
8237964		3410522096		107-TF		HAROLD & OKEY CART #1	RUTLAND	0.0	COLUMBIA GAS TRAN
8237942		3410521872		107-TF		HARTWELL CURD #1	SALISBURY	0.0	COLUMBIA GAS TRAN
8237965		3410522097		107-TF		HOWARD THOMA #1	SALISBURY	5.4	COLUMBIA GAS TRAN
8237969		3410522154		107-TF		HUGH MITCHELL #1	SALISBURY	5.4	COLUMBIA GAS TRAN
8237949		3410521903		107-TF		JACK (GEORGE) WARNER #1	SALISBURY	5.0	COLUMBIA GAS TRAN
8237945		3410521895		107-TF		JAMES DREHEL #8	RUTLAND	0.0	COLUMBIA GAS TRAN
8237946		3410521896		107-TF		JAMES DREHEL #9	RUTLAND	0.0	COLUMBIA GAS TRAN
8237960		3410521992		107-TF		JAMES JOHNSON #1	SALISBURY	0.0	COLUMBIA GAS TRAN
8237922		3405320493		107-TF		JAY HALL JR #1	CHESHIRE	0.0	COLUMBIA GAS TRAN
8237972		3410522178		107-TF		KENNETH EBLIN #1	RUTLAND	5.0	COLUMBIA GAS TRAN
8237959		3410521991		107-TF		KENNETH JOHNSON #1	SALISBURY	0.0	COLUMBIA GAS TRAN
8237971		3410522176		107-TF		LARRY PICKENS #1	SALISBURY	5.0	COLUMBIA GAS TRAN
8237933		3410521829		107-TF		LEO DEL DAVIDSON #1	RUTLAND	5.4	COLUMBIA GAS TRAN
8237926		3405320670		107-TF		LLOYD HASKINS #1	LLOYD HASKINS	0.0	COLUMBIA GAS TRAN
8237944		3410521874		107-TF		LONG-SAYRE #1	SALISBURY	5.4	COLUMBIA GAS TRAN
8237962		3410522086		107-TF		MANNING WEBSTER #1	SALISBURY	0.0	COLUMBIA GAS TRAN
8237968		3410522145		107-TF		MANNING WEBSTER #2	SALISBURY	5.4	COLUMBIA GAS TRAN
8237983		3410522402		107-TF		MARY ANNE WHITT DANNER #1	SHADE	0.0	COLUMBIA GAS TRAN
8237923		3405320520		107-TF		MARY DARNELL #1	CHESHIRE	0.0	COLUMBIA GAS TRAN
8237956		3410521941		107-TF		NANCY REED #2	RUTLAND	0.0	COLUMBIA GAS TRAN
8237967		3410522099		107-TF		OLIN BOOTHE #1	SALISBURY	0.0	COLUMBIA GAS TRAN
8237929		3405320697		107-TF		ORLAND ELLIOTT #1	ADDISON	0.0	COLUMBIA GAS TRAN
8237941		3410521871		107-TF		PAUL MCELROY #1	SALISBURY	0.0	COLUMBIA GAS TRAN
8237925		3405320533		107-TF		PERRY WILLIAMS #1	ADDISON	5.4	COLUMBIA GAS TRAN
8237975		3410522185		107-TF		REED & GENE JEFFERS #1	COLUMBIA	0.0	COLUMBIA GAS TRAN
8237943		3410521873		107-TF		RICHARD REUTER #1	SALISBURY	5.4	COLUMBIA GAS TRAN
8237966		3410522098		107-TF		RICHARD RUSSELL #1	SALISBURY	0.0	COLUMBIA GAS TRAN
8237978		3410522202		107-TF		RIGHTHOUSE #1	SALISBURY	0.0	COLUMBIA GAS TRAN
8237982		3410522368		107-TF		ROBERT ALKIRE #1	ALBANY	0.0	COLUMBIA GAS TRAN
8237952		3410521923		107-TF		ROBERT KING #2	RUTLAND	5.0	COLUMBIA GAS TRAN
8237970		3410522156		107-TF		ROBERT RICHARD #1	SALISBURY	0.0	COLUMBIA GAS TRAN
8237979		3410522354		107-TF		ROGER BROWN #1	SALISBURY	0.0	COLUMBIA GAS TRAN
8237973		3410522179		107-TF		ROLAND MORRIS #1	RUTLAND	0.0	COLUMBIA GAS TRAN
8237927		3405320677		107-TF		ROY E MOONEY #1	ROY E MOONEY	0.0	COLUMBIA GAS TRAN
8237981		3410522366		107-TF		SHERMAN BASHAM #1	RULLAND	0.0	COLUMBIA GAS TRAN
8237954		3410521930		107-TF		TED WARNER #1	SALISBURY	5.4	COLUMBIA GAS TRAN
8237939		3410521843		107-TF		TIM WOODYARD #2	SALISBURY	5.4	COLUMBIA GAS TRAN
8237938		3410521841		107-TF		TIM WOODYARD #3	SALISBURY	5.4	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8237940		3410521866		107-TF		TIM WOODYARD #5	SALISBURY	0.0	COLUMBIA GAS TRAN
8237924		3405320521		107-TF		VERA THOMAS #1	CHESHIRE	0.0	COLUMBIA GAS TRAN
8237950		3410521909		107-TF		WILLIAM ASBECK #1	BEDFORD	0.0	COLUMBIA GAS TRAN
-HOLROYD PRODUCTION CO				RECEIVED:		06/11/82 JA: OH			
8237985		3408720188		108		P&M REDDEN #1 20 5118		7.0	COLUMBIA GAS TRAN
-HOPEWELL OIL AND GAS DEVELOPMENT CO				RECEIVED:		06/11/82 JA: OH			
8237986A		3408923653		103		G ROBERTS #1	HANOVER	5.0	NATIONAL GAS & OI
8237986B		3408923653	D	107-TF		G ROBERTS #1	HANOVER	5.0	NATIONAL GAS & OI
8237987		3411122277		107-DV		JOSEPH KUHN #1	CALDWELL EAST	10.0	COLUMBIA GAS TRAN
-IRVIN PRODUCING COMPANY				RECEIVED:		06/11/82 JA: OH			
8237988		3412724524		108		KERMIT HOPE B-1		1.0	COLUMBIA GAS TRAN
-J D DRILLING CO				RECEIVED:		06/11/82 JA: OH			
8237994		3410522378		107-DV		FRANK & D M CLELAND #1	NEW HAVEN	7.0	COLUMBIA GAS TRAN
8237991		3410522222		107-DV		JACK SHARPNACK HEIRS #1	RAVENSWOOD	8.0	COLUMBIA GAS TRAN
8237992		3410522231		107-DV		JUANITA LANNIGAN #1	LEBANON	7.0	COLUMBIA GAS TRAN
8237990		3410522196		107-DV		K C & HELEN WALLBROWN #1	RAVENSWOOD	7.0	COLUMBIA GAS TRAN
8237993		3410522288		107-DV		LAWRENCE GLUESENCAMP #1	PORTLAND	5.0	COLUMBIA GAS TRAN
8237989		3410522090		103		RAYMOND J SMITH #2	POMEROY	9.0	COLUMBIA GAS TRAN
-JOHN TANSKY				RECEIVED:		06/11/82 JA: OH			
8238069		3400922572		103	107-TF	EULA WILSON #1	SHADE	15.0	
8238068		3400922394		103	107-TF	RAINBOW LAKE OF ATHENS INC #1	ALEXANDER	15.0	
8238067		3400922077		107-TF		RICHARD GRIM #1	LODI	18.0	COLUMBIA GAS TRAN
-JONSU OIL CORP				RECEIVED:		06/11/82 JA: OH			
8237995		3403124679		103		CDF UNIT #1	SPRING MOUNTAIN	4.0	
8237996		3403124681		103		KARL #1	SPRING MOUNTAIN	3.0	
-L & M OPERATING INC				RECEIVED:		06/11/82 JA: OH			
8237998		3416743270		108		ANDREW RAUCH #1		12.8	GAS TRANSPORT INC
-L & M PETROLEUM INC				RECEIVED:		06/11/82 JA: OH			
8237999		3412724728		108		CLARENCE NICELY #1		15.5	NATIONAL OIL & GA
8238000		3416725243		108		WILLIAM SCHILLING #2		12.8	GAS TRANSPORT INC
-LARRY H WRIGHT INC				RECEIVED:		06/11/82 JA: OH			
8238089		3400922095		107-TF		JOHN LOWE #1	LODI	3.0	COLUMBIA GAS TRAN
8238090		3410521976		107-TF		ROBERT L JONES #1	BEDFORD	5.0	COLUMBIA GAS TRAN
-LOMAK PETROLEUM INC				RECEIVED:		06/11/82 JA: OH			
8238001		3411925656		107-TF		N MOORE #6	BLUE ROCK	12.0	ROVI RESOURCES
8238002		3411925875		107-TF		N MOORE #7	BLUE ROCK	12.0	ROVI RESOURCES
8238003		3411925946		107-TF		N MOORE #8	BLUE ROCK	8.0	ROVI RESOURCES
-M B OPERATING CO INC				RECEIVED:		06/11/82 JA: OH			
8238005		3401921471		103	107-TF	DECKMAN UNIT #1	BROWN	11.0	
8238013		3415723645		103	107-TF	E MARKLEY ESTATES #9	DOVER	32.9	
8238009		3415123636		103	107-TF	GLASALEE FARM #1	ROBERTSVILLE	9.1	
8238011		3415722031		103	107-TF	HICKMAN UNIT #1	BOLIVAR	54.8	
8238007		3415123550		103	107-TF	HOCKLEY #1	SUGAR CREEK	91.3	
8238015		3415723623		103	107-TF	M W C D #11	FAIRFIELD	40.2	
8238012		3415723622		103	107-TF	M W C D #8	WAYNE	32.9	
8238008		3415123618		103	107-TF	MARKS #1	NIMISHILLEN	11.0	
8238006		3401921487		103	107-TF	MCCONNELL UNIT #1	SCIO	14.6	
8238014		3415123655		103	107-TF	P BURGER UNIT #1-B	LIMAVILLE	21.9	
8238004		3401921445		103	107-TF	UDECK #1	BROWN	16.4	
8238010		3415123666		103	107-TF	WITTE UNIT #2	LIMAVILLE	5.5	
-MUMMA OIL AND GAS CO				RECEIVED:		06/11/82 JA: OH			
8238017		3419920255		108		BOPP #1		5.8	EAST OHIO GAS CO
-MURPHY OIL CO				RECEIVED:		06/11/82 JA: OH			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8238018		3400922010		108		CROWELL #1		2.5	COLUMBIA GAS TRAN
8238019		3410521890		107-TF		HAYES #1	BEDFORD	0.0	COLUMBIA GAS TRAN
-NATIONAL PRODUCTION CORPORATION		RECEIVED: 06/11/82 JA: OH							
8238020		3412108230		108		PEKARI #1		2.8	NATIONAL GAS & OI
8238021		3412109300		108		WILLIAMS #1		2.9	NATIONAL GAS & OI
-NEIHART EXPL & DEVELOPMENT CO		RECEIVED: 06/11/82 JA: OH							
8238023		3412122590		107-DV		CARL BAKER WELL #1	ELK	50.0	
8238022		3412122589		107-DV		LOTTIE & BERNARD CRUM #3	ELK	50.0	
-O S WITTMER		RECEIVED: 06/11/82 JA: OH							
8238083		3400922468		103	107-TF	JOHN LEY #1	ATHENS	20.0	
-POI ENERGY INC		RECEIVED: 06/11/82 JA: OH							
8238024		3413320772		108		ALLIED CONCRETE #1		5.0	
8238032		3413320854		108		ALLIED CONCRETE #2		4.9	
8238057		3413321201		108		ALLIED CONCRETE #3		4.9	
8238027		3413320833		108		BRUGMANN #2		6.0	
8238047		3413321061		108		BRUGMANN SAND & GRAVEL #2		10.6	
8238037		3413320977		108		BURKE #2		5.2	
8238028		3413320838		108		DANNER #1		3.2	
8238031		3413320851		108		DANNER #2		3.2	CLINTON SAND
8238041		3413321017		108		DEEVERS #1		10.5	
8238040		3413321016		108		DEEVERS #2		10.5	
8238026		3413320797		108		DREWS #3		4.3	
8238029		3413320839		108		DVORAK #1		0.4	
8238048		3413321078		108		EISENTRAUT #1		13.5	
8238055		3413321186		108		HANNUM #1		4.9	
8238058		3413321236		108		HANNUM #2		4.9	
8238046		3413321053		108		HARMON #1		1.3	
8238045		3413321052		108		HARMON #2		6.7	
8238054		3413321173		108		HARMON #3		1.3	
8238044		3413321020		108		JECKEL #2		1.4	
8238042		3413321018		108		JECKEL-STATLANDER #1		2.9	
8238036		3413320924		108		MILESKI #1		3.1	
8238050		3413321147		108		MILLER #1		2.1	
8238056		3413321192		108		NOVAK #1		6.7	
8238053		3413321167		108		NOVAK #2		6.7	
8238059		3415320578		108		PARKER #1		25.2	
8238035		3413320900		108		PULVER #1		3.2	
8238033		3413320860		108		SHOPE #1		0.7	
8238043		3413321019		108		SOLAK #2		4.0	
8238030		3413320850		108		STENER #1		21.0	
8238051		3413321148		108		STOLTZFUS #1		12.4	
8238052		3413321149		108		STOLTZFUS #2		12.4	
8238034		3413320865		108		STUTZMAN #1		2.3	
8238038		3413320987		108		STUTZMAN #2		2.3	
8238039		3413321015		108		WHITE OAK FARM #1		1.6	
8238049		3413321093		108		WHITE-RICHARDS-BOONE #1		16.1	
8238025		3413320785		108		YOST #1		5.7	
-R GENE BRASEL DBA BRASEL & BRASEL		RECEIVED: 06/11/82 JA: OH							
8237778		3405320417		107-TF		BRADBURY-QUEEN #1	CHESHIRE	1.5	COLUMBIA GAS TRAN
8237788		3405320547		107-TF		C WILLIAM PRICE #2	CHESHIRE	1.5	COLUMBIA GAS TRAN
8237789		3405320548		107-TF		C WILLIAM PRICE #3	CHESHIRE	1.0	COLUMBIA GAS TRAN
8237784		3405320496		107-TF		CLARENCE BESTER #1	ADDISON	1.0	COLUMBIA GAS TRAN
8237777		3405320406		107-TF		EDWARD SPEARS #1	CHESHIRE	1.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8237775		3405320385		107-TF		FROLEY-STALEY #1	ADDISON	2.0	COLUMBIA GAS TRAN
8237774		3405320375		107-TF		G E CARNATTE #1	GALLIPOLIS	1.0	COLUMBIA GAS TRAN
8237785		3405320497		107-TF		HAROLD NOTTER #1	ADDISON	2.0	COLUMBIA GAS TRAN
8237782		3405320491		107-TF		JAMES BAIRD #1	GALLAPOLIS	1.5	COLUMBIA GAS TRAN
8237786		3405320499		107-TF		JAMES FRALEY #1	ADDISON	2.0	COLUMBIA GAS TRAN
8237793		3405320575		107-TF		JAMES MCQUARD #1	ADDISON	2.0	COLUMBIA GAS TRAN
8237794		3405320610		107-TF		JAMES MINK #2	ADDISON	2.5	COLUMBIA GAS TRAN
8237776		3405320399		107-TF		JOHN W RIFE #1	ADDISON	5.0	COLUMBIA GAS TRAN
8237800		3405320672		107-TF		JOHN W RIFE #3	CHESHIRE	5.0	COLUMBIA GAS TRAN
8237772		3405320349		107-TF		JOHNSON-HALLIDAY #1	CHESHIRE	5.0	COLUMBIA GAS TRAN
8237780		3405320471		107-TF		JONES MINK #1	ADDISON	2.5	COLUMBIA GAS TRAN
8237795		3405320622		107-TF		LESLEY R SAXTON #1	ADDISON	1.0	COLUMBIA GAS TRAN
8237796		3405320624		107-TF		LESLEY R SAXTON #2	ADDISON	1.0	COLUMBIA GAS TRAN
8237791		3405320565		107-TF		MARION THOMAS #1	CHESHIRE	5.0	COLUMBIA GAS TRAN
8237779		3405320449		107-TF		MARY RAYNES #1	ADDISON	2.0	COLUMBIA GAS TRAN
8237773		3405320355		107-TF		MILDRED GILMAN #1	CHESHIRE	1.5	COLUMBIA GAS TRAN
8237781		3405320489		107-TF		MOORE-MYERS #1	ADDISON	1.0	COLUMBIA GAS TRAN
8237801		3405320681		107-TF		MOORE-MYERS #2	ADDISON	3.0	COLUMBIA GAS TRAN
8237790		3405320564		107-TF		MULFORD UNIT #1	CHESHIRE	3.0	COLUMBIA GAS TRAN
8237792		3405320571		107-TF		ROUSH PROPERTY #1	ADDISON	1.0	COLUMBIA GAS TRAN
8237787		3405320511		107-TF		STELLA PEARL ARNOLD #1	ADDISON	2.0	COLUMBIA GAS TRAN
8237797		3405320634		107-TF		W BRADBURY #1	CHESHIRE	1.5	COLUMBIA GAS TRAN
8237783		3405320494		107-TF		W BRADBURY #2	CHESHIRE	1.5	COLUMBIA GAS TRAN
8237798		3405320635		107-TF		W BRADBURY #3	CHESHIRE	1.5	COLUMBIA GAS TRAN
8237799		3405320636		107-TF		W BRADBURY #4	CHESHIRE	1.5	COLUMBIA GAS TRAN
8237802		3410521962		103		W RIFE #3	RUTLAND	2.0	COLUMBIA GAS TRAN
-R WOLFE OIL & GAS				RECEIVED:	06/11/82	JA: OH			
8238084		3400922028		107-TF		SEEL #3	ROME	5.0	COLUMBIA GAS TRAN
8238085		3400922054		107-TF		SEEL #4 P.2054	ROME	15.0	COLUMBIA GAS TRAN
8238087		3400920760		107-TF		WEBB #1 P.2076	ROME	5.0	COLUMBIA GAS TRAN
8238086		3400920580		107-TF		WILLIAMS #1 P.2058	CANAAN	10.0	COLUMBIA GAS TRAN
-RICHARD W ULLMAN				RECEIVED:	06/11/82	JA: OH			
8238080		3400922490		107-TF		LEWIS #1	SHARPSBURG	18.0	COLUMBIA GAS TRAN
8238081		3411522687		107-TF		STRIGHT #1	CHESTERHILL	18.0	COLUMBIA GAS TRAN
-SANDHILL ENERGY INC (OH)				RECEIVED:	06/11/82	JA: OH			
8238060		3411122806		103	107-DV	FLOYD BUSCHE #1	NEW MATAMORAS	14.6	
8238062		3416726755		107-DV		H STEVEN ALLOWAY #2	GRANDVIEW	21.9	
8238061		3416726537		103		ROAM ADKINS #1	NEW MATAMORAS	91.3	
8238063		3416726844		107-DV		YOHO #1	NEW MATAMORAS	10.0	
-TERRY M KRAMER				RECEIVED:	06/11/82	JA: OH			
8237997		3405320576		107-TF		SHAVER #1	ADDISON	20.0	COLUMBIA GAS TRAN
-TIGER OIL INC				RECEIVED:	06/11/82	JA: OH			
8238071		3412122054	D	107-RT		ALICE GORRELL #1	SHARON	0.0	EAST OHIO GAS CO
8238070		3411122634	D	107-TF		MARTHA SHEETS #1	WASHINGTON	0.0	RIVER GAS CO
8238072		3412122123	D	107-RT		VERNON WHITE #1	OLIVE	15.0	EAST OHIO GAS CO
-UNIVERSAL MINERALS INC				RECEIVED:	06/11/82	JA: OH			
8238079		3416726926		103		CALDWELL #2	WARREN	0.5	
8238076		3416726439		103		HINTON #1	WARREN	0.5	
8238077		3416726440		103		JOHNSON #1	WARREN	0.5	
8238074		3416725755		103		LANE #1	WARREN	0.5	
8238075		3416725825		103		PORTER #1	WARREN	0.5	
8238073		3416725731		103		POTTS #1	WARREN	0.5	
8238078		3416726529		103		VICKERS #1	WARREN	0.5	

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-VICTOR MCKENZIE				RECEIVED:	06/11/82	JA: OH			
8236016		3412725483		103		PAUL BEAVER #1	READING	12.0	NATIONAL GAS & OI
-WHITNAM OIL & GAS CORP				RECEIVED:	06/11/82	JA: OH			
8238082		3416726900		107-DV		F HOLLENBACH #1	RINARD MILLS	15.0	COLUMBIA GAS TRAN
-WILLIAM F HILL				RECEIVED:	06/11/82	JA: OH			
8237984		3407523710		103		YODER LUMBER #2	GLENMONT	6.0	COLUMBIA GAS TRAN
-WRAY PETROLEUM CORP OF OHIO				RECEIVED:	06/11/82	JA: OH			
8238088		3413322489		103 -DV	107-TF	OLGIN UNIT #1	NELSON	18.0	EAST OHIO GAS CO

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-18294 Filed 7-2-82; 8:45 am]

BILLING CODE 6717-01-C

[Project No. 6251-000]

A&J Construction, Inc.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

June 30, 1982.

Take notice that on April 23, 1982, A&J Construction, 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. 6251) would be located on Deep Creek, within the Payette National Forest, near Cambridge, in Adams County, Idaho. Correspondence with the Applicant should be directed to: Ms. Helen Chenoweth, P.O. Box 893, Boise, Idaho 83701.

Project Description—The proposed project would consist of: (1) A 3-foot-high, 30-foot-long diversion structure at Deep Creek and a 3-foot-high, 20-foot-long diversion structure at Oxbow Creek; (2) a 10,000-foot-long, 38-inch-diameter penstock; (3) a powerhouse containing one generating unit with an installed capacity of 2,982 kW; (4) a 0.25-mile-long, 13.8-kV underground transmission line from the powerhouse to an existing Hells Canyon Dam substation. The Applicant estimates that the average annual energy production would be 16.43 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 Idaho Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before August 23, 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 23, 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. 82-18263 Filed 7-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6285-000]

City of Arcata, California; Application for Preliminary Permit

June 30, 1982.

Take notice that the The City of Arcata, California (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. 6285 to be known as the Yager Creek South Fork Waterpower Project located on Yager Creek South Fork 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. Rory Robinson, City Manager, City of Arcata, 736 F Street, Arcata, California 95521.

Project Description—The proposed project would consist of: (1) A 12-foot-long, 3-foot-high diversion structure; (2) a 6,000-foot-long, 36-inch-diameter conduit; (3) an 8,000-foot-long, 30-inch-diameter penstock; (4) a powerhouse with a total installed capacity of 1,000 kW; and (5) a 15,000-foot-long, 12-kV transmission line from the powerhouse to an existing transmission line. The applicant estimates that the average annual energy production would be 3 million kWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authroize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct the technical, evnironmental and economic studies and also prepare an FERC license application. The Applicant estimates that the cost of undertaking these studies will be $60.000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before September 13, 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 September 13, 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 prelimnary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than November 12, 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 September 13, 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. 82-18266 Filed 7-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6290-000]

City of Arcata, California; Application for Preliminary Permit

June 30, 1982.

Take notice that The City of Arcata, California (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. 6290 to be known as the Yager Creek North Fork Waterpower Project located on Yager Creek North Fork 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. Rory Robinson, City Manager, City of Arcata, 736 F Street, Arcata, California 95521.

Project Description—The proposed project would consist of: (1) A 20-foot-long, 4-foot-high diversion structure; (2) an 8,000-foot-long, 48-inch-diameter diversion conduit; (3) a 600-foot-long, 42-inch-diameter penstock; (4) a powerhouse with a total installed capacity of 900 kW; and (5) a 5,000-foot-long, 12-kV transmission line from the powerhouse to an existing transmission line. The Applicant estimates that the average annual energy production would be 2.7 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which 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 $60,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before September 13, 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 September 13, 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 November 12, 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 September 13, 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. 82-18267 Filed 7-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-481-000]

Arizona Public Service Co.; Order Accepting for Filing and Suspending Revised Rates, Denying Motions for Rejection and for Summary Disposition, Granting Interventions, and Establishing Hearing Procedures

June 28, 1982.

On April 29, 1982, Arizona Public Service Company (APS) tendered for filing proposed changes in rates for wholesale service to its four full requirements and thirteen partial requirements customers.[1] The proposed rates would increase revenues from jurisdictional sales and service by approximately $25 million (30.5%) for the twelve month test period ending March 31, 1983. APS requests that its proposed rate increase for Washington, San Carlos, Colorado River, Wellton-Mohawk, Citizens, AEPC, ED-4, ED-5, Plains, and Wickenburg become effective on June 29, 1982 (60 days after filing). APS states that its contracts with ED-1, ED-3, ED-6, ED-7, Buckeye, Maricopa, Roosevelt, and Papago do not permit unilateral rate increases and therefore APS requests that the increased rates to these customers become effective upon issuance of a final Commission order.

Notice of the filing was issued on May 6, 1982, with responses due on or before May 24, 1982. The Town of Wickenburg, Arizona (Wickenburg) filed a timely petition to intervene, protest, and motion to reject the filing or, alternatively, to suspend the proposed rates for five months. Wickenburg, a full requirements wholesale customer of APS, contends that the proposed rates are unlawful and unreasonable, and so excessive as to be discriminatory and anticompetitive. Wickenburg also raises various cost of service issues.

Washington Water Power Company (Washington), Citizens Utilities Company (Citizens), and Arizona Electric Power Cooperative, Inc. (AEPCO) also filed timely petitions to intervene, asserting that they, as wholesale customers of APS, are interested parties who cannot be adequately represented by any other party to these proceedings. None of these petitioners has requested a hearing or other specific Commission action.

On May 24, 1982, Plains filed a protest and petition to intervene and a request that the proposed rates be suspended for five months. In support of its request for a five month suspension, Plains cites various cost of service issues including demand allocation and improper allocation of sales expense, information expense, and customer service expense to wholesale customers. Additionally, Plains requests summary disposition with respect to APS' use of a revenue credit treatment for its transmission services on the grounds that such treatment is contrary to Commission Opinion No. 137. Plains also requests summary disposition of APS' subfunctionalized approach for allocating its transmission costs contending that such approach is also inconsistent with Opinion No. 137.

Maricopa, Arizona Power Authority (APA), and Wellton-Mohawk separately filed timely protests and petitions to intervene requesting that the filing be rejected on the grounds that it contains various questionable cost of service items including improper demand allocation, improper functionalization of materials and supplies, and improper treatment of revenues derived from APS' sale of Cholla Unit No. 4 output to Utah Power and Light Company. If the filing is not rejected, APA and Wellton-Mohawk alternatively request that the filing be suspended for five months.

On May 24, 1982, Papago also protested and petitioned to intervene requesting rejection on the grounds that the filing unlawfully imposes cost for the retroactive make-up of deficiencies in deferred taxes due to the use of flow-through accounting in prior years. Papago contends that Order Nos. 144 and 144-A do not authorize retroactive tax normalization for companies which were compelled by Commission ruling to flow through tax benefits. Papago further contends that APS' proposed twelve year amortization period for its unfunded tax liability is unreasonable and should be extended over a much longer period of time. In addition, Papago contends that APS has erroneously computed its unfunded tax liability.

If the filing is not rejected in its entirety, Papago alternatively requests that the proposed rate increase with respect to Papago be rejected for failure to meet the *Mobile-Sierra* burden of proof on the grounds that APS can only increase its rates to Papago upon meeting such proof. If the filing is not summarily rejected, Papago requests that an evidentiary hearing be held. Papago objects to various costs of service issues contained in APS' filing including (1) inclusion of unappropriated, undistributed subsidiary earnings in the equity component of the company's capital structure, (2) use of revenue credits to reflect APS' cost of serving the Navajo Tribal Utility Authority (NTUA), and (3) treatment of the sale of tax benefits associated with APS' Cholla Unit No. 4.

On May 20, 1982, ED-1, ED-3, ED-6, ED-7, Buckeye, and Roosevelt filed a joint petition to intervene stating that the proposed rates are unjust, unreasonable, and unduly discriminatory. Additionally, the petitioners state that their contracts with APS provide that the rates charged by APS may not exceed the rates charged by APS to its retail irrigation customers. The petitioners state that they will be unable to determine whether or not the contract provision has been violated until after the issuance of a final Commission order establishing the rates to be charged by APS.

Discussion

We find that participation in this proceeding by the petitioners is in the public interest. Therefore, we shall grant the petitions to intervene. Because APS's submittal substantially complies with the Commission's filing requirements and is not barred by contract, we shall deny the various motions to reject.[2]

With respect to Plains' request for summary rejection of APS's use of a revenue credit treatment for its transmission services on the grounds that such treatment is contrary to Opinion No. 137 (March 2, 1982), we note that the Commission has issued an order granting rehearing of Opinion No. 137 for the limited purpose of further consideration. Plains also requests summary disposition with respect to APS' subfunctionalized approach for allocating transmission costs on the grounds that such an approach fails to comply with the rolled-in method adopted by Opinion No. 137. We shall deny both requests for summary disposition due to the fact that Opinion No. 137 has not yet become final. If appropriate, based on the outcome of Opinion No. 137 and the absence of changed circumstances, the presiding judge may entertain a renewed motion for summary action.

Our preliminary review reveals that, despite allegations to the contrary, APS

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[1] *See* Attachment A for customers and rate schedule designations.

[2] *See Municipal Light Boards of Reading and Wakefield, Massachusetts* v. *FPC*, 450 F.2d 1341 (D.C. Cir. 1971).

has properly functionalized materials and supplies, and has allocated its demand costs in a manner consistent with Opinion No. 137. We believe that the proper treatment of revenues from APS' sale of Cholla No. 4 output to Utah Power and Light Company is an issue which should be addressed at hearing.

As noted, Papago requests rejection of the filing on the grounds that APS has improperly handled its deferred taxes and its unfunded tax liability, in contravention of Order Nos. 144 and 144–A. We note that Order Nos. 144 and 144–A require jurisdictional electric utilities to fully normalize the tax effects of all timing difference transactions and to provide a make-up provision in their cost of service for any unfunded tax liabilities. This requirement applies for all utilities regardless of whether they voluntarily or involuntarily used a flow-through method prior to fully normalizing. In Order Nos. 144 and 144–A, the Commission concluded that the method for computing a company's unfunded tax liability and the amortization period for such liability would be determined on a case-by-case basis. Accordingly, the propriety of the company's method of computing its unfunded tax liability and the proper amortization period are issues appropriate for consideration at hearing.

We shall also deny Papago's request for summary action with respect to the proposed rates for failure to meet the *Mobile-Sierra* burden of proof. The Commission determined in *Arizona Public Service Company*, Docket No. ER76–530,[3] that APS may increase its rates to Papago prospectively only but that APS is not required to meet the *Mobile-Sierra* burden of proof.

Our preliminary review of APS' filing and the pleadings indicates that APS' revised rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the proposed rates for filing and suspend them as ordered below.

We recently explained the Commission's ploicy regarding rate suspensions in *West Texas Utilities Company*, Docket No. ER82–23–000 (February 6, 1982). As explained there, where our preliminary examination indicates that the proposed rates may be unjust and unreasonable, but may not be substantially excessive, as described in *West Texas*, we shall impose a one day suspension. Here, our preliminary review indicates that the proposed rates may not result in excess revenues. Therefore, as to Washington, San Carlos, Colorado River, Wellton-Mohawk, Citizens, AEPC, ED–4, ED–5, Plains, and Wickenburg we shall suspend the rates for one day to become effective, subject to refund, on June 30, 1982. With respect to ED–1, ED–3, ED–6, ED–7, Buckeye, Maricopa, Roosevelt, and Papago, we will set the proposed rates for investigation under section 206 of the Federal Power Act, to become effective following a final Commission order. As noted by certain of the intervenors, several of APS' customers are served under contracts which provide that the rates to them may not exceed APS' retail irrigation rates approved by the Arizona Corporation Commission. In light of this contractual provision, the rates applicable to these customers which are allowed to become effective following a final Commission order will remain subject to downward adjustment to insure that the proposed rates do not exceed APS' retail irrigation rates.

In accordance with the Commission's policy and practice established in *Arkansas Power and Light Company*, Docket No. ER79–339 (August 6, 1979), we shall phase the price squeeze issue raised by Wickenburg.

The Commission orders:

(A) All motions to reject APS' filing are hereby denied.

(B) All motions for summary disposition are hereby denied.

(C) APS' proposed rates for ED–1, ED–3, ED–6, ED–7, Buckeye, Maricopa, Roosevelt and Papago are hereby accepted for filing, and are set for investigation to become effective, if at all, following a final Commission order in this docket. The rates for ED–1, ED–3, ED–6, ED–7, Buckeye, and Roosevelt shall thereafter remain subject to downward adjustment to the extent that the approved rates exceed APS' retail irrigation rates then in effect as approved by the Arizonia Corporation Commission.

(D) APS' proposed rates for Washington, San Carlos, Colorado River, Wellton-Mohawk, Citizens, AEPC, ED–4, ED–5 Plains, and Wickenburg are hereby accepted for filing and suspended for one day from 60 days after filing to become effective on June 30, 1982, subject to refund.

(E) Pursuant to the authority contained in the subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of APS' rates.

(F) The petitions to intervene in this proceeding are hereby granted subject to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act; *Provided, however*, that participation by such intervenors shall be limited to the matters set forth in their petitions to intervene; and *provided, further*, that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order of the Commission in this proceeding.

(G) The Commission staff shall serve top sheets in this proceeding within ten (10) days of the date of this order.

(H) A presiding administrative Law Judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding Judge is authorized to establish procedural dates and to rule of all motions (except motions to consolidate or sever and motions to dismiss) as provided in the Commission's Rule of Practice and Procedure.

(I) The Commission hereby orders initiation of price squeeze procedures and further orders that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion extablishing the rate which, but for consideration of price squeeze, would be just and reasonable. The presiding judge may modify this schedule for good cause shown. The price squeeze portion of this case shall be governed by the procedures set forth in section 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(J) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[3] Order on Remand, issued January 25, 1982, 18 FERC ¶61,066.

Attachment A

ARIZONA PUBLIC SERVICE COMPANY

[Docket No. ER82-481-000]

Designations	Other parties	Descriptions
(1) Supplement No. 28 to Rate Schedule FPC No. 12	Electrical District No. 3	Rates.
(2) Supplement No. 29 to Rate Schedule FPC No. 12 (Supersedes Supplement No. 27)	do	Fuel cost adjustment clause.
(3) Supplement No. 28 to Rate Schedule FPC No. 13	Electrical District No. 7	Rates.
(4) Supplement No. 29 to Rate Schedule FPC No. 13 (Supersedes Supplement No. 27)	do	Fuel cost adjustment clause.
(5) Supplement No. 28 to Rate Schedule FPC No. 4	Maricopa County Municipal Water Conservation District	Rate,
(6) Supplement No. 29 to Rate Schedule FPC No. 14 (Supersedes Supplement No. 27)	do	Fuel cost adjustment clause.
(7) Supplement No. 28 to Rate Schedule FPC No. 15	Roosevelt Irrigation District	Rates.
(8) Supplement No. 29 to Rate Schedule FPC No. 15 (Supersedes Supplement No. 27)	do	Fuel cost adjustment clause.
(9) Supplement No. 19 to Rate Schedule FPC No. 16	Buckeye Water Conservation and Drainage District	Rates.
(10) Supplement No. 20 to Rate Schedule FPC No. 16 (Supersedes Supplement No. 18)	do	Fuel cost adjustment clause.
(11) Supplement No. 28 to Rate Schedule FPC No. 35	Electrical District No. 6	Rates.
(12) Supplement No. 29 to Rate Schedule FPC No. 35 (Supersedes Supplement No. 27)	do	Fuel cost adjustment clause.
(13) Supplement No. 23 to Rate Schedule FPC No.50	Citizens Utilities Company	Rates.
(14) Supplement No. 24 to Rate Schedule FPC No.50 (Supersedes Supplement No. 20)	do	Fuel cost adjustment clause.
(15) Supplement No. 11 to Rate Schedule FPC No.52	Papago Tribal Utility Authority	Rates.
(16) Supplement No. 12 to Rate Schedule FPC No.52	do	Fuel cost adjustment clause.
(17) Supplement No. 12 to Rate Schedule FPC No.57	Arizona Electric Cooperative, Inc.	Rates.
(18) Supplement No. 13 to Rate Schedule FPC No.57 (Supersedes Supplement No. 11)	do	Fuel cost adjustment clause.
(19) Supplement No. 15 to Rate Schedule FPC No.58	Wellton-Mohawk Irrigation and Drainage District	Rates.
(20) Supplement No. 16 to Rate Schedule FPC No.58 (Supersedes Supplement No. 12)	do	Fuel cost adjustment clause.
(21) Supplement No. 18 to Rate Schedule FPC No.59	Arizona Power Authority	Rates.
(22) Supplement No. 19 to Rate Schedule FPC No.59 (Supersedes Supplement No. 16)	do	Fuel cost adjustment clause.
(23) Supplement No. 13 to Rate Schedule FPC No.65	Colorado River Indian Irrigation Project	Rates.
(24) Supplement No. 14 to Rate Schedule FPC No.65 (Supersedes Supplement No. 12)	do	Fuel cost adjustment clause.
(25) Supplement No. 14 to Rate Schedule FPC No.66	San Carlos Indian Irrigation Project	Rates.
(26) Supplement No. 15 to Rate Schedule FPC No.66 (Supersedes Supplement No. 13)	do	Fuel cost adjustment clause.
(27) Supplement No. 9 to Rate Schedule FPC No.68	Electrical District No. 1	Rates.
(28) Supplement No. 10 to Rate Schedule FPC No.68 (Supersedes Supplement No. 8)	do	Fuel cost adjustment clause.
(29) Supplement No. 7 to Rate Schedule FERC No.74	Town of Wickenburg	Rates.
(30) Supplement No. 8 to Rate Schedule FERC No.74 (Supersedes Supplement No. 5)	do	Fuel cost adjustment clause.
(31) Supplement No. 6 to Rate Schedule FERC No.83	Plains Electric Generation and Transmission Coop	Rates.
(32) Supplement No. 7 to Rate Schedule FERC No.83 (Supersedes Supplement No. 5)	do	Fuel cost adjustment clause.
(33) Supplement No. 5 to Rate Schedule FERC No.84	Washington Water Power Company	Rates.
(34) Supplement No. 6 to Rate Schedule FERC No.84 (Supersedes Supplement No. 5)	do	Fuel cost adjustment clause.

[FR Doc. 82-18248 Filed 7-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-611-000]

Arizona Public Service Co., Notice of Filing

June 29, 1982.

The filing Company submits the following:

Take notice that on June 18, 1982, Arizona Public Service Company (Arizona) tendered for filing revised Exhibit "B" dated October 31, 1981, to the Whoesale Power Agreement between Plains Electric Generation and Transmission Cooperative, Inc. and Arizona respectively, previously designated APS-FERC Rate Schedule No. 83. This revision of Exhibit "B" of the Agreement revised the expected contract demands for the years 1982 through 1984.

It is requested that this revision become effective January 1, 1982, and therefore waiver of the Commission's notice requirements is requested.

Any person desiring to be heard or to protest said filing should file a petition to intervene 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 July 15, 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. 82-18249 Filed 7-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5953-000]

Stephen E. and George S. Austin; Application for Preliminary Permit

June 30, 1982.

Take notice that Stephen E. and George S. Austin (Applicant) filed on February 8, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 5953 to be known as the Pike Mill Project located on the Moose River in Essex County, Vermont. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Stephen E. or George S. Austin, Box 20, Concord, Vermont 05824.

Project Description—The proposed project would consist of: (1) A newly constructed 13-foot high concrete dam; (2) a proposed reservoir with a surface elevation of 965 feet NGVD with an estimated storage capacity of 54 acre-feet; (3) a 300-foot long tailrace; (4) a new powerhouse containing one generating unit with a rated capacity of 105 kW; (5) a new transmission line; and (6) appurtenant facilities. The Applicant estimates that the average annual energy output would be 450,000 to 500,000 kWh. The most likely market for the energy derived at the proposed project would be the Central Vermont Public Service Corporation. The project property is owned by Robert Beede of Concord, Vermont, Floyd Lanphere of Hyde Park, Vermont, Frank Balazs of Maple Wood, New Jersey, and Alphonse Leonardis of Haskellstown, New Jersey.

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 $15,749.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before September 1, 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 September 1, 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 November 1, 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 September 1, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-18278 Filed 7-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6343-000]

Tim Breaux; Application for Preliminary Permit

June 30, 1982.

Take notice that Tim Breaux (Applicant) filed on May 19, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 6343 to be known as the Dinner Creek Hydropower Project located on Dinner Creek River within Mt. Hood National Forest in Clackamas County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Tim Breaux, Westates Power Co., 7548 SE 30 Ave. Portland, Oregon 97202.

Project Description—The proposed project would consist of: (1) A 2-foot-high, 3-foot-wide diversion structure; (2) a 12-inch-diameter, 7400-foot-long penstock; (3) a powerhouse containing a generating unit with a rated capacity of 568 kW; and (4) appurtenant facilities. The Applicant estimates a 2.21 GWh average annual energy production.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Application has requested a 36-month permit to prepare a definitive project report including preliminary designs, and geological, environmental, and economic feasibility studies. The cost of forementioned activities along with preparation of an environmental impact report, obtaining agreements with Federal, State, and local agencies, and preparing a license application is estimated by the Applicant to be $100,980. Power would be sold to Portland General Electric.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before September 13, 1982, the competing application itself, or a notice of intent to file such 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 September 13, 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 November 12, 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 September 13, 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. 82-18264 Filed 7-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5586-002]

Eda I. Brown; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

June 29, 1982.

Take notice that on May 27, 1982, Eda I. Brown (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705, and 2708, and *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. 5586) would be located on the Wallkill River in Ulster County, New York. Correspondence with the Applicant should be directed to: Ruben S. Brown of Ruben S. Brown, Inc., 2112 Broadway, Suite 401, New York, New York 10023.

Project Description—The proposed project would consist of: (1) The existing concrete gravity dam 5½ feet high and 290 feet long; (2) a reservoir with normal water surface elevation of 252.5 feet msl, a storage capacity of 144 acre-feet, and a surface area of 36 acres; (3) existing headrace gates and a headrace channel approximately 347 feet long and verying betwen 40 and 50 feet in width; (4) the existing intake; (5) a new powerhouse having units with a total capacity of 600 kW; (6) the existing 876-foot-long tailrace; and (7) appurtenant facilities.

Purpose of Exemption—an exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exempiton from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

The Applicant estimates that annual energy production would be 3,670,000 kWh and estimates the cost of the project would be $1,100,000. All project facilities are owned by the Applicant. All project energy would be sold to the Central Hudson Gas and Electric Company.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Services, and the New York State Department of Environmental Conservation 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 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 any 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 APPLICATIONS," "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. 18279 Filed 7-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6380-000]

Cataldo Hydro Power Associates; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

June 30, 1982.

Take notice that on June 1, 1982, Cataldo Hydro Power Associates (Applicant) filed an application, under section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705, and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric Project No. 6380 would be located on the Black River in the Village of Port Leyden, Town of Leyden, Lewis County, New York. Correspondence with the Applicant should be directed to: Mr. Malden V. Frank, One Lincoln Center, Suite 1225, Syracuse, New York 13202.

Project Description—The existing Applicant-owned facilities consist of: (1) A breached dam about 90 feet in length;

and (2) the remains of the former dam abutments, powerhouse, and transmission route.

Applicant proposes to: (1) Reconstruct the dam to be a 140-foot-long 10-foot-high concrete gravity overflow-type dam having spillway crest elevation 854 feet m.s.l.; (2) construct an integral intake and powerhouse structure containing a generating unit rated at 1,710-kW operated under a 21-foot head and at a flow of 1,200 cfs; (3) construct an upstream 30-foot-long 9-foot-high concrete gravity overflow-type weir having crest elevation 854 feet m.s.l.; (4) re-create a reservoir with a surface area of about 8 acres and negligible storage capacity at normal surface elevation 854 feet m.s.l.; (5) reconstruct a 2,000-foot-long 4.16-kV transmission line; and (6) construct an access road.

Project energy would be sold to Niagara Mohawk Power Corporation. Applicant estimates that the average annual energy output would be 9,300,000 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 New York State Department of Environmental Conservation are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before August 27, 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 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. 82-18265 Filed 7-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-620-000]

Central Power & Light Co.; Filing

June 29, 1982.

The filing Company submits the following:

Take notice that Central Power and Light Company ("Company"), on June 21, 1982, tendered for filing a First Amendment to Transmission Services Agreement ("Agreement") between Company and Houston Lighting and Power ("HL&P"). Accompanying the Agreement is the Rate Schedule change (designated TS No. 64) revised, supplement No. 2 and a cost of service study. The Company has requested that the First Amendment and rate schedule change be made effective as of January 1, 1982.

Any person desiring to be heard or to protest the 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 July 15, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-18250 Filed 7-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3309-001]

Arthur E. Cohen; Application for License (5 MW or Less)

June 29, 1982.

Take notice that Arther E. Cohen, (Applicant) filed on May 3, 1982, an application for license (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for construction and operation of water power project to be known as the Nash Mill Project No. 3309. The project would be located on the Ashuelot River in the Town of Marlow in Cheshire County, New Hampshire. Correspondence with the Applicant should be directed to: Arthur E. Cohen, 22 Hanover Street, Keene, New Hampshire 03431.

Project Description—The proposed run-of-the-river project would consist of: (1) A breached stone and masonry dam

to be rehabilitated, consisting of a 100-foot-long dam section nine feet high and two spillway sections, a 40-foot-long ungated spillway seven feet high and a 21-foot-long gated spillway seven feet high; (2) a new reservoir with an area of two acres and a storage of 10 acre-feet; (3) a new penstock 1,500 feet long and 2.0 or 2.5 feet in diameter placed on the southern bank; (4) a new 11 by 14-foot powerhouse containing one cross-flow 90-kW turbine/generator unit operating under a head of 43 feet; (5) a new tailrace 600 feet long; (6) a new 1,000-foot-long, 12.5-kV transmission line; and (7) appurtenant facilities.

Purpose of Project—The average annual generation of 474,000 kWh would be sold to the Public Service Company of New Hampshire.

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 September 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 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 September 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. 82–18281 Filed 7–2–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER82–612–000]

Duke Power Co.; Filing

June 29, 1982.

Take notice that Duke Power Company (Duke Power) tendered for filing on June 18, 1982 a supplement to the Company's Electric Power Contract with the City of Gastonia. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 227.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following decrease in contract demand: Delivery Point No. 1 from 9,000 KW to 4,000 KW.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of August 18, 1982

According to Duke Power copies of this filing were mailed to the City of Gastonia and the North Carolina Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street 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 15, 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. 82–18251 Filed 7–2–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER82–613–000]

Duke Power Co.; Filing

June 30, 1982.

Take notice that Duke Power Company (Duke Power) tendered for filing on June 18, 1982 a supplement to the Company's Electric Power Contract with the Town of Forest City. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 237.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following increase in contract demand: Delivery Point No. 2 from 13,000 KW to 17,000 KW.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of September 17, 1982.

According to Duke Power copies of this filing were mailed to the Town of Forest City and the North Carolina Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 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 15, 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. 82-18268 Filed 7-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. SA82-27-000]

Orville Eberly; Application for Adjustment

June 29, 1982.

On June 21, 1982, Orville Eberly (Eberly) filed with the Federal Energy Regulatory Commission (Commission) an application for an adjustment under section 502(c) of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301 *et seq.* (Supp. IV 1980), and § 1.41 of the Commission's Rules of Practice and Procedure. By his application, Eberly seeks a waiver of the provision contained in NGPA section 503(c)(2), which generally precludes the Commission from making well eligibility determinations under NGPA section 503(a) until the Commission has received an executive waiver, in the form of a written agreement, from the jurisdictional agency authorized by section 503 to make such determinations.

Eberly specifically requests that the Commission itself make a determination with respect to natural gas produced from the Swartzenruber No. 1 Gas Well, in Garrett County, Maryland, that such gas qualifies as stripper well natural gas under section 108 of the NGPA.

In support of his application, Eberly states the following. On March 6, 1979, he filed an application seeking a section 108 determination for the Swartzenruber No. 1 Gas Well, with the Energy and Coastal Zone Administration of the Maryland Department of Natural Resources (Maryland). Maryland did not act on the application, and forwarded it to the Commission for processing. The Commission declined to act directly on the application since Maryland had neither requested a waiver in writing nor entered into a written agreement with the Commission required under section 503(c). In September, 1981, Maryland advised Eberly that it would submit a plan to the Commission pursuant to which it would asume responsibility for initial determinations under the NGPA. As of April 1, 1982, no action had been taken by Maryland.

Eberly states that Columbia Gas Transmission Corporation, which purchases the gas produced from the subject well, is and has always been willing to pay the maximum lawful price for such gas, provided the determination was received and the price was contractually authorized. Eberly states that the inability to collect the section 108 price from December 1, 1978, under § 273.204 of the Commission's regulations, has caused it to sustain a loss in revenues through March 1982 totalling $94,003.89. Furthermore, due to an expected increase in operating costs, Eberly claims that the well will operate at a loss and that this would force a premature abandonment of the subject well. Eberly alleges that the $94,000 revenue loss plus anticipated losses due to operation and maintenance expenses create a special hardship warranting the grant of the adjustment sought.

The procedures applicable to the conduct of this proceeding are found in § 1.41 of the Commission's Rules of Practice and Procedure. Any person desiring to particpate in this proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed on or before July 21, 1982.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-18769 Filed 7-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-33-000]

El Paso Natural Gas Co.; Informal Settlement Conference

June 29, 1982.

Take notice that an informal settlement conference in the above-captioned docket will be convened at 10:00 a.m. on July 13, 1982, at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in a Commission meeting room to be announced.

Customers and other persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance at the conference will not be deemed to authorize intervention as a party in the proceeding.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-18252 Filed 7-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5852-000]

Fort Independence Indian Reservation; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

June 29, 1982.

Take notice that the Fort Independence Indian Reservation, (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 (FERC Project No. 5852) would be located on Oak Creek in Inyo County, California, near the City of Independence. Correspondence with the Applicant should be directed to: Vernon Miller, Chairman, Fort Independence Tribal Council, P.O. Box 67, Independence, California 93526.

Project Description—The proposed hydroelectric development would be constructed in conjunction with Applicant's plans to construct a new diversion structure and conduit to upgrade the reservation's water supply. The proposed project would consist of: (1) A new diversion structure at elevation 4,280 feet on Oak Creek; (2) a new 16-inch-diameter, 5,400-foot-long pipeline; (3) a powerhouse at elevation 4,020 feet containing a single 100-kW generating unit; and (4) electrical and transmission equipment to connect to a nearby transmission line. Applicant estimates that the project would have an average annual generation of 700,000 kWh and an estimated construction cost of $263,200.

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 Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before August 23, 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 its 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 23, 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, 825 North Capitol Street, NE., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-18232 Filed 7-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-618-000]

Idaho Power Co.; Filing

June 29, 1982.

The filing Company submits the following:

Take Notice that on June 21, 1982, Idaho Power Company (Idaho), tendered for filing a revised Appendix 1 as required by Exhibit C for retail sales in the States of Idaho and Nevada, together with the Bonneville Power Administration's Average System Cost Reports in which Bonneville determined the Average System Cost for the residential jurisdictions of Idaho and Nevada, in accordance with the provisions of the Residential Purchase and Sale Agreement (Agreement) between Idaho and the Bonneville Power Administration (BPA). Idaho also submitted its agreement with and/or objections to BPA's Average System Cost Adjustments.

The Agreement was entered into pursuant to the Pacific Northwest Electric Power Planning and Conservation Act, Pub. L. 96-501. The Agreement provides for the exchange of electric power between Idaho and BPA for the benefit of Idaho's residential and farm customers.

A copy of the filing was served upon BPA and all parties that made comment on Idaho's Appendix 1 Filings.

Any person desiring to be heard or to protest said finding should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E. Washington, D.C. 20406, 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 15, 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. 82-18253 Filed 7-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-610-000]

Jersey Central Power & Light Co.; Filing

June 29, 1982.

The filing Company submits the following:

Take notice that on June 14, 1982, Jersey Central Power & Light Company (Jersey Central) tendered for filing revised Phase A rate sheets and revised Statements BI and BG. Jersey Central requests that these items be substituted for the corresponding items filed on March 31, 1982. Jersey Central states that these revised rate sheets do not change the total revenue level that Jersey Central proposes to collect under its Phase A rates.

Jersey Central proposes an effective date as of June 1, 1982.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, 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 14, 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. 82-18254 Filed 7-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RA82-16-000]

Little American Refining, Inc.; Filing of Petition for Review

June 29, 1982.

Take notice that Little America Refining, Inc., on April 2, 1982, filed a Petition for Review under 42 U.S.C. 7194(b) (1977) Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all

participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before July 14, 1982, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before July 14, 1982, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through the Office of General Counsel, the Deputy General Counsel for Enforcement and Litigation, Department of Energy, Room 6H–025, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–18255 Filed 7–2–82; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 6331–000]

McGowan Properties and John L. Thompson; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

June 30, 1982.

Take notice that on May 14, 1982, McGowan Properties and John L. 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. 6331) would be located on an unnamed Tributary to the Columbia River, Pacific County, Washington. Correspondence with the Applicant should be directed to: Dr. John Thompson, Carbon River Enterprises, Carbon River Ranch, Carbonado, Washington 98323.

Project Description—The proposed project would consist of: (1) A 7-foot-high, 42-foot-wide diversion structure; (2) a 10-inch-diameter, 3,000-foot-long penstock; (3) a powerhouse containing a turbine-generating unit with a rated capacity of 30 kW; and (4) appurtenant facilities. Applicant estimates a 194,000 kWh average annual energy production.

Purpose of Exemption—An exemption, if issured, 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. Power would be sold to Pacific County Public Utility.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the State of Washington's Department of Fisheries and Department of 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 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 27, 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 intersted 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 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 82–18270 Filed 7–2–82; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 5430–001]

Lawrence J. McMurtrey; Application for Preliminary Permit

June 30, 1982.

Take notice that Lawrence J. McMurtrey (Applicant) filed on June 2, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5430 to be known as the Deception Creek Project located on Deception and

Sawyer Creeks within Mt. Baker-Snoqualmie National Forest in King County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Lawrence J. McMurtrey, 12122 196th N.E., Redmond, Washington 98052.

Project Description—The proposed project would consist of: (1) Three streambed inlets at elevation 3700 feet; (2) a 30-inch-diameter diversion pipeline totalling 30,000 feet in length; (3) a powerhouse at elevation 1800 feet containing a turbine generator with 4.73-MW capacity and 24-GWh average annual output; and (4) a transmission line 0.2 miles long. The potential market for project output includes Puget Sound Power and Light Company and Bonneville Power Administration.

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 24 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 $40,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before September 17, 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 September 17, 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 November 16, 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 September 17, 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. 82-18256 Filed 7-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6306-000]

Lawrence J. McMurtrey; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

June 29, 1982.

Take notice that on May 7, 1982, Lawrence J. McMurtrey (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. 6306) would be located on Black Creek, a tributary of Big Creek and Suiattle River, Snohomish County, Washington. Correspondence with the Applicant should be directed to: Mr. Lawrence J. McMurtrey, 12122-196th N.E., Redmond, Washington 98052.

Project Description—The proposed project would consist of: (1) an inlet structure; (2) a 6,000-foot-long, 36-inch-diameter pipeline/penstock; (3) a powerhouse containing one generating unit with a rated capacity of 2.3 NW; and (4) a 14-mile-long, 55-kV transmission line from the powerhouse to an existing transmission line. The power generated will be sold to Puget Sound Power and Light Company, the Bonneville Power Administration, or Intalco Aluminum Company. The Applicant estimates that the average annual energy production would be 9.97 GWh. The project is located entirely within the boundaries of Mt. Baker-Snoqualmie National Forest.

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, the Washington Department of Fisheries and the Washington Department of 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 Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before August 19, 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 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 82-18283 Filed 7-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5676-003]

Lawrence J. McMurtrey; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

June 30, 1982.

Take notice that on April 21, 1982, Lawrence J. McMurtrey (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. 5676) would be located on Silver Creek, within the Mt. Baker-Snoqualmie National Forest, near Galena, in Snohomish County, Washington. Correspondence with the Applicant should be directed to: Mr. Lawrence J. McMurtrey, 12122 196th N.E., Redmond, Washington, 98052.

Project Description—The proposed project would consist of: (1) Two 3-foot-high, 3-foot-wide concrete diversion ditches buried in the stream-bed, one on each of the two tributaries to Silver Creek; (2) a 11,200-foot-long, 30-inch-diameter steel penstock; (3) a powerhouse containing one generating unit with an installed capacity of 2,000 kW; (4) a 9-mile-long, 12.5-kV transmission line from the powerhouse to existing Puget Sound Power and Light Company transmission line. The Applicant estimates that the average annual energy production would be 11.0 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 Washington Department of Fisheries and Department of 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 be 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 23, 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).

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 23, 1982.

Filing and Service of Reponsive 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. 82-18271 Filed 7-2-82; 8:45 am]

BILLING CODE 6701-01-M

[Project No. 6307-000]

Lawrence J. McMurtrey; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

June 29, 1982.

Take notice that on May 7, 1982, Lawrence J. McMurtrey (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 hydro-electric project (Project No. 6307) would be located on Found Creek wi.hin Mt. Snoqualmie National Forest, Skagit County, Washington. Correspondence with the Applicant should be directed to: Lawrence J. McMurtrey, 12122 196th, N.E., Redmond, Washington 98052.

Project Description—The proposed project would consist of: (1) A 8-foot-high diversion structure; (2) a 42-inch-diameter, 5000-foot-long penstock; (3) a powerhouse containing a turbine-generating unit with a rated capacity of 4.59 MW; and (4) appurtenant facilities. The applicant estimates a 20.12 GWh average annual energy production.

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. Power would be sold to Puget Sound Power and Light Company.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the State of Washington's Department of Game and Department of 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 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 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 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. 82-18284 Filed 7-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-616-000]

Middle South Energy, Inc.; Filing

June 30, 1982.

The filing Company submits the following:

Take notice that on June 18, 1982, Middle South Energy, Inc. (MSE) tendered for filing as an initial rate schedule pursuant to § 35.12 of the Commission's Regulations, a Unit Power Sales Agreement dated June 10, 1982 between MSE and Arkansas Power & Light Company (AP&L), Louisiana Power & Light Company (LP&L), Mississippi Power & Light Company (MP&L), and New Orleans Public Service Inc. (NOPSI). These Companies are all wholly-owned subsidiaries of Middle South Utilities, Inc., a holding company registered under the Public Utility Holding Company Act of 1935.

MSE states that under the Unit Power Sales Agreement, it will sell to LP&L, MP&L and NOPSI all of the capacity and energy available to MSE from the Grand Gulf Nuclear Electric Station, a two-unit nuclear fueled generating station under construction near Port Gibson, Mississippi, as follows:

	Entitlement percentages	
	Unit No. 1	Unit No. 2
LP&L	36.57	28.23
MP&L	31.63	43.97
NOPSI	29.80	29.80

MSE states that the Unit Power Sales Agreement is proposed to become effective on the date of initiation of service from Unit No. 1, which is expected on or about October 1, 1982. The proposed rate is based on the cost of service of each unit, as described in the Unit Power Sales Agreement except that, prior to commercial operation of each unit, incidental power produced in

connection with final testing and preliminary operation will be delivered to the purchasers at a rate equal to the incremental cost of energy displaced by such power on the Middle South System.

Copies of the filing were served upon AP&L, LP&L, MP&L and NOPSI.

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 Commissioner's rules of practice and procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 15, 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. 82-18285 Filed 7-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-614-000]

Montana Power Co.; Filing

June 30, 1982.

Take notice that on June 18, 1982, the Montana Power Company (Montana) tendered for filing a Notice of Cancellation of Rate Schedule 121 and all its supplements, an agreement for the sale of firm energy between Montana and the City of Burbank (Burbank). Montana states that this agreement has expired as of its own terms and has not been renewed.

Montana requests an effective date of February 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 15, 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. 82-18272 Filed 7-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-619-000]

New England Power Pool; Filing

June 29, 1982.

The filing Company submits the following:

Take notice that on June 21, 1982, the New England Power Pool (NEPOOL), tendered for filing a NEPOOL Agreement dated September 1, 1971, as amended, signed by the Concord Municipal Light Plant. NEPOOL indicates that the New England Power Pool Agreement has previously been filed with the Commission as a rate schedule (designated NEPOOL FPC No. 1).

The NEPOOL Management Committee states that the filing makes no change in the NEPOOL Agreement other than to make the Concord Municipal Light Plant an additional pool participant.

NEPOOL proposes an effective date of June 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 15, 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. 82-18257 Filed 7-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-617-000]

Niagara Mohawk Power Corp.; Filing

June 30, 1982.

Take notice that Niagara Mohawk Power Corporation (Niagara), on June 21, 1982, tendered for filing as a rate schedule an agreement between Niagara, Connecticut Light and Power Company, The Hartford Electric Light Company, and Western Massachusetts Electric Company, collectively called the Northeast Utilities Companies, dated September 29, 1981.

Niagara states that the agreement provides for the sale of surplus energy as scheduled by the Northeast Utilities Companies.

Niagara requests an effective date of September 30, 1981, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon the Connecticut Light and Power Company, Western Massachusetts Electric Company, the Hartford Electric Light Company and the Public Service Commission of the State of New York.

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 July 15, 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. 82-18273 Filed 7-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER81-651-000]

Northern States Power Co. (Minnesota); Notice of Refund Compliance Report

June 29, 1982.

The filing Company submits the following:

Take notice that on June 11, 1982, Northern States Power Company (Minnesota) filed a refund compliance report pursuant to the Commission's order of April 29, 1982.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before July 14, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-18258 Filed 7-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-354-000]

Northwest Pipeline Corp.; Application

June 30, 1982.

Take notice that on June 1, 1982, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP82-354-000 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 Phillips Pacific Chemical Company (Phillips), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes the best-efforts transportation of up to 5,000 Mcf of natural gas per day for the account of Phillips plus at Applicant's sole discretion the transportation of quantities in excess of 5,000 Mcf per day. It is asserted that Phillips would purchase supplies of natural gas from Rocky Mountain Natural Gas Company, Inc. (Rocky Mountain) at the interconnection of Rocky Mountain's facilities with Applicant's Piceance Creek trunkline in Rio Blanco County, Colorado. It is further asserted that Phillips would purchase supplies from RMNG Gathering Company (RMNG) at the interconnection of RMNG's facilities with Applicant's Ignacio-Sumas mainline in Mesa County, Colorado.

It is stated that pursuant to a gas gathering and transportation agreement dated May 12, 1982, Applicant would utilize its mainline facilities to transport Phillips' gas from the Rocky Mountain and RMNG receipt points to Applicant's existing Coulee Plant delivery point to Phillips in Benton County, Washington.

Applicant states that the volumes delivered by it to Phillips would be thermally equivalent to volumes purchased by Phillips and delivered to Applicant at the Rocky Mountain and RMNG receipt points. The mainline transmission fuel reimbursement to be provided in kind by Phillips would be calculated in accordance with the rates set forth on Sheet 2 of Applicant's FERC Gas Tariff, Original No. 2., it is explained.

For gas transported and redelivered to Phillips by Applicant, it is asserted that Phillips would pay Applicant the then effective mainline transportation rate set forth on Sheet No. 2 of Applicant's FERC Gas Tariff Original volume No. 2. It is stated that the currently applicable rate is 1.34 cents per million Btu per hundred miles transported. For the mainline transportation from the Rocky Mountain and RMNG receipt points to the Coulee Plant delivery point in Washington, the rate would be 12.06 cents per million Btu, it is stated.

Applicant states that because the gas would be used for fertilizer production the gas use qualifies as an essential agricultural use pursuant to the U.S. Department of Agriculture's regulations (7 CFR 2900.3).

Any person desiring to be heard or to make any protest with reference to said application should on or before July 21, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-18286 Filed 7-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-105-000]

Panhandle Eastern Pipe Line Co.; Complaint and Request for Evidentiary Hearing

June 30, 1982.

Take notice that on June 10, 1982, Central Illinois Light Company (CILCO) tendered for filing, pursuant to section 5 of the Natural Gas Act, 15 U.S.C. 717d, and section 1.6 of the Commission's Rules of Practice and Procedure, a compliant and Request for Evidentiary Hearing (Complaint) seeking changes in Panhandle Eastern Pipe Line Company's (Panhandle) FERC Gas Tariff, Original Volume No. 1.

CILCO states that Panhandle is CILCO's sole supplier of natural gas for CILCO's Peoria/Peking service area. CILCO is seeking to purchase an additional supply of natural gas from Natural Gas Pipeline Company of America (Natural) for resale in its Peoria/Pekin service area so as to improve its reliability of service and permit possible reductions in its cost of gas. Panhandler's Tariff General Terms and Conditions contain a restriction which states that a distribution company customer is not a General Service Buyer and cannot receive service under a General Service Rate Schedule if it is supplied by another pipeline for deliveries in the same service area. If CILCO cannot receive service under Rate Schedule G-2, service would have to be rendered under Panhandle's Rate Schedule LS-2, which would result in a dramatic rate increase for CILCO. The increased rate that would result from service under Rate Schedule LS-2, plus the cost of the facilities which CILCO would have to build to obtain service from Natural (approximately $15 million), would make the new service uneconomic.

In addition, CILCO states that inquiries have been made of Panhandle to determine if it will continue to serve CILCO under Rate Schedule G-2 after service is commenced by Natural, but Panhandle has not given an answer to CILCO's inquiry. CILCO believes that the question of which rate schedule would be applicable for service by Panhandle to CILCO must be resolved before CILCO can decide whether to proceed to obtain a supplemental service from Natural.

A copy of this filing was served on Panhandle.

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 July 19, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-18287 Filed 7-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5086-001]

Redlands Water and Power Co.; Notice of Surrender of Preliminary Permit

June 30, 1982.

Take notice that Redlands Water and Power Company, Permittee for the Redlands Plant No. 2 Project No. 5086, has requested that its preliminary permit be terminated. The preliminary permit was issued March 17, 1982, and would have expired on September 1, 1983. The project would have been located on the Gunnison River near Grand Junction in Mesa County, Colorado. The Redlands Water and Power Company states that "* * * the * * * project has been cancelled."

Redlands Water and Power Company filed its request on June 14, 1982, and the surrender of its permit for Project No. 5086 has been deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-18259 Filed 7-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER81-436-000]

South Carolina Electric & Gas Co.; Compliance Report

June 29, 1982.

The filing Company submits the following:

Take notice that on June 14, 1982, South Carolina Electric & Gas Company filed a refund compliance report pursuant to the Commission's letter order dated April 29, 1982.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before July 14, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-18260 Filed 7-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF82-25-001]

Stone Container Corp.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility; Correction

June 30, 1982.

In Docket No. QF82-25-001 appearing in the Federal Register issue of June 10, 1982 on page 25192, make the following correction: On page 25192, in the first column, in the third complete paragraph, lines one and two:

"The facility is located in Coshocton, Illinois." is corrected to read "The facility is located in Coshocton, Ohio."

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-18289 Filed 7-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF82-156-000]

Summer House Inn; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

June 30, 1982.

On June 11, 1982, Summer House Inn, 7955 La Jolla Shores Drive, La Jolla, California 92037, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules.

The topping-cycle cogeneration facility will be located in La Jolla, California. The primary energy source will be natural gas. The electric power production capacity of the facility will be 100 kilowatts. Waste heat will be recovered from jacket water and exhaust gases of the internal combustion engine at a rate of 600,000 Btu/hr., of which 401,000 Btu/hr. will be used for domestic hot water and heat. Installation of the facility is scheduled to begin in June 1982. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed on or before August 5, 1982 and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-18274 Filed 7-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-615-000]

Tampa Electric Co.; Filing

June 30, 1982.

Take notice that on June 18, 1982, Tampa Electric Company (Tampa Electric) tendered for filing revised cost support schedules showing a change in the daily capacity charge for its scheduled interchange service provided under interchange agreements with Florida Power Corporation, Florida Power & Light Company, Fort Pierce Utilities Authority, Jacksonville Electric Authority, Sebring Utilities Commission, and the Cities of Kissimmee, Lakeland, St. Cloud, and Vero Beach, Florida. Tampa Electric states that the revised charge of $122.41 per MW per day is based on 1981 data, and is derived by the same method that is shown in the cost support schedules submitted with the original filing of the interchange agreements.

Tampa Electric requests that the revised daily capacity charge be made effective as of May 1, 1982. Accordingly, Tampa Electric requests that the Commission waive the 60-day notice requirement under § 35.3(a) of its Regulations, 18 CFR 35.3(a) (1981).

Tampa Electric states that a copy of the filing has been served upon each of the above-named parties to interchange agreements with Tampa Electric, as well as the Florida Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, 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 and 1.10. All such petitions or protests should be filed on or before July 15, 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. 82-18275 Filed 7-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-344-000]

Texas Eastern Transmission Corp. and United Gas Pipe Line Co.; Application

June 30, 1982.

Take notice that on May 25, 1982, Texas Eastern Transmission Corporation (TETCO), P.O. Box 2521, Houston, Texas 77252, and United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP82-344-000 a joint 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 11.4 miles of 8-inch pipeline and related facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants request authorization to construct and operate 11.4 miles of 8-inch pipeline and related facilites from the A Platform in High Island Block A-289, East Addition, South Extension, offshore Texas, to a subsea tie-in on Natural Gas Pipeline Company of America's (Natural) 16-inch pipeline in West Cameron Block 543, South Addition, offshore Louisiana.

It is stated that the proposed facilities would permit Applicants to attach quantities of natural gas which they have available from the High Island Block A-289 Field which consists of two leases in High Island Block A-289 and High Island Block A-290 (HIA-289 and HIA-290). It is further stated that TETCO has entered into a contract with McMORAN Offshore Exploration Company (McMORAN) for the purchase of its 48 percent interest in this field and would be entering into a contract with Getty Oil Company for the purchase of its 18.67 percent interest in the same field. It is stated that United has entered into a contract with the Natomas Offshore Exploration, Inc., for its 33.33 percent interest in this field.

Applicants assert that McMORAN, as operator, has discovered substantial gas reserves in HIA-289 and HIA-290 and has installed one platform, the A platform, in HIA-289 which is being used for development of both blocks. It is noted that six development wells have been drilled and completed and production from the High Island Block A-289 Field is presently available. Applicants estimate that approximately 26,700,000 Mcf of recoverable proved gas reserves would be available from the High Island Block A-289 Field for delivery through the HIA-289 pipeline. Total deliverability is expected to be 25,000 Mcf per day.

It is stated that the quantities of gas purchased by Applicants would be delivered to Natural at a subsea tie-in to Natural's 16-inch pipeline in West Cameron Block 543 and that TETCO's gas would be transported by Natural pursuant to a transportation agreement, Natural's Rate Schedule X-63, to an existing point of interconnection between Natural's 16-inch pipeline and the offshore pipeline system of Stingray Pipeline Company (Stingray) in West Cameron Block 565, South Addition, offshore Louisiana. Applicants states that at this point of interconnection the quantities of gas would be exchanged pursuant to a transportation and exchange agreement between TETCO and Natural (Rate Schedules X-84 and X-89, respectively). It is further stated that United's gas would be transported by Natural, pursuant to a transportation and exchange agreement to an existing point of interconnection between Natural's 16-inch pipeline and the offshore pipeline system of Stingray in West Cameron Block 565.

TETCO states that it previously entered into a transportation and exchange agreement with Natural which provides TETCO access to developing gas supplies remote from its existing system. It is stated that such agreement obviates the need for TETCO to construct extensive facilities to connect firm gas supplies and that said transportation and exchange agreement would be amended to add a new delivery point and exchange point in order for TETCO to attach quanities of natural gas from the High Island Block A-289 Field.

The total project cost is estimated at $8,513,000 which would be divided between Applicants according to their percentage ownership. Thus, TETCO would finance $5,676,000 based on its 66.667 percent ownership and United would finance $2,837,000 based on its 33.333 percent ownership. It is further stated that the pipeline would have a maximum capacity of 34,000 Mcf of natural gas per day and that TETCO would operate the facilities.

TETCO submits that it is in the public interest to permit it to track the transportation costs associated with these arrangements.

Any Person desiring to be heard or to make any protest with reference to said application should on or before July 21, 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 peson wishing to to become a 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 adivsed, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-18290 Filed 7-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6321-000]

County of Tuolumne, California; Application for Preliminary Permit

June 29, 1982.

Take notice that The County of Tuolumne, California (Applicant) filed on May 12, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 6321 to be known as the Pilot Ridge Project located on South Fork of the Tuolumne River in Tuolumne 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. Clyde W. May, Chairperson, Board of Supervisors, County of Tuolumne, 2 South Green Street, Sonora, California 95370.

Project Description—The proposed project would consist of: (1) A 900-foot-long, 250-foot-high earthen dam; (2) a 300-foot-long, 12-inch-diameter penstock for Pilot Ridge Dam Fish Release Power Plant; (3) a 2500-foot-long, 42-inch-diameter penstock for the Colfax Spring Power Plant; (4) a powerhouse with an installed capacity of 213 kW and an estimated annual energy generation of 1.9 million kWh at the Pilot Ridge Dam Fish Release Power Plant; (5) a powerhouse with an installed capacity of 3,800 kW and an estimated annual energy generation of 15 million kWh at the Colfax Spring Power Plant; and (6) a 1000-foot-long, 13.2-kV transmission line. The project is located on Federal lands within the Stanislaus National Forest.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct the technical, environmental and economic studies; and also prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $300,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before September 9, 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 September 9, 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 November 8, 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 September 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. 82-18280 Filed 7-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER81-388-000, ER78-522, IN80-14, EL80-9 and EL80-16]

Virginia Electric and Power Co.; Order Conditionally Accepting Settlement and Terminating Investigation

June 28, 1982.

On December 31, 1981, Virginia Electric and Power Company (VEPCO) filed a proposed settlement agreement designed to resolve all matters in Docket No. ER81-388-000, and to eliminate potential refund obligations arising from Docket Nos. ER78-522 (Phase II), IN80-14, EL80-9 and EL80-16 (investigation dockets). The settlement was certified to the Commission by the presiding law judge on February 8, 1982, with a supplemental certification on February 9, 1982. For the reasons stated below, the Commission accepts the terms of the proposed settlement conditioned on the modification agreed to by the parties and set forth herein.

I. Background

Docket No. ER 81-388-000 involves a March 31, 1981, rate increase filing by which VEPCO sought an annual rate increase of more than $41 million from its wholesale customers. The Commission permitted the proposed rates to become effective September 1, 1981, subject to refund, but ordered revised rates to reflect summary disposition of four issues. VEPCO filed revised rates on June 29, 1981 which increased annual wholesale rates by more than $38 million. This includes an annual increase of $11.9 million to VEPCO's municipal customers and an annual increase of more than $26 million to its cooperative customers. Under the proposed settlement, the annual increase to the municipal customers would be reduced to $9.2 million and the annual increase to the cooperative customers would be reduced to $23 million.

In Docket No. EL80-9, Operation Overcharge filed a complaint against VEPCO protesting VEPCO's excessive rates resultng from alleged management imprudence. In Docket No. EL80-16, the State of North Carolina and the Public Staff of the North Carolina Utilities Commission requested a hearing and investigation of VEPCO's management practices (*e.g.*, failure to properly maintain equipment, failure to more rapidly convert to coal, and improperly passing through unreasonable costs to wholesale customers through its fuel adjustment clause).[1] By order issued

[1] Since 1978, the Virginia State Corporation Commission (VSCC) has issued three orders, and the North Carolina Utilities Commission (NCUC) has issued two orders, finding that VEPCO incurred unreasonable costs resulting from the mismanagement of its fossil plants. In August 1981, the Virginia Commission in Case No. PUE8100025 set VEPCO's rates at the low end of the zone of reasonableness and stated that it would again review the preformance of VEPCO's units in the near future. In July 1979, the North Carolina Utilities Commission issued an opinion in a quarterly fuel cost proceeding involving VEPCO. In that case, the NCUC found, among other things, that "VEPCO's comparatively high rates for electric service in North Carolina were primarily due to its cost of

March 14, 1980, in Docket No. IN80–14, the Commission's Office of Enforcement was directed to institute a private, formal investigation under Section 307 of the Federal Power Act to consider, among other things, allegations of management imprudence. On April 10, 1981, the Commission rendered a decision (Opinion No. 118) in Docket No. ER78–522. That opinion phased the ER78–522 docket, reserving the possiblity of a Phase II hearing and additional adjustments in the Phase I rates depending on the outcome of the private, formal investigation in Docket No. IN80–14.[2]

All of VEPCO's wholesale municipal customers and wholesale cooperative customers are parties to the settlement.[3] Comments in support of the settlement were filed by ElectriCities of North Carolina, Bear Island Paper Company, North Carolina Electric Membership Corporation and Albermarle Electric Membership Corporation, Old Dominion Electric Cooperative, and VEPCO.

II. The Proposed Settlement

The principal provisions of the proposed settlement are as follows:

1. *Revised rate schedules.* VEPCO agrees that, effective September 1, 1981, the discounts for high voltage service would be applicable to delivery points with delivery voltages of 46 kV or higher which were connected on or before December 1, 1981. New services connected after that date must be 69 kV or higher to qualify for the discounts.

The revised rate schedules contain a substantially revised fuel adjustment clause (FAC) designed to approximate the fuel collection procedures used by VEPCO for its Virginia retail customers. Fuel cost recovery would be based on an estimate of fuel costs for a 12-month period beginning April of each year, subject to revision after six months' actual experience. VEPCO would be allowed to use deferred accounting for fuel in order to properly match fuel expenses and fuel revenues for financial reporting purposes. VEPCO would make every reasonable effort to provide the wholesale customers delayed recovery of fuel similar to any delayed collection voluntarily provided by the company to its Virginia retail customers. The parties submit that the revised FAC would be an essential element in resolving price squeeze allegations, and request any necessary waiver of 18 CFR 35.14 requirements, if appropriate.

The settlement revenues would provide recovery to VEPCO, over a 10-year period, of costs associated with cancellation of North Anna Unit 4 and Surry Units 3 and 4.

The revised rate schedules would become effective September 1, 1981, and any difference between the revenues collected under the rates filed June 29, 1981, and those which would have been collected under the settlement rates would be refunded with interest.

The petitions for review pending before the United States Court of Appeals for the District of Columbia Circuit in *North Carolina Electric Membership Corp. and Albermarle Electric Membership Corp. v. F.E.R.C.* (No. 81–1887) and *Virginia Electric and Power Co. v. F.E.R.C.* (No. 81–1948) would be dismissed.

2. *Moratorium.* If VEPCO requests an effective date prior to September 1, 1982, for the rates in its next wholesale rate increase filing, the company would request suspension of the rates until Septmber 1, 1982.[4]

3. *FERC investigation of VEPCO.* All parties, including all wholesale and cooperative customers and their successors, have agreed to waive any refunds that might result from Docket Nos. IN80–14, EL80–9, EL80–16 and ER78–522 (Phase II) or any other docket that may be established to investigate the relationship between VEPCO's wholesale rates and the allegations made in those dockets. This waiver would apply to revenues received by VEPCO from its wholesale customers, whether received through base rates or FACs, through September 1, 1982, or such later date as the next rate increase filing becomes effective. For rates becoming effective after September 1, 1982, the parties agreed not to raise the issues previously raised in the investigation dockets, and to waive refunds arising from such issues unless the issues raised relate to allegations that company activities subsequent to September 1, 1982 are improperly affecting rates. The customers would not be prevented from seeking or relying on data subsequent to September 1, 1981.

In approving the settlement, the Commission would be deemed to have acknowledged that no Commission order would provide for refunds by VEPCO that would relate to the issues raised in the investigation dockets.

4. *Interruptible rate.* An interruptible rate is being filed for service in situations in which the customer has agreed to interrupt load for a period of six hours designated in advance by VEPCO. The cost savings to VEPCO, arrived at as part of the overall settlement, are reflected as a credit to the rate. The energy rate is split between on-peak and off-peak service. Such interruptible service would begin on the first day of the billing month following the billing month in which the Commission issued an order approving the settlement agreement.

5. *Justification for the proposed settlement.* The parties agree that the settlement rates would in part be attributed to the resolution of the issues raised in the investigation dockets.

6. *Accounting for disposal of nuclear fuel and decommissioning of nuclear plants.* The company would record a revenue credit, excluding tax adjustments, of 0.089 cents per kwh sold for the cooperatives (0.087 cents/kwh for in-reactor fuel and 0.002 cents/kwh for discharged nuclear fuel) and 0.089 cents per kwh sold for the municipalities (0.085 cents/kwh for in-reactor fuel and 0.004 cents/kwh for discharged nuclear fuel). This represents recovery of the costs of disposal of nuclear fuel. The accounting methodology would remain consistent with Opinion No. 118.

VEPCO would record a revenue credit, excluding tax adjustments, of 0.006 cents per kilowatt-hour sold for the cooperative and municipal customers, representing recovery of the cost of decommissioning VEPCO nuclear plants. The accounting methodology

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fuels used in the generation of electricity." The NCUC found that VEPCO's mismanagement and inefficiency had caused higher fuel costs and ordered the refund of fuel costs deemed unreasonably incurred. In 1981, the NCUC heard the issue of VEPCO's imprudent management in VEPCO's next general rate case. It found therein that VEPCO had passed $4 million to $6 million in imprudently incurred fuel costs on to NCUC-jurisdictional customers in 1979 alone. The NCUC concluded that adjustments for mismanagement should be reflected in VEPCO's rate of return and, accordingly, set VEPCO's rate of return at the low end of the zone of reasonableness, resulting in a reduction in rates of $8.26 million below the amount that it could have allowed based on VEPCO's cost of service, and $3.7 million below VEPCO's requested increase. VEPCO did not appeal this order.

[2] Parties to the settlement include VEPCO, ElectriCities of North Carolina, representing all of VEPCO's wholesale municipal customers, Old Dominion Electric Cooperative, Prince William Electric Cooperative, North Carolina Electric Membership Corporation and Albermarle Electric Membership Corporation, collectively representing all of VEPCO's Rural Electric Cooperative customers, and Bear Island Paper Company.

[3] On January 26, 1982, VEPCO filed a Motion to Terminate Dockets, including Docket Nos. ER78–522 (Phase II), IN80–14, EL80–9 and EL80–16. On February 2, 1982, intervenors North Carolina Electric Membership Corporation and Albemarle Electric Membership Corporation filed a concurrence in that motion. It should be noted that motions do not lie in an investigation conducted pursuant to the Rules Relating to Investigation. For that reason, the motion as it relates to Docket No. IN80–14 has been considered as a "statement" pursuant to Section 1b.18 of such rules.

[4] Consistent with the moratorium provision, the Commission has suspended the rates in VEPCO's next wholesale rate increase filing, Docket No. ER82–423–000, until September 2, 1982, subjectd to refund.

used would remain consistent with Opinion No. 118. By letter filed with the Commission on April 2, 1982, VEPCO states that its intent is to include decommissioning costs as an element of its depreciation rate at the level set forth in the settlement agreement, and to utilize a memorandum account, established by class of customer, which will be credited with .006¢ for each kilowatt-hour sold.

The parties have agreed that VEPCO, in its next wholesale rate filing, may use the amounts recorded as described above, maintained separately by classes of customers, when added to the amounts previously recorded, as the basis for determining the shortfall or excess in such accounts.

7. *Conditions.* The settlement is expressly conditioned on the Commission accepting all of its provisions without change or condition; waiving the requirements of 18 CFR 35.3 (notice requirements) to the extent necessary to effect all of the settlement provisions; and waiving the requirements of 18 CFR 35.13 (filing of changes in rate schedules) with respect to the Rate Schedules RC, RS and RC-Interruptible.

III. Staff's Objections

In its comments on the settlement agreement filed on January 19, 1982, the Commission's trial staff, while noting that the proposed settlement rates appear to be justified as they relate to Docket No. ER81-388-000, objected to section III of the settlement (number 3 in Part II above), in which the customers agreed to waive any refund rights which might result from the Commission's investigation in Docket No. IN80-14. According to trial staff, it was unable to evaluate the reasonableness of section III of the settlement prior to completion of the investigation in Docket No. IN80-14, since it did not know whether the appropriate revenue level would be affected by the investigation. Approval of the waiver, noted the staff, would allow the investigation to be "emasculated" since section III would eliminate any possible retroactive remedy resulting from the investigation. In its supplemental comments filed February 1, 1982, staff also argued that it was necessary for the Commission independently to determine whether the settlement is just and reasonable and in the public interest. To staff, it was impossible for the Commission to make that determination in the instant case until it reviewed the Enforcement Division's Report of Investigation. The staff requested that the Commission defer action on the settlement until the investigation in Docket No. IN80-14 was completed.

VEPCO and its customers opposed the staff's position. Their comments indicated that: (1) The refund waiver provision was an integral part of the settlement and its rejection would nullify the entire agreement; (2) the settlement rates reflected consideration of the possible effect of any remedies which might result from the investigation; (3) the parties who filed the complaints against VEPCO resulting in the Commission instituting its private investigation were each served with a copy of the settlement agreement and raised no objection to it; (4) delay in acting upon the settlement would harm certain of the customers.

IV. Report of Investigation in Docket No. IN80-14

During the month of April 1982, the Enforcement Division submitted to the Commission its Report of Investigation in Docket No. IN80-14 (Report).[5] The Report presents information which raises questions with respect to VEPCO's operation and maintenance of five of its fossil-fired units and its negotiation and administration of four coal contracts. The Report indicates that VEPCO may have incurred unreasonable fuel costs between 1975 and 1980 which were passed on to customers within the jurisdiction of this Commission. The Report also raises questions as to the contract negotiations for the construction of one of its nuclear plants, with the result that VEPCO may have paid its contractor unreasonable costs which are part of VEPCO's rate base.

Staff found that in 1979 and 1980, VEPCO became increasingly attentive to the management practices which caused its poor availability and high heat rates in its fossil-fired units. VEPCO apparently has replaced virtually all of its management personnel connected with fossil unit electrical generation. In 1980, VEPCO created a new position and hired an Executive Vice President for Power, who appears to be taking positive steps to improve system operation. VEPCO has also completed "renovation outages" on its five large coal-fired units in an apparent effort to improve their performance. In addition, VEPCO has begun making capital improvements to its generating units which are apparently designed to improve their reliability and efficiency. Staff concluded that these impovements, carried out properly, should have a significant impact on the availability and heat rate of VEPCO's fossil-fired plants.

The Commission does not herein make any factual determination as to the information contained in either Staff's Report or VEPCO's submission (and indeed could not do so without first holding a hearing on the *matters* raised). Nonetheless, the information contained in the Report raises questions as to VEPCO's past management practices, and whether VEPCO's customers have paid just and reasonable rates for electric service.

V. Discussion

The Commission has no objection to most of the provisions in the proposed settlement. We note that the settlement provides for a rate of return which is substantially below that recommended by Staff. However, the Commission objects to Article III of the proposed settlement. That part provides that the parties would waive their right to additional refunds that might become due to them as a result of the investigation dockets or any other docket that may be established to investigate the relationship between VEPCO's wholesale rates and the allegations made in those dockets. Article III also provides that the parties would not raise the issues previously raised in the investigation dockets unless the issues relate to activities subsequent to September 1, 1982, and involve data subsequent to September 1, 1981.

The Commission has an obligation independent of the parties, in the public interest, to examine the justness and reasonableness of rates and charges.[6] The Commission will not, as a matter of policy, permit private parties to limit potential remedies available to it, including the ordering of refunds. Nor will the Commission permit parties to unilaterally limit the nature or scope of issues the Commission can raise in

[5] On April 29, 1982, VEPCO submitted a Memorandum to the Commission on Behalf of Virginia Electric and Power Company in Docket No. IN80-14 addressing certain issues raised in the investigation.

[6] In this matter, as in all other matters, the Commission must exercise its judgment and discretion and render its decisions not only in its role as arbiter of the interests of the immediate parties to the case, but also in its statutorily mandated role as the protector of the public interest. This latter role is acknowledged and given substance by the standard which governs the Commission's approval of settlement agreements. See § 1.18(e)(3) and (4)(i) of the Commission's Rules of Practice and Procedure, 18 CFR 1.18(e)(3) and (4)(i). Thus, before approving a settlement, regardless of whether it is contested or enjoys the unanimous support of the parties, the Commission is obliged to make an independent determination that the settlement is just and reasonable and in the public interest. *Mobil Oil Corporation v. FPC*, 417 U.S. 283 (1973); *George Mitchell and Associates, Inc.*, Opinion No. 649, 49 F.P.C. 424 (1973).

future proceedings. The question of the proper action to take as a result of a formal investigation is a matter entirely within the discretion of the Commission, and the Commission will brook no interference with that discretion. Thus, based on Article III of the settlement, the Commission cannot and will not accept the settlement as submitted.

As noted above, the Commission is not herein making findings concerning the information contained in the Report of Investigation since there has been no adjudication of those issues. Nor can the Commission utilize, nor has it utilized, the information contained therein as the basis for taking action on the settlement in the instant docket. The Report is not a public document and is not a part of the docket in which the settlement was filed. Nonetheless, the Report raises serious concerns as to VEPCO's past practices, and as to whether VEPCO's future practices will be proper. Staff notes in the Report, however, that VEPCO has recently made substantial efforts to improve its management.

The Commission believes it is in everyone's interest, including the public interest, to resolve the investigation dockets as expeditiously as possible. Accordingly the Commission has resolved its concerns expressed herein by conditioning the approval of the proposed settlement on the withdrawal of Article III, in its entirety, and acceptance by the parties of the modifications set forth below.[7] These modifications are designed to ensure that VEPCO will continue to improve in the areas addressed in the Report, *i.e.*, controlling costs and managing prudently in the areas of fossil unit operation and maintenance, coal procurement, and construction contracting and administration. Finally, the Commission terminates its investigation in Docket No. IN80–14 and closes the investigation dockets, ER78–522 (Phase II), IN80–14, EL80–9 and EL80–16.

The Commission orders:

(A) The settlement agreement filed in the above-captioned docket on December 31, 1981, is accepted conditioned upon the parties' withdrawal of Article III of the settlement agreement and acceptance of the following modifications:

1. VEPCO will report to the Commission every six months for three years on its progress in controlling costs and managing prudently in the areas of fossil unit operation and maintenance, coal procurement, and construction contracting and administration. The information required in these reports will be developed by Commission staff. The first report will be submitted by VEPCO beginning on September 1, 1982, and will cover the first six months of 1982. A new docket will be opened for the purpose of monitoring the filing of these reports.

2. A special audit committee of Commission staff will be established to review the periodic reports. The Committee will have the authority to seek additional information with regard to these reports. The Virginia and North Carolina Commissions will be invited to send representatives to sit on the committee or to share the information developed.

3. VEPCO's semi-annual reports and any other information submitted to the audit committee will be considered in each VEPCO rate proceeding for three years. If any of the issues listed in condition 1 is raised in any such rate proceeding or any proceeding under Section 206 of the FPA, there will be no presumption of justness and reasonableness (including prudence) of costs incurred and VEPCO will bear the initial burden of proof with respect to these issues.

4. The Commission believes it necessary that there be an incentive for VEPCO to continue to improve its performance in the future. Commission staff and the parties will negotiate a sliding rate of return tied to generating unit performance based on indices such as equivalent availability and heat rate to be applied in Docket No. ER82–423–000 and future rate proceedings. All parties, including staff, are also urged to consider the use of a maintenance cost tracking provision.

5. VEPCO shall not pass on to its wholesale customers any costs, including attorney's fees, incurred as a result of the investigation in Docket No. IN80–14. All costs, if any, related to the investigation will be deleted from the rate proposed in Docket No. ER82–423–000, and all future dockets.

6. Information obtained in the course of Docket No. IN80–14 will be admissible for any relevant purpose (provided that it meets the customary tests for admissibility) in any future proceedings involving VEPCO. In the event that there are proceedings involving allegations of unreasonable costs arising out of activities which occurred after September 1, 1982, the information obtained in Docket No. IN80–14 may be used to demonstrate a course of conduct or for any other relevant purpose, and the use of such evidence would not preclude refunds to customers related to the post-September 1, 1982 activities. However, periods prior to September 1, 1982, will be closed as to refund obligations.

(B) Within 15 days of the issuance of this Order, all parties shall formally indicate acceptance or rejection of the Commission's modifications.

(C) The private, formal investigation conducted by the Division of Enforcement in Docket No. IN80–14 is terminated and the investigation dockets, ER78–522 (Phase II), IN80–14, EL80–9, and EL80–16 are closed.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–18261 Filed 7–2–82; 8:45 am]

BILLING CODE 6717–01–M

[7] On May 19, 1982 and May 24, 1982, Staff presented the results ofits investigation and the proposed modifications to the settlement agreement to the Company and its wholesale customers. All of the parties to the Settlement Agreement have assented to the modifications listed herein and the six conditions set forth below.

[Project No. 6311–000]

Western Hydro Electric, Inc.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

June 30, 1982.

Take notice that on May 11, 1982, Western Hydro Electric, Incorporated (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 6311) would be located on Money Creek, a tributary of the South Fork Skykomish River in King County, Washington. Correspondence with the Applicant should be directed to: Mr. Donald J. White, Vice President, Western Hydro Electric, Incorporated, 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 70-foot-long, 5-foot-high diversion structure; (2) a 17,200-foot-long, 36-inch-diameter pipeline/penstock; (3) a powerhouse containing one generating unit with an installed capacity of 3,900 kW; and (4) a 0.5-mile-long, 115-kV transmission line from the powerhouse to an existing transmission line. The Applicant estimates that the average annual energy production would be approximately 16.6 GWh. The project is located entirely on Federal lands within the Snoqualmie National Forest.

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, the State of Washington Department of Fisheries, and State of Washington Department of 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 any 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 25, 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 25, 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. 82-18262 Filed 7-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6351-000]

Western Hydro Electric, Inc.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

June 30, 1982.

Take notice that on May 20, 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. 6351) would be located on Briggs Creek, within Siskiyou National Forest in Josephine County, Oregon. Correspondence with the Applicant should be directed to: Donald J. White, Vice President, Western Hydro Electric, Inc., Commercial Security Bank Building, Suite 600, 50 South Main St., Salt Lake City, Utah 84144.

Project Description—The proposed project would consist of: (1) A 5-foot-high reinforced concrete diversion structure with crest at elevation 1375 feet; (2) a pipeline and a penstock 84 inches in diameter by 8300 feet and 700 feet long, respectively; (3) a powerhouse containing a turbine generator with 4.7-MW capacity and 20.5-GWh annual energy output; and (4) a tailrace at elevation 940 feet.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Oregon State Department of Fish and Wildlife are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before August 23, 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 23, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENT," "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. 82-18276 Filed 7-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF82-157-000]

Woods Creek, Inc., Woods Creek Project; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

June 30, 1982.

On June 15, 1982, Woods Creek, Inc., 14 South Idaho Street, Seattle, Washington 98134, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The hydroelectric small power production facility will be located near Monroe, Snohomish County, Washington. The electric power production capacity of the facility will be 600 kilowatts. The facility will not be located within one mile of any other small power production facility owned by Woods Creek, Inc. which uses the same energy source. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed on or before August 5, 1982 and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-18277 Filed 7-2-82; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Notices of Objection to Proposed Remedial Orders Filed Period of May 24 Through June 4, 1982

During the period of May 24 through June 4, 1982, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 on or before July 26, 1982. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

June 28, 1982.

County Fuel Co., Inc., Baltimore, Md., Motor Gasoline, HRO-0058

On June 1, 1982, County Fuel Company, Inc., 5711 O'Donnell St., Baltimore, Maryland, 21224 filed a Notice of Objection to a Proposed Remedial Order which the DOE Philadelphia Field Office of Enforcement issued to the firm on May 24, 1982. In the PRO the Philadelphia Field Office found that from March 1, 1979 to March 18, 1980 County Fuel sold motor gasoline to end-users and resellers at prices in excess of those permitted under 10 CFR 212.93. According to the PRO the County Fuel Company, Inc. violation resulted in $197,305.00 of overcharges.

Secor Petroleum Co., Inc., Englewood Cliffs, N.J., Crude Oil, HRO-0059

On June 1, 1982, Secor Petroleum Co., Inc., 333 Sylvan Avenue, Englewood Cliffs, New Jersey 07632, filed a Notice of Objection to a Proposed Remedial Order which the DOE Tulsa, Oklahoma District Office of Enforcement issued to the firm on April 23, 1982. In the PRO, the Tulsa, Oklahoma Office found that during the period November 1979 through December 1980, Secor charged prices in certain resales of crude oil exceeding maximum permissible price levels under DOE regulations. According to the PRO, the Secor violation resulted in $204,404 of overcharges.

Spencer Companies, Birmingham, Ala., Motor Gasoline, HRO-0060

On June 1, 1982, the Spencer Companies, P.O. Box 45, Huntsville, Alabama 35804, filed a Notice of Objection to a Proposed Remedial Order which the DOE Atlanta District Office of Enforcement issued to the firm on May 10, 1982. In the PRO the Atlanta District found that from January 19, 1979 to December 31, 1979 Spencer made sales of motor gasoline at prices in excess of maximum lawful prices determined in accordance with 10 CFR 212.93. According to the PRO the Spencer Companies violation resulted in $126,755.48 of overcharges.

Thomas P. Reidy, Inc., Houston, Texas, Motor Gasoline, HRO-0062

On June 4, 1982, Thomas P. Reidy, Inc., 1100 Milam, Suite 2170, Houston, Texas 77002, filed a Notice of Objection to a Proposed Remedial Order which the DOE Kansas City Office of Enforcement issued to the firm on May 3, 1982. In the PRO the Kansas City Office found that from November 1, 1973 to May 3, 1975, Reidy charged prices for motor gasoline and fuel oil in excess of those permitted under the DOE regulations. According to the PRO the Reidy violation resulted in $8,463,808.04 of overcharges.

[FR Doc. 82-18182 Filed 7-2-82; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51409A; TSH-FRL 2161-5]

Toxic Substances; 3,4-Dichlorophenol; Premanufacture Notice; Extension of Review Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is extending the review period for an additional 90 days for premanufacture notice (PMN) P-82-251, under the authority of section 5(c) of the Toxic Substances Control Act (TSCA). The review period will now expire on September 28, 1982. The PMN was submitted by Velsicol Chemical Corp. for 3,4-dichlorophenol. The chemical substance will be used as a component of a paint stripping formulation.

FOR FURTHER INFORMATION CONTACT: Richard Green, Chemical Control Division (TS-794), Environmental Protection Agency, Rm. E-208, 401 M St., SW., Washington, DC 20460, (202-755-9190).

SUPPLEMENTARY INFORMATION:

Background

Under section 5 of TSCA anyone who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a premanufacture notice (PMN) to EPA 90 days prior to commencement of manufacture or import. Under section 5(c) EPA may extend the notice period for good cause for additional periods, not to exceed an aggregate of 180 days from the date of receipt. EPA issued proposed rules to implement the premanufacture notification program in the Federal Register of January 10, 1979 (44 FR 2263). Section 720.35 of the proposed rules addressed the section 5(c) extension authority and provided examples of situations in which the Agency believed there would be good cause to extend the notice period.

Review to Date

On April 2, 1982, EPA received PMN P-82-251 from Velsicol Chemical Corp. for 3,4-dichlorophenol. Velsicol has claimed the estimated production volume, and information on their process and on the impurities present in the PMN chemical to be confidential business information. The PMN stated that the substance would be used as a component of a paint stripping formulation. Notice of receipt of the PMN was published in the Federal Register of April 16, 1982 (47 FR 16403). The original 90-day review period was scheduled to expire on June 30, 1982.

In its evaluation of the substance described in PMN P-82-251, EPA reviewed information provided by the submitter, as well as that which was obtained from the relevant technical literature. Substances similar in chemical structure to the PMN substance were also examined.

EPA's detailed analysis addressed the following: effects on human health, absorption into the body via oral, dermal and inhalation exposure, metabolic pathways, environmental fate, dermal absorption, effects on aquatic organisms, identity and levels of impurities, human exposure, release to the environment, degree of risk relative to available commercial substitutes, potential marketability, and other information required to resolve outstanding issues.

As a result of this analysis, EPA has reason to believe the following:

1. The PMN substance and/or the impurities present in it are expected to produce these adverse effects on human health: irreversible eye damage, chloracne, liver damage, oncogenicity, fetotoxicity, and reproductive effects.

2. The PMN substance and/or the impurities present in it are expected to produce adverse acute and chronic effects on aquatic organisms.

3. Significant human exposure to the PMN substance and impurities may occur during use of the paint stripping formulation.

4. Significant quantities of the PMN substance may be released to the aquatic environment.

Extension of the Review Period

Based on its analysis to date, EPA is taking initial steps toward regulating the substance submitted for review in PMN P-82-251 under section 5(f) of TSCA. The Agency requires an extension of the review period to prepare the appropriate documents for regulatory action. An administrative order under section 5(f), if adopted as the Agency option, must be issued no later than 45 days prior to expiration of the review period. Therefore, EPA has determined that good cause exists to extend the review period for an additional 90 days, to September 28, 1982.

Public Record

PMN P-82-251 is available for public inspection in Room E-106, at the EPA Headquarters, address given above, from 8:00 a.m. to 4:00 p.m., Monday through Friday. Information claimed to be confidential by the submitter has been deleted from the documents in the public record.

Dated: June 25, 1982.

John A. Todhunter,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 82-18169 Filed 7-2-82; 8:45 am]

BILLING CODE 6560-50-M

[OLCE-FRL 2153-2]

Withdrawal of Application Under the Steel Industry Compliance Extension Act; Kaiser Steel Corp.

AGENCY: Environmental Protection Agency.

ACTION: Notice of withdrawal of application.

SUMMARY: EPA announces that Kaiser Steel Corporation has withdrawn its application under the Steel Industry Compliance Extension Act of 1981.

DATES: Effective May 19, 1982.

FOR FURTHER INFORMATION CONTACT: Michael Alushin (EN-341), Acting Deputy Associate Enforcement Counsel for Air, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 382-2820.

SUPPLEMENTARY INFORMATION: On October 20, 1981, Kaiser Steel Corporation submitted to the Environmental Protection Agency and application under the Steel Industry Compliance Extension Act of 1981. Notice of receipt of the application was published at 46 FR 55000. On May 19, 1982, Kaiser Steel Corporation withdrew the application from further consideration by EPA. EPA, therefore, will not further process the application. The application and supplementary materials, excluding confidential information, is available for public inspection at the Central Docket Room, West Tower, EPA Headquarters, 401 M Street, S.W., Washington, D.C. Refer to Docket No. EN 81-16G.

Anne M. Gorsuch,

Administrator.

June 28, 1982.

[FR Doc. 82-18168 Filed 7-2-82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 80-765]

American Telephone and Telegraph Co.; Revisions to Tariff F.C.C. No. 259, Wide Area Telecommunications Services (WATS); Memorandum Opinion and Order

Adopted: June 14, 1982.

Released: June 16, 1982.

1. On April 16, 1982, the Commission initiated an investigation in order to determine, among other things, whether the tariff and rate structure differences between Wide Area Telecommunications Service (WATS) and Message Telecommunications Service (MTS) are justified.[1] The Commission specifically sought comment on whether under section 202(a) of the Act, 47 U.S.C. 202(a), the discrimination between MTS and WATS is lawful. The justification for MTS and WATS rates and rate structure differences has been a central point of Commission inquiry since the finding that they constituted "like" communication service within the meaning of section 202(a) of the Act.[2]

2. Pursuant to the designation order in this proceeding, initial comments are currently due on June 17, 1982. However, by a decision filed June 11, 1982, the U.S. Court of Appeals for the District of Columbia Circuit has vacated the like service order and remanded for further proceedings as the Commission may wish to pursue. In view of this development, we have determined to defer the submission date for comments and proposals until July 19, 1982. During this time we will consider the effect of the ruling, if any, on the investigation. Should we conclude that either substantive or procedural modification of this proceeding is necessary, we will issue a further order on these matters.

3. Accordingly, it is ordered, That the American Telephone and Telegraph Company and interested parties shall file comments on the matters set for investigation in this proceeding on or before July 19, 1982.

4. It is further ordered That this Order shall be published in the **Federal Register.**

Federal Communications Commission.

Gary M. Epstein,

Chief, Common Carrier Bureau.

[FR Doc. 82-18128 Filed 7-2-82; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket No. 82-346; File No. 22983-CD-P-(1)-81, etc.]

Central Mobile Radio Phone Service, Inc. et al; Designating Applications for Consolidated Hearing on Stated Issues

Adopted June 23, 1982.

Released June 25, 1982.

In the matter of applications of Central Mobile Radio Phone Service, Inc. for a construction permit for an additional channel for Station KUC994 on frequency 35.66 MHz at Columbus, Ohio, in the Domestic Public Land Mobile Radio Service, CC Docket No. 82-346, File No. 22983-CD-P-(1)-81; for a construction permit for an additional channel for Station KUS346 on frequency 35.66 MHz at Springfield, Ohio, in the Domestic Public Land Mobile Radio Service, DD Docket No. 82-347, File No. 22994-CD-P-(1)-81; for a construction permit for an additional channel for Station KUC929 on frequency 35.66 MHz at Cincinnati, Ohio, in the Domestic Public Land Mobile Radio Service, CC Docket No. 82-348, File No. 22996-CD-P-(1)-81; for a construction permit for an additional channel for Station KUO557 on frequency 35.66 MHz at Toledo, Ohio, in the Domestic Public Land Mobile Radio Service; CC Docket No. 82-349, File No. 22997-CD-P-(1)-81; Inc. Order designating applications for hearing.

1. Presently before the Chief, Mobile Services Division, pursuant to delegated authority, are the captioned applications of Central Mobile Radio Phone Service, Inc. (Central). Our review of the Central applications has raised a question concerning whether the applicant has demonstrated a need for the additional frequency that each of the applications has requested. Based on the analysis below, we are designating the applications for consolidated hearing on the common issue of whether there is sufficient need for any or all of the requested frequencies. We find Central to be otherwise qualified to receive a license.

2. *Columbus.* Central has submitted a traffic loading study pursuant to § 22.516 of the Rules in an attempt to demonstrate need for the additional one-way frequency it requests at Columbus, Ohio. However, the loading study submitted does not demonstrate sufficient traffic to justify an additional frequency. Central presently has one paging frequency in the Columbus area. The application is requesting an additional paging frequency. The traffic loading study shows an average peak hour usage of only 17.3 minutes for the existing paging frequency. This results in a probability of blocking of 0.29 for the existing paging frequency. As a result, we will designate an issue as to whether the applicant's Columbus application has demonstrated a need for an additional frequency.

3. *Springfield.* Central has submitted a traffic loading study pursuant to § 22.516 of the Rules in an attempt to demonstrate need for the additional one-way frequency it requests at Springfield, Ohio. However, the loading study submitted does not demonstrate sufficient traffic to justify an additional frequency. Central presently has one paging frequency in the Springfield area. The application is requesting an additional paging frequency. The traffic loading study shows an average peak hour usage of only 16.0 minutes for the existing paging frequency. This results in a probability of blocking of 0.27 for the existing paging frequency. As a result, we will designate an issue as to whether the applicant's Springfield application has demonstrated a need for an additional frequency.

4. *Cincinnati.* Central has submitted a traffic loading study pursuant to § 22.516 of the Rules in an attempt to demonstrate need for the additional one-way frequency it requests at Cincinnati, Ohio. However, the loading study submitted does not demonstrate sufficient traffic to justify an additional frequency. Central presently has one paging frequency in the Cincinnati area. The application is requesting an additional paging frequency. The traffic loading study shows an average peak hour usage of only 27.0 minutes for the existing paging frequency. This results in a probability of blocking of 0.45 for the existing paging frequency. As a result, we will designate an issue as to whether the applicant's Cincinnati application has demonstrated a need for an additional frequency.

5. *Toledo.* Central has submitted a traffic loading study pursuant to § 22.516 of the Rules in an attempt to demonstrate need for the additional one-way frequency it requests at Toledo, Ohio. However, the loading study submitted does not demonstrate sufficient traffic to justify an additional frequency. Central presently has three paging frequencies, 35.58, 152.24, and 158.70 MHz, herein designated frequencies 1, 2, and 3 in the Toledo area. The application is requesting an additional frequency. The traffic loading study shows average peak hour usages of 14.0, 47.0, and 49.7 minutes for frequencies 1 to 3 respectively. Since frequency 1 shows a probability of blocking less than 0.5, we will designate an issue as to whether the applicant's Toledo application has demonstrated a need for an additional frequency.

6. Accordingly, it is ordered, that the captioned applications of Central Mobile Radio Phone Service, File Nos. 22983-CD-P-(1)-81, 22994-CD-P-(1)-81, 22996-CD-P-(1)-81 and 22997-CD-P-(1)-81 are designated for hearing in a

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[1] See, *Memorandum Opinion and Order* (Order), FCC 82-179, released April 16, 1982 (47 FR 20177, 5-11-82).

[2] See, AT&T, 70 FCC 2d 593 (1978) *recon. denied,* 79 FCC 2d 10 (1980), *appeal docketed subnom.* Ad Hoc Telecommunications Users Committee v. FCC, D.C. Cir. No. 80-1785 (Like Service).

consolidated proceeding upon the following issues: [1]

(a) To determine whether the applicant has demonstrated a sufficient public need for each of the proposed facilities; and

(b) To determine, in light of evidence adduced pursuant to the foregoing issues, what disposition of the referenced applications would best serve the public interest, convenience and necessity.

7. It is further ordered, that the hearing be held at a time and place and before an Administrative Law Judge to be specified in a subsequent order.

8. It is further ordered, that the Chief, Common Carrier Bureau, is made a party to the proceeding.

9. It is further ordered, that the applicant shall file a written notice of appearance under § 1.221 of the Commission's Rules within 20 days of the release date of this order.

10. The Secretary shall cause a copy of this Order to be published in the Federal Register.

William F. Adler,

Chief, Mobile Services Division, Common Carrier Bureau.

[FR Doc. 82-18127 Filed 7-2-82; 8:45 am]

BILLING CODE 6712-01-M

Commissioners Jones and Dawson Issue Concurring Statements on Suspension and Investigation of AT&T/BSOC 8 Tariff

June 28, 1982.

On April 29 the Commission suspended for five months and began an investigation of proposed revisions filed by AT&T and the Bell System Operating Companies (BSOCs) to AT&T Tariff BSOC 8 which would increase ENFIA rates paid by carriers other than telephone companies (47 FR 24621; June 7, 1982)

Commissioners Anne P. Jones and Mimi W. Dawson concurred in the result of that action and have now issued the attached statements.

William J. Tricarico,

Secretary, Federal Communications Commission.

April 29, 1982.

Concurring Statement of Commissioner Anne P. Jones

In Re:

American Telephone and Telegraph Company and the Bell System Operating Companies Tariff F.C.C. No. 8 (BSOC 8)—Transmittal No. 53 Exchange Network Facilities for Interstate Access (ENFIA)—CC Docket No. 78-371

Today the Commission has set an interim value for the minutes of use and SEP amount as defined in the ENFIA agreement and instituted an investigation into the proper value of these factors. To the extent that the determination of these values represents an inherently subjective determination of the discount which the OCCs should receive for less-than-equivalent interconnection, the whole concept of an objective investigation has little meaning.

I do not with to discuss how the Commission got itself into this current quagmire. I am much more interested in how we should get ourselves out. The ENFIA agreement implemented a special-purpose access charge. The rational long-term solution to all of these problems should come within the context of the Commission's Access Charge Proceeding in CC Docket No. 78-72.

As I will explain below, I believe the Commission can solve the general access problem, but only if we are willing to abandon the current practice of allocating non-traffic-sensitive plant on a traffic-sensitive or usage basis.

Every telephone subscriber has a dedicated facility between his or her telephone and the first point of traffic concentration, which is usually the local switch. The telephone, and other customer premises equipment, will be deregulated under the Commission's decision in Computer II. It is also possible that the Commission will ultimately order the detariffing and deregulation of inside wiring—the wiring between the telephone and the point of connection with the wire which enters the premises from the outside. In any case, it will be possible to define the place within the Customer premises where regulated facilities begin. Moving from this point towards the local switching office, it is possible to define the place where dedicated facilities stop and traffic concentration begins. It is the facilities between these two points, where regulation begins and where traffic concentration begins, which I will refer to as "non-traffic-sensitive plant."

These facilities are necessary for completion of any call, be it to next door or halfway around the world. But in themselves these facilities are not sufficient for the creation of any useful service. Most importantly, the cost of this subscriber access to the local switch does not vary according to use. This suggests that the subscriber should pay for these facilities directly and explicitly as a part of his or her telephone bill. I will refer to this concept as *direct assignment*. To explain the relevance of direct assignment to the OCC access problem, some more background is necessary.

The public switched telephone network was not designed for interexchange competition. The current numbering plan has been in use nationally since 1947. When the network was designed it was natural to assume that there would be only one interexchange carrier. To suppose otherwise, and to believe that the design of the network was some kind of anti-competitive plot, is to give AT & T long-range planning far more credit than it deserves!

Given the state of the public switched network, it is presently not possible in most locations to give the OCCs the same quality of local interconnection as is given to the Bell/Independent interexchange "partnership".

The interconnection which the OCCs do receive is inferior to that given the "partnership" in many ways. OCC customers have to dial more digits, and may endure more impairments because of the path taken to get to the OCC switch. The OCCs may have difficulty determining when a customer starts talking if they don't receive a network signal called answer supervision. An OCC cannot collect a toll bill by threatening to terminate local service, as can the Bell/Independent "partnership".

From a subjective standpoint, the *value* of the interconnection which the OCCs presently receive may be considerably less than the value of the interconnection received by the "partnership". But yet—and this I think is the crux of the problem—the *cost* of OCC interconnection as based upon current separations concepts may not be reduced in full proportion to its lesser value as compared to the "partnership" interconnection.

This, I think, presents the fundamental dilemma. If, relative to the access provided the "partnership", the only interconnection which the OCCs can be offered has a value which is well below its cost as determined by separations concepts, then access price cannot be set according to this cost, because this would place the OCCs at a competitive disadvantage. But basing access on some subjective determination of value is just that—subjective, and not well suited to the current regulatory process in a competitive environment—as the current experience with the ENFIA tariff has shown.

The Modification of the 1956 Consent Decree, agreed to by AT & T and the Department of Justice last January and

[1] Although these applications are not directly tied together, they are being designated in consolidated proceeding, rather than separate proceedings for the convenience of the applicant and the administrative convenience of the Commission staff.

now under review by the Court, requires that the public switched network be changed so that the Bell Operating Companies will be able to offer access to all interexchange carriers on an equal basis. These changes will not happen overnight. They will occur on a phased basis, since they become more feasible with the introduction of more local electronic switching.

Before equal access is available, the Modification of Final Judgment would allow a value-of-service discount for lower quality access. However, once equal access is available, all access must be cost-justified.

I agree that value of service pricing has no place in the post-divestiture environment when equivalent access can be offered to the OCCs. Less-than-equivalent access should still be available, but interexchange carriers should be required to pay the full cost of such access.

What does this have to do with direct assignment? Without direct assignment, the cost of equivalent and less-than-equivalent access would be close to the same, because the costs in both cases would be dominated by non-traffic-sensitive costs and not by traffic sensitive switching costs, although switching accounts for the technical differences between different qualities of interconnection.

Consider the ENFIA tariff, where rate element 1 corresponds to the trunk between the OCC switch and the local end office; rate element 2, to the end office switch and rate element 3, to the loop between the end office and the customer premises. Under today's order this tariff was set on an interim basis at about $180, but about $147 of this amount is in rate element 3, which is non-traffic-sensitive plant—mostly the simple wire between the end office and the customer premises—which has nothing to do with the quality of interconnection afforded the OCCs.

With direct assignment, rate element 3 would simply be removed from the access tariffs of all the carriers. The price of access for all carriers would be greatly reduced, and this in itself would mitigate the access problem. But of equal importance, the percentage of cost difference between different qualities of interconnection would increase, since access costs would then be more dominated by rate element 2. These costs may come more closely into line with the relative subjective values of their corresponding access arrangement.

Thus it might be possible to have an access which is both cost-based and equitable, and which would permit different carriers to use different qualtities of interconnection if they so desired.

Concurring Statement of Commissioner Mimi Weyforth Dawson

Re: Exchange Network Facilities for Interstate Access (ENFIA) and Bell System Operating Companies Tariff FCC No. 8 [1]

With these decisions the Commission is extending an agreement among AT&T, GTE and several other common carriers (OCCs) concerning the terms and conditions of interconnection to AT&T's and GTE's local operating companies, suspending AT&T's tariff which purports to honor the terms of that agreement and prescribing an interim rate pending the outcome of the investigation. I agree with the outcome of these decisions because I believe it does not produce an unreasonable increase in the interconnection rate for the OCCs. For reasons set forth below, any greater increase would not be appropriate in view of our projected course in resolving jurisdictional separations and access questions. However, I do not agree with the methodology used, *i.e.*, freezing the discount applied to level of payment,[2] and utilizing the number of billed minutes as a mechanism for adjusting the rate. I object to the focus on the billed minutes because it lends what may be undue credence to the practice of applying a traffic sensitive measure to determine the rate for use on non-tariff sensitive plant.

Rather, I urge the Commission to adopt a timetable that would establish parity of interconnection and access charges for all interstate competitors. That timetable could track the one agreed upon by AT&T and the Department of Justice in the proposed modification of the 1956 Consent Decree. In the interim, I believe the Commission should have increased the level of payment in ENFIA for Rate Level D to 65 percent. Additionally, if the access charge proceeding is not resolved prior to the onset of the fifth year of the ENFIA agreement, the level of payment should be increased to 75 percent. Finally, OCC minutes for interstate ratemaking purposes should be set equal to those used for separations purposes,[3] until the Commission determines an appropriate method by which to allocate NTS costs among interstate services. To do otherwise, in my opinion, would discourage efficient use of the telecommunications network.

As the preceding discussion indicates, the appropriate solution to any interim or final access charge question requires not only an understanding of today's exchange access costs and terms of exchange access, but also requires an in-depth look at jurisdictional separations and the interconnection agreements contained in the proposed Consent Decree modification between AT&T and the Department of Justice. We must evaluate any approach we take prior to solution of these issues in light of what the ultimate interconnection charges are likely to be when the anticipated changes in jurisdictional separations are completed and the right to equal interconnection for all interstate competitors is secured.

Currently, MTS and equivalent services pay, either directly or indirectly through the settlements process, the equivalent of an exchange access charge that contributes towards the costs of: (1) Connecting facilities between the toll switching center and the local company's central office; (2) local exchange switching and trunking facilities; and (3) non-traffic sensitive (NTS) subscriber plant (which consists of regulated customer premises equipment, inside wiring, the customer-dedicated local telephone lines extending from the customer premises to the local central office, and the customer-dedicated portions of the local switch). The third cost element represents, by far, the largest part of the exchange access expense that providers of MTS and equivalent services contribute to the local exchange carrier. For this element, the OCCs pay 55 percent of the amount that AT&T and GTE pay for an equivalent number of MTS/WATS minutes. Private line services, it should be noted, make no interstate contribution to local exchange carriers for subscriber plant.

The allocation of NTS subscriber plant is both the most important and the most controversial factor in determining costs for access purposes. Of course, any allocation of NTS costs between jurisdictions must be arbitrary "because there is no purely economic method of allocation." [4] Nevertheless, the

[1] Action taken by the Commission on April 14, and April 29, 1982.

[2] Because of the significant disparity in interconnection between the OCC and the AT&T/independent long distance services, the Commission has determined that a 55 percent discount is appropriate for the OCCs during the interim period prior to resolution of the access charge proceeding. The Commission believes this proceeding will be resolved before the extended ENFIA agreement expires on April 16, 1984.

[3] The Commission recently froze the percentage of non-traffic sensitive costs allocated to the interstate jurisdiction at 1981 levels. See Amendment of Part 67 of the Commission's Rules and Establishment of a Joint Board (CC Docket No. 80-286), FCC 82-98, released February 26, 1982. OCC minutes for separations purposes have been frozen at 3000 minutes per ENFIA line.

[4] See *MCI* v. *FCC*, D.C. Cir. 81-1052 at 16 (1982).

percentage of NTS costs allocated to the interstate jurisdiction has risen over time from strict relative usage to the subscriber plant factor. With the onset of competition in the telecommunications industry, however, numerous parties have argued that the subscriber plant factor is not economically sustainable because the new competitors will simply bypass the local exchange to avoid paying excessive access charges. In response, the Commission has established a Federal/State Joint Board to examine the legal, economic and equitable arguments for changing the current allocation of exchange costs between jurisdictions.

The record amassed in the Joint Board proceeding to date is voluminous. Over seventeen volumes of comments have been filed in addition to cost data for over seven hundred telephone companies. The commenters, in my opinion, argue persuasively that the portion of NTS costs allocated to the interstate jurisdiction must drop considerably to conform with the dynamics of a competitive market. While the exact percentage to be allocated among jurisdictions, or the manner in which it should be allocated, has not been determined by this Commission, I think it is significant for our purposes here that the majority of respondents, including AT&T, support an interstate allocation of NTS costs of no more than about 10 percent, including appropriate adjustments to this average for areas in need of relief from significant upward rate pressure.

Acknowledging potential changes in jurisdictional separations is critical to our decision here because any interim access charge must be a stepping stone on the path that leads to our final destination. As mentioned, the record in the Joint Board proceeding supports a substantial reduction in the portion of NTS costs allocated to the interstate jurisdiction. Such a reduction means that the separations amount that the OCCs must pay for in the ENFIA tariff would drop precipitously. Assuming for illustrative purposes that the interstate allocation of NTS plant will drop to ten percent, then the ultimate charge for OCC access to the local exchange will not be significantly greater than the interim rate being prescribed through this order. This is true *even if* the level of payment in the ENFIA agreement is increased to 100 percent and AT&T's estimates concerning OCC minutes per line are employed for ratemaking purposes. Of course, if the Commission were to allocate NTS plant between jurisdictions on the principal of economic efficiency alone, the interstate portion of NTS costs would be much less than 10 percent.[5] This would result in even lower access charges for interstate competitors.

Faced with these longer term considerations, the Commission essentially is being forced in this proceeding to make premature judgments concerning quality of interconnection and the actual costs for that interconnection. It seems clear to me that the present record does not present any irrefutable facts on either of these issues. The only undisputed fact is that the parties have agreed to disagree. Moreover, the Commission has not made any fundamental or lasting decisions concerning separations, the allocation of costs among interstate services or interconnection, and we have seen that these parameters will be changing over time.

Therefore, I concur in these decisions only to the extent that I believe the interim rate prescription is in the public interest and will not be disruptive to the market. However, I sincerely regret that this Commission has missed the opportunity to spell out the beginning of a rational approach to resolving the issues of access and separations. Without such a beginning, I am fearful that any investigatory efforts in this area will simply act to obfuscate the real issue of how costs should be allocated efficiently.

[FR Doc. 82-18129 Filed 7-2-82; 8:45 am]
BILLING CODE 6712-01-M

Public Information Collection and Recordkeeping Requirements Submitted to Office of Management and Budget for Review

June 28, 1982.

The Federal Communications Commission has submitted the following public information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511.

Copies of these submissions are available from Richard D. Goodfriend, Agency Clearance Officer, (202) 632-7513. Comments should be sent to Edward H. Clarke, Office of Management and Budget, OIRA, Room 3201 NEOB, 726 Jackson Place, NW., Washington, D.C. 20503.

Title: Broadcast Station Operating Logs under § 73.1820
Action: New submission
Burden: 10,184 Responses; 78,416 Hours

Abstract: Required of licensees of all commercial and non-commercial AM, FM and TV broadcast stations. Logs shall be kept by licensed operator or automatic device. Data is used to assess station's performance.
Title: Broadcast Station Maintenance Logs under § 73.1830
Action: New submission
Burden: 10,184 Responses; 68,232 Hours

Abstract: Required of licensees of all commercial and non-commercial AM, FM and TV broadcast stations. Logs shall be kept by licensed operator or automatic device. Data is used to assess station's performance.
Title: Annual Report Form M—Telephone Companies
Action: Extension
Burden: 79 Responses; 9,480 Hours
Title: Application for Construction Permit for Translator or Low Power Television Broadcast Station
Form No.: FCC 346
Action: Revision
Burden: 11,200 Responses; 313,600 Hours
Title: Application for New or Modified Common Carrier Radio Station Construction Permit Under Parts 22 and 25
Form No.: FCC 401
Action: Revision
Burden: 5,000 Responses; 60,300 Hours
Title: Application for and Certification of Overtime Services Involving Inspection of Ship Radio Equipment
Form No.: FCC 808
Action: Extension
Burden: 200 Responses; 17 Hours

William J. Tricarico,
Secretary, Federal Communications Commission.

[FR Doc. 82-18126 Filed 7-2-82; 8:45 am]
BILLING CODE 6712-01-M

[5] See, *e.g.*, the Comments of NTIA in Docket 80-286, August 18, 1981.

FEDERAL EMERGENCY MANAGEMENT AGENCY

FEMA Advisory Board; Continuation

In accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I (Supp. II, 1972)) and Office of Management and Budget Circular A-63 of March 1974, the Director of FEMA has determined that the continuation of the FEMA Advisory Board is in the public interest in connection with the performaance of duties imposed on the agency by law.

As the principal advisory body to the Director, the objective of the Board is to continue to provide him with independent advice on the adequacy of FEMA plans and programs in areas of civil emergencies, such as: natural or man-made disasters; Mobilization of

resources and stabilization of the economy during crisis or war; civil defense and continuity-of-government measures during conflict; essential post-conflict resources management for national reconstitution; and other civil emergency roles assigned by Acts of Congress or by Executive Order.

The Board will draw on the expertise of its members and other sources (e.g., FEMA emergency plans and programs, analyses, interrelated activities of other Agencies) to continue to provide advice and make recommendations to the Director. In addition to its evaluating role on FEMA high priority civil preparedness programs, the Board will continue to provide advice concerning mission priorities, methodology for addressing objectives, training-education exercise programs, and new concepts related to emergency preparedness.

The Board functions solely as an advisory body, and complies fully with the provisions of the Federal Advisory Committee Act (the "Act").

The Board consists of 20 members that have been appointed by the Director. This membership assures a balanced representation of experts in areas of natural disasters and national security, such as: physical scientists and engineers, sociologists, political scientists, and economic experts drawn from universities, industry, nonprofit organizations, etc. The members will serve at the discretion of the Director for a two-year term.

Interested persons are invited to submit comments regarding the recommendation to continue the FEMA Advisory Board. Such comments, as well as any inquiries, may be addressed to the Rules Docket Clerk, Federal Emergency Management Agency, Washington, D.C. 20472.

Dated: June 17, 1982.

Louis O. Giuffrida,

Director.

[FR Doc. 82-18150 Filed 7-2-82: 8:45 am]

BILLING CODE 6718-01-M

FEDERAL MARITIME COMMISSION

Havana Steamship Conference, Havana Northbound Rate Agreement, Santiago De Cuba Conference; Cancellation

Filing Parties:

Mr. George Walls, Director, Fleet Engineering Operations, United Brands Co., 1271 Avenue of the Americas, New York, N.Y. 10020;

Mr. R. J. Finnan, Chief Tariff Publishing Officer, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, La. 70130.

Summary: The Cuba conferences are comprised of the Havana Steamship Conference, Agreement 4189; the Havana Northbound Rate Agreement 7550; and the Santiago de Cuba Conference, Agreement 7650. The membership of each is as follows:

Agreement 4189—Flota Mercante Grancolombiana, S.A. (Flota)—United Brands Co. (UBC).

Agreement 7550—Flota Lykes Bros. Steamship Co., Inc. (Lykes) UBC.

Agreement 7650—Lykes UBC.

Inasmuch as there has been no agreement activity by the members in the relevant conference trades since approximately 1964, the Commission corresponded with the members recommending that the agreements be cancelled. On June 3, 1982, the Commission received notice from UBC that it concurred in the cancellation of all three agreements. On June 17, notice was received from Lykes that it concurred in the cancellation of Agreements 7550 and 7650. Flota has not yet responded. Accordingly, notice is hereby given that Agreements 4189, 7550, and 7650 will be terminated effective July 21, 1982.

Dated: July 1, 1982.

Robert G. Drew,

Director, Bureau of Agreements.

[FR Doc. 82-18306 Filed 7-2-82: 8:45 am]

BILLING CODE 6730-01-M

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10327; or may inspect the agreements at the Field Offices Located at New York N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by July 26, 1982. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No.: T-4052.

Filing Party: Malcolm Hunter, City Attorney, City of Richmond, Richmond, California 94804.

Summary: Agreement No. T-4052 is a nonexclusive preferential berth assignment and terminal services agreement between the City of Richmond (City) and Johnson Line AB, East Asiatic Company, Ltd., and Blue Star Line, Ltd. (Assignee) (operating a joint service known as Johnson Scanstar). It provides for City's assignment to Assignee of a nonexclusive preferential berth at Container Terminal No. 3 of the Port of Richmond. City and/or its designated terminal operator shall provide complete terminal services to Assignee at the terminal. Assignee shall use the premises as its published regularly scheduled San Francisco Bay Area port for the docking, mooring, loading and discharging of its container vessels and activities incidental thereto. Assignee shall compensate City according to City's marine terminal tariff with certain exceptions. Revenues from wharfage assessed pursuant to said tariff shall be shared between the City and Assignee. The term of the agreement is three years with renewal options.

Agreement No.: 2846-51.

Filing Party: Anthony J. Ciccone, Jr., Esquire, Billig, Sher & Jones, P.C., Suite 300, 2033 K Street, N.W., Washington, D.C. 20006.

Summary: Agreement No. 2846-51 modifies the basic agreement of the West Coast of Italy, Sicilian and Adriatic Ports/North Atlantic Range Conference by providing for an expansion of the conference's European inland rate-making authority to include all other interior points in Continental Europe to the extent such cargo moves through ports of Italy and Yugoslavia.

Agreements Nos.: 2744-48, 7590-31 and 7890-17.

Filing Party: Nathan J. Bayer, Esquire, Freehill, Hogan & Mahar, 80 Pine Street, New York, New York 10005.

Summary: Agreement No. 2744–48, the Atlantic and Gulf/West Coast of South America Conference; Agreement No. 7590–31, the East Coast Colombia Conference; and Agreement No. 7890–17, the West Coast of South America Northbound Conference amends their basic agreement by increasing (1) the security deposit each member line would be required to maintain from $25,000 to $50,000 and (2) the level of fines which may be assessed by the Neutral Body for the commission of a malpractice from $10,000 to $50,000.

Agreement No.: 9648–A–17.

Filing Party: Wade S. Hooker, Jr., Esquire, Burlingham Underwood & Lord, One Battery Park Plaza, New York, New York 10004.

Summary: Agreement No. 9648–A–17 would amend the basic agreement of the Inter-American Freight Conference to specifically describe credit practices of the conference.

By Order of the Federal Maritime Commission.

Dated: July 1, 1982.

Francis C. Hurney,

Secretary.

[FR Doc. 82–18307 Filed 7–2–82; 8:45 am]

BILLING CODE 6730–01–M

[Independent Ocean Freight Forwarder License No. 1566R]

Nationwide International Forwarders and Brokers, Inc.; Reinstatement of License

By Federal Maritime Commission Order served and published in the **Federal Register**, Nationwide International Forwarders and Brokers, Inc.'s Independent Ocean Freight Forwarder License No. 1566R was revoked, effective May 20, 1982. The Order of Revocation was served on June 2, 1982. Nationwide International Forwarders and Brokers, Inc. meets all the requirements for licensing as an independent ocean freight forwarder, and a valid surety bond in favor of the firm is on file with the Commission.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in section 10.01(a) of Commission Order No. 1 (Revised), dated November 12, 1981, Independent Ocean Freight Forwarder License No. 1566R shall be reissued to Nationwide International Forwarders and Brokers, Inc., effective May 20, 1982.

A copy of this notice shall be published in the **Federal Register** and served upon Nationwide International Forwarders and Brokers, Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 82–18208 Filed 7–2–82; 8:45 am]

BILLING CODE 6730–01–M

[Independent Ocean Freight Forwarder License No. 2044–R]

IMX Port Services Co. (IMX Corp., d.b.a.); Order of Revocation

On June 14, 1982, IMX Port Services Co. (IMX Corporation, d.b.a.), 351 California Street, Suite 510, San Francisco, CA 94104 surrendered its Independent Ocean Freight Forwarder License No. 2044–R for revocation.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), section 10.01(e) dated November 12, 1981;

It is ordered, that Independent Ocean Freight Forwarder License No. 2044–R issued to IMX Port Services Co. (IMX Corporation, d.b.a.) be revoked effective June 14, 1982, without prejudice to reapplication for a license in the future.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon IMX Port Services Co. (IMX Corporation, d.b.a.).

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 82–18210 Filed 7–2–82; 8:45 am]

BILLING CODE CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Citizens and Southern Georgia Corp.; Proposed Acquisition of Lloyd of Louisiana Finance Company, Inc.

Citizens and Southern Georgia Corporation, Atlanta, Georgia has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 CFR 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 U.S.C. 225.4(b)(2)), for permission to acquire voting shares of Lloyd of Louisiana Finance Company, Inc., Harvey, Louisiana.

Applicant states that the proposed subsidiary would engage in the consumer and commercial financing activities, including the extension of direct loans to consumers, the discount of retail and installment notes and contracts, the purchase of retail and installment notes and contracts, the purchase of real estate notes, the extension of direct loans to dealers for financing of inventory (floor planning) and working capital purposes; making, acquiring or soliciting for its own account or for the account of others loans and other extensions of credit; and acting as agent for the sale of life, accident and casualty and physical damage insurance directly related to its extensions of credit. These activities would be performed from offices of Applicant's subsidiary in Harvey, Louisiana, and the geographic area to be served is New Orleans, Louisiana. 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 Atlanta.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received no later than July 24, 1982.

Board of Governors of the Federal Reserve System, June 24, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82–18187 Filed 7–2–82; 8:45 am]

BILLING CODE 6210–01–M

First American Bank Corp.; Acquisition of Bank

First American Bank Corporation, Kalamazoo, Michigan, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to merge with Mid Michigan Bank Corporation, Gladwin, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

First American Bank Corporation, Kalamazoo, Michigan, is not engaged in any nonbank activities that require separate Board approval under the Act.

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Chicago. 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 not later than July 23, 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, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 24, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-18189 Filed 7-2-82; 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 Chicago** (Frankling D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Midstate Financial Corp.*, Brownsburg, Indiana. Application is also made on Brownsburg Service Bank, Brownsburg, Indiana; to become a bank holding company by acquiring 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Hendricks County Bank and Trust Company, Brownsburg, Indiana, for prior approval to merge with Hendricks County Bank and Trust Company, Brownsburg, Indiana, and to become a member of the Federal Reserve System. Comments on this application must be received not later than July 24, 1982.

B. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *Transworld Bancorp*, Sherman Oaks, California; to become a bank holding company by acquiring 100 percent of the voting shares of Transworld Bank, Sherman Oaks, California. Comments on this application must be received not later than July 24, 1982.

Board of Governors of the Federal Reserve System, June 24, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-18190 Filed 7-2-82; 8:45 am]

BILLING CODE 6210-01-M

Acquisition of Bank Shares by Bank Holding Company

The company listed in this notice has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. Interested persons may express their views in writing to the address indicated for the 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 Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Citizens and Southern Georgia Corporation*, Atlanta Georgia; to acquire at least 51 percent of the voting shares or assets of The Citizens and Southern Bank of Dalton, Dalton, Georgia. Comments on this application must be received not later than July 24, 1982.

Board of Governors of the Federal Reserve System, June 24, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-18188 Filed 7-2-82; 8:45 am]

BILLING CODE 6210-01-M

Agency Forms Under Review

June 30, 1982.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C. Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibilities under the act also considers comments on the forms and recordkeeping requirements that will affect the public. Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. OMB's usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occassionally the public interest requires more rapid action.

List of Forms Under Review

Immediately following the submission of a request by the Federal Reserve for OMB approval of a reporting or recordkeeping requirement, a description of the report will be published in the **Federal Register.** This information will contain the name and telephone number of the Federal Reserve Board clearance officer (from whom a copy of the form and supporting documents is available). The entries will be grouped by type of submission—i.e., new forms, revisions, extensions (burden change), extensions (no change), and reinstatements. Each report description contains the following information:

—The title of the form.
—The Federal Reserve report form number, if applicable.
—How often the form must be filled out.
—Who will be required or asked to report.
—The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected.
—Whether small businesses or organizations are affected.

—A description of the Federal budget functional category that covers the information collection.
—An estimate of the number of responses.
—An estimate of the total number of hours needed to fill out the form on an annual basis.
—An estimate of the average number of hours per respondent.
—Respondent's obligation to reply.
—Confidentiality promised by agency.
—An estimate of the cost to the Federal Government.
—An estimate of the cost to the public.
—The number of forms in the request for approval.
—An indication of whether section 3504(h) of Pub. L. 96–511 applies.
—The name, address, and telephone number of the person or office responsible for OMB review, and
—An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the Federal Reserve Board clearance officer whose name, address, and telephone number appears below. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF 83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review.

For Further Information Contact:

Federal Reserve Board Clearance Officer—William R. Jones—Financial Reports Section, Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202–452–2983)

OMB Reviewer—Richard Sheppard—Office of Information and Regulatory Affairs, Ofice of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503 (202–395–6880)

Revised Forms Under Review

1. Applications to Establish a Foreign Branch of a Member Bank:

On occasion
Member banks
SIC: 602
Small businesses are not affected
General government: 23 responses; 236 hours; 10.3 hours; mandatory (12 U.S.C. 601); yes; $46,000 Federal cost; $7,080 public cost; 2 forms; not applicable under section 3504(h)

This is a prior notification to establish a foreign branch of a member bank (when the bank already has a branch in two foreign countries) and an application for authority, under Section 25 of the FRA, to establish a branch of a member bank in a foreign country.

2. Applications to establish Edge Corporations, to establish branches of Edge Corporations and to Amend Articles of Association of Edge Corporations:

On occasion
Member banks, Bank Holding Companies, Edge Corporations
SIC: 602, 605, 671
Small businesses are not affected
General government: 104 responses; 1,540 hours; 14.8 hours; mandatory (12 U.S.C. 601; 12 U.S.C. 611); yes, with exception to Application to Amend Articles; $300,000 Federal cost; $46,200 public cost; 3 forms; not applicable under section 3504(h)

This is an application to establish an Edge Corporation (Section 25(a) of the Federal Reserve Act empowers the Board to charter Edge Corporations), to establish branches of Edge Corporations as authorized by Regulation K, and an application to Amend Articles of Association of an Edge Corporation (relates to changes in the fundamental constitution of such a corporation, such as name, location, and capital stock).

3. Notification and application by Member Banks, Bank Holding Companies, and Edge and Agreement Corporations to invest in a foreign subsidiary, joint venture, or in other foreign organizations:

On occasion
Member banks, Bank Holding Companies, Edge Corporations
SIC: 602, 605, 671
Small businesses are not affected
General government: 76 responses; 1,508 hours; 19.8 hours; mandatory (12 U.S.C. 601; 12 U.S.C. 611; 12 U.S.C. 1843); yes, $300,000 Federal cost; $45,240 public cost; 2 forms; not applicable under section 3504(h)

The requirements involved here are: (1) A 60 days' prior notification to make an investment in a foreign company by a member bank, Bank Holding Company, or Edge or Agreement Corporation; (2) an application by a member bank, Bank Holding Company, or Edge or Agreement Corporation to make a foreign investment.

Board of Governors of the Federal Reserve System, June 30, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82–18301 Filed 7–2–82; 8:45 am]

BILLING CODE 6210–01–M

First Atlanta Corp.; Proposed Acquisition of Bank Holding Company; Correction

This document corrects a previous **Federal Register** document (FR Doc. 82–17372) published at page 27963 of the issue of June 28, 1982. Aplicant has pending an application to acquire 15.4 percent of the voting shares of First South Bankcorp., Columbus, Georgia. Applicant now seeks to acquire an additional 50.1 percent of the voting shares of First South Bankcorp.

Board of Governors of the Federal Reserve System, June 30, 1982.

Dolores S. Smith,

Assistant Secretary of the Board.

[FR Doc. 82–18296 Filed 7–2–82; 8:45 am]

BILLING CODE 6210–01–M

Consumer Advisory Council; Meeting of Consumer Advisory Council

The Consumer Advisory Council will meet on Wednesday, July 28, and Thursday, July 29. The meeting, which will be open to public observation, will take place in Terrace Room E of the Martin Building. The July 28 session is expected to begin at 1 p.m. and to continue until 5 p.m. The July 29 session is expected to begin at 9 a.m. and to conclude at 3 p.m., with a lunch break from 1 to 2 p.m. The Martin Building is located on C Street, Northwest, between 20th and 21st Streets in Washington, D.C.

The Council's function is to advise the Board on the exercise of the Board's responsibilities under the Consumer Credit Protection Act and on other matters on which the Board seeks its advice. Time permitting, the Council will consider the following topics:

1. *Consumer Complaints and Implementation of the Board's Authority To Prohibit Unfair or Deceptive Bank Practices*
   A discussion of the Board's procedures for investigating and resolving consumer complaints about state member banks, and of its authority to prohibit potential unfair or deceptive banking practices.
2. *Further Simplification of Consumer Regulations*
   Consideration of further efforts to reduce compliance burdens of the Truth in Lending, Electronic Fund Transfer, Equal Credit Opportunity, and Fair Credit Reporting Acts.
   A discussion of the various procedures used by the Board to review, on a continuing basis, consumer protection regulations.
3. *Changing Regulatory Limits on Financial Institutions and the Impact on Consumers*
   A discussion of how the existing financial regulatory structure restricts the activities of regulated institutions; how

these restrictions affect the range, kind, and cost of financial services available to consumers; and whether it is desirable and possible to correct current regulatory inequities.

4. *Board Credit Card Study*
A discussion of the credit card study (which the Board is directed to undertake, under the Cash Discount Act enacted in July 1981) of the effects of credit card usage on card issuers, merchants, and consumers.

5. *Regulatory Update*
A status report on recent Board regulatory actions in the area of consumer financial services.

Other matters previously considered by the Council or initiated by Council members also may be discussed.

Persons wishing to submit to the Council their views regarding any of the above topics may do so by sending written statements to Ms. Kay Oliver, Secretary, Consumer Advisory Council, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. Comments must be received no later than close of business Friday, July 23, and must be of a quality suitable for reproduction.

Information with regard to this meeting may be obtained from Mr. Joseph R. Coyne, Assistant to the Board, at (202) 452–3204.

Board of Governors of the Federal Reserve System, June 30, 1982.

William W. Wiles,

Secretary of the Board.

[FR Doc. 82–18302 Filed 7–2–82; 8:45 am]

BILLING CODE 6210–01–M

GENERAL SERVICES ADMINISTRATION

[F–82–22]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Colorado Public Utilities Commission involving intrastate telecommunications service rates.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority contained in the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly Sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the Colorado Public Utilities Commission involving the application of the Mountain Bell Telephone Company for an increase in rates for telecommunications services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall add the General Services Administration to its service list in this case so that GSA will receive copies of testimony, briefs and other Department of Defense filings.

Dated: June 22, 1982.

Francis A. McDonough,

Deputy Commissioner for Governmentwide Management Automated Data and Telecommunications Service.

[FR Doc. 82–18148 Filed 7–2–82; 8:45 am]

BILLING CODE 6820–25–M

[E–82–19]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the New Mexico Public Service Commission involving electric rates, Docket No. 1727.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in the Administrator of General Services by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the New Mexico Public Service Commission involving the petition of the Southwestern Public Service Company for an increase in its electric rates, Docket No. 1727.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration (GSA), and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall add GSA to its service list in this case so that GSA will receive copies of testimony, briefs, and other Department of Defense filings.

Dated: June 9, 1982.

Allan W. Beres,

Commissioner, Transportation and Public Utilities Service.

[FR Doc. 82–18149 Filed 7–2–82; 8:45 am]

BILLING CODE 6820–AM–M

National Archives and Records Service

Tenth Annual Report of the President on Federal Advisory Committees Covering the Calendar Year 1981; Availability of Publication

The above report, prepared in accordance with section 2 of Executive Order 12024 to fulfill the requirements of section 6(c) of the Federal Advisory Committee Act, as amended (Public Law 92–463, 5 U.S.C., App.), has been transmitted by the President to the Congress on April 19, 1982.

The report, a summary of the activities, status, and changes in the composition of Federal Advisory Committees, is available to Federal government sources by contacting the Committee Management Secretariat (NFC), Office of the Federal Register, National Archives and Records Service, Washington, DC 20408, telephone (202) 523–4983.

Purchase of the report by the general public is available through the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. The price is $6.00, the stock number is 040–000–00454–8, and the catalog number is Pr 40.10:981.

The Compilation of Agency Submissions incorporating detailed information on each advisory committee, and used to prepare the report, is available for public inspection at the Committee Management Secretariat, Room 9403, 1100 L Street, N.W., Washington, DC, and at the Library of Congress Serial Division, Room 133, Madison Building, First Street and Independence Avenue, S.E., Washington, DC, telephone (202) 287–5690.

Dated: June 23, 1982.

Edward Weldon,

Acting Archivist of the United States.

[FR Doc. 82-18147 Filed 7-2-82; 8:45 am]

BILLING CODE 6820-26-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Health Maintenance Organizations

Correction

In FR Doc. 82-16303 appearing on page 26239, in the issue for Thursday, June 17, 1982, make the following corrections:

On page 26240, first column, paragraph No. "3.", the twenty-sixth entry, "Farmingham" should be changed to read "Framingham".

(2) On page 26240, second column, line ten, the zip code for Lincoln, "02173" should be changed to "01773".

(3) In the same column, line fifteen, the zip code for Medfield, "02053" should be changed to "02052".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before June 25, 1982. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20243. Written comments should be submitted by July 21, 1982.

Carol D. Shull,

Acting Keeper of the National Register.

CALIFORNIA

Yolo County

Woodland, *Beamer, R. H. House,* 19 3rd St.

LOUISIANA

Avoyelles Parish

Hamburg, *Calliham Plantation House,* Old Hwy 1

Caddo Parish

Shreveport, *Dodd College President's Home,* 601 Ockley Dr.

Orleans Parish

New Orleans, *Bayou St. John,* Lake Ponchartrain to Lafitte St.

Rapides Parish

Boyce vicinity, *Blanchard House,* W. of Boyce on Bayou Jean de Jean

NEBRASKA

York County

Benedict vicinity, *Jeffery, W. S., Farmstead,* W. of Benedict

NEW JERSEY

Essex County

Glen Ridge, *Glen Ridge Historic District,* Roughly bounded by Essex and Bay Aves., Washington and Carteret Sts. and Glenfield Park

NEW YORK

Albany County

Albany, *Arnold, Benjamin Walworth, House and Carriage House,* 465 State St. and 307 Washington Ave.

New York County

New York, *East 73rd Street Historic District,* 161-179 and 166-182 East 73rd St.

Tompkins County

Ithaca, *St. James AME Zion Church,* 116-118 Cleveland Ave.

Westchester County

Ossining, *Highland Cottage (Squire House),* 36 S. Highland Ave.

OHIO

Hamilton County

Cincinnati, *Carew Tower (Starrett Netherland Plaza Hotel),* W. 5th St. and Fountain Sq.

Cincinnati, *Haddon Hall,* 3418 Readin Rd.

UTAH

Salt Lake County

Salt Lake City, *Capitol Hill Historic District,* Roughly bounded by Beck, Main and Wall Sts., 300 N. Victory Rd. and Capitol Blvd.

Sanpete County

Mt. Pleasant, *Nielson, N. S., House,* 179 W. Main

Utah County

Lehi, *Austin, Thomas, House,* 427 East 500 North

WYOMING

Fremont County

Dubois vicinity, *Brooks Lake Lodge,* Lower Brooks Lake—Shoshone National Forest.

[FR Doc. 82-18059 Filed 7-2-82; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Volume No. 9]

Motor Carrier; Intrastate Application(s)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate of foreign commerce within the limits of the intrastate authority sought, pursuant to section 10931 (formerly section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

Kansas Docket No. 127,854M Route 18195, filed May 17, 1982. Applicant: OIL SERVICES, INC., Box 672, Chanute, KS 66720. Representative: John E. Jandera, P.O. Box 1979, Topeka, KS 66601. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: Crude Oil, between points in KS on and east of U.S. Hwy 81. Intrastate, interstate and foreign commerce authority sought. Hearing: August 17, 1982, at Topeka, KS, State Office Building, 4th Floor. Request for procedural information should be addressed to the Kansas State Corporation Commission, 4th Fl., State Office Bldg., Topeka, KS 66612-1571, and should be directed to the Interstate Commerce Commission.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-18159 Filed 7-2-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Decision Notice; Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It Is Ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC–FC–79861. By decision of June 15, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to Big Bear Cartage, Inc. of Certificate of Registration No. MC–98917 (Sub-No. 1) issued September 21, 1970 to Berens Express, Inc. Authorizing the transportation of *Milk, electrical supplies, pottery and supplies, hardware, dry goods, dairy foods and commodities general,* (except commodities in bulk and those contaminating or injurious to other lading), within a fifty (50) mile radius of Antioch, IL and to transport such property to or from any point outside of such authorized area of operation for a shipper within such area. Representative: Irwin D. Rozner, Attorney At Law, 134 N. La Salle Street, Chicago, IL 60602.

MC–FC–79867. By decision of June 17, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to H-H-B MOVERS CORP. of Brooklyn, NY of Certificates No. MC–47511 issued to ROBERT J. ZUCKER DBA PARK-EAST MOVERS of New York, NY authorizing the transportation of *household goods*, between New York, NY on the one hand, and, on the other, points in NY, CT, MD, RI, PA, DE, MA, NJ and DC. Representative: Arthur J. Piken, Piken & Piken, 95–25 Queens Blvd., Rego Park, NY 11374.

Notes.—TA lease is not sought. Transferee is not a carrier.

MC–FC–79869. By decision of June 17, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer of MELBURN TRUCK LINES, A DIVISION OF FOBASCO LIMITED, of Toronto, Canada, of Certificate No. MC–133327 (Sub-No. 5), issued to MELBURN TRUCK LINES (TORONTO) CO. LTD., of Ontario, Canada, which authorizes the transportation, as a common carrier, in foreign commerce only, of *general commodities* (except classes A and B explosives), between the ports of entry on the International Boundary line between the U.S. and Canada, in MI and NY, on the one hand, and, on the other, points in the U.S. Representative: Daniel W. Krane, P.O. Box E, Shiremanstown, PA 17011.

Note.—Transferee is not a carrier.

MC–FC–79871. By decision of June 17, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to MODESITT TRUCKING CORPORATION, of Olney, IL, of Permit No. MC–139557 (Sub-No. 2), issued to R. S. BROWN TRUCKING, INC., also of Olney, IL, which authorizes the transportation of (1) *dairy products* as described in Section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, and (2) *buttermilk, flavored milk, cottage cheese, dips, ice cream mix, fruit juices, and sour cream,* from Olney, IL, to points in that part of IN on and west of U.S. Hwy 31, with restrictions, under continuing contract(s) with Prairie Farms Dairy, Inc., of Olney, IL. Representative: Robert T. Lawley, 300 Reisch Building, Springfield, IL 62701.

Note.—Transferee is not a carrier.

MC–FC–79872. By decision of June 18, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to R & B EXPRESS, INC., of Orlando, FL, of Certificate Nos. MC–105782 (Sub-Nos. 3, 8, 9, 14, 15, 16, 18, and 19), issued to HUGHES REFRIGERATED EXPRESS, INC., of Haines City, FL, which authorize the transportation, as summarized, of (1) *frozen foods* and *frozen foods with mixed loads of frozen and chilled vegetables and berries,* within specified points in AR, CO, CT, DE, FL, GA, IL, IN, KY, ME, MA, MD, MI, MO, NY, NJ, NC, OH, PA, RI, SC, TN, TX, VA, WI, and DC; (2) *meats,* within specified points in NE, AL, FL, GA, NC, SC, TN, and IA; (3) *tile,* from specified points in PA to points in GA and FL; and (4) *bananas,* from Tampa, FL, to points in AL, GA, IL, IN, IA, KS, KY, MA, MI, MN, MO, NJ, NY, NC, OH, PA, SC, TN, VA, WV and WI, and from Philadelphia, PA, to specified points in IL, MA, OH, and NY. Representative: James E. Wharton, 100 S. Orange Avenue, Suite 811, Metcalf Building, Orlando, FL 32801.

Note.—Transferee is not a carrier. This proceeding was previously docketed No. MC–F–14875.

MC–FC–79878. By decision of June 18, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to TRANSCOR, INC., of Philadelphia, PA, of Certificate No. MC–136733 and Permit No. MC–136733 (Sub-No. 2) issued to WEISS TRANSPORTATION CO., INC., which authorize the transportation, as a common carrier, of (1) *new furniture* (a) between points in Philadelphia County, PA, on the one hand, and, on the other, points in MD and DC, and Trenton, NJ, and points in that part of NJ south of NJ Hwy 33, (b) from Detroit, MI, to points in that part of the Lower Peninsula (of MI) on and south of MI Hwy 55, and points in 14 named counties in OH, and (c) from Philadelphia, PA, to points in 18 named counties in PA, with restriction; (2) *new furniture,* other than new furniture included within the description of household goods as defined by the Commission, between Philadelphia, PA, on the one hand, and, on the other, points in DE; and (3) *household and commercial appliances, radios, televisions, stereos and component parts thereof, phonographs, and tape recorders,* from Philadelphia, PA, to points in DE and points in that part of NJ south of NJ Hwy 33; and as a contract carrier, of *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 Associated Warehousing Corp., of Philadelphia, PA. Representative: Raymond A. Thistle, Jr.,

426 Cottman St., Five Cottman Court, Jenkintown, PA 19046.

Note.—Transferee is not a carrier.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-18160 Filed 7-2-82; 8:45 am]

BILLING CODE 7035-01-M

[OP2-136A]

Motor Carriers; Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349,* 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Decided: June 24, 1982.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier.

Agatha L. Mergenovich,

Secretary.

MC-F-14873, filed June 7, 1982. OTTO M. BUDIG SR., MARIAN K. BUDIG, OTTO M. BUDIG, JR., and GEORGE J. BUDIG (Applicants), all of 1100 Gest St., Cincinnati, OH, 45203—continuance in control—PARSEC, INC. (Parsec) (same address as applicants). Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212, 614-481-8821. Applicants, as individuals, seek authority to continue in control of Parsec, upon institution by Parsec of operations, in interstate or foreign commerce, as a contract carrier. Parsec presently holds no permanent authority. Applicants, non-carriers, own all of the stock of Budig Trucking Co., a motor common carrier, operating pursuant to certificates issued under MC-77016 and subs thereunder.

Note.—Simultaneously with this filing Parsec has filed a permanent contract carrier application, published in this same **Federal Register** issue.

[FR Doc. 82-18162 Filed 7-2-82; 8:45 am]

BILLING CODE 7035-01-M

[Volume 275]

Motor Carriers; Permanent Authority Decision; Restriction Removals; Decision-Notice

Decided: June 30, 1982.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Canadian Carrier Applicants

In the event an application to transport property, filed by a Canadian domiciled motor carrier, is unopposed, it will be reopened on the Commission's own motion for receipt of additional evidence and further consideration in light of the record developed in Ex Parte No. MC-157, *Investigation Into Canadian Law and Policy Regarding Applications of American Motor Carriers For Canadian Operating Authority.*

Findings

We find, preliminarily, that each applicant has demonstrated that it requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Shaffer, Ewing, and Williams.

Agatha L. Mergenovich,

Secretary.

MC 136738 (Sub-4)X, filed June 21, 1982. Applicant: DEAKAL CARTING CORP., 1 Winchester Dr., Lindenhurst, NY 11757. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528. Lead and Subs 1 and 3 permits: (1) Broaden the commodity description from "record jackets, and paper and paper products used in the manufacture of record jackets" to "pulp, paper, and related products, and printed matter" and (2) broaden the territorial description to between points in the United States under continuing contract(s) with named shippers.

MC 141514 (Sub-3)X, filed June 11, 1982. Applicant: BURGENER CONTRACT CARRIER, LTD., Route 2, Prairie River Ave., Merrill, WI 54452. Representative: Edward J. Gerrity, P.O. Box 914, Appleton, WI 54912. Lead and Sub-1 permits: (1) Broaden Petroleum lubricants, fuel additives, hydraulic fluids, and roof or driveway coatings and sealers, in containers, (lead and Sub 1) and cattle oilers, cattle oil and hog oil (Sub 1) to "petroleum, natural gas and their products", and (2) broaden to between points in the United States (except AK and HI), under continuing contract(s) with named shipper in both permits.

MC 149565 (Sub-4)X, filed June 22, 1982. Applicant: G. L. DUNPHY & SONS, INC., R.F.D. No. 1, Box 2350, North Anson, ME 04958. Representative: William P. Jackson, Jr., Post Office Box 1240, Arlington, VA 22210. Sub-1: Broaden (a) Arnold Hill, Black Brook, Clayburg, Clintonville, Harkness, Hawkeye, Lapham's Mills, Otis Junction, Peasleeville, Peru, Plattsburgh, Rogers, Salmon River Junction, Schuyler Falls, South Junction and Swastika, NY, to Clinton County, NY, and (b) Au Sable Forks, Keeseville, North Pole, Upper Jay and Wilmington, NY, to Essex County, NY.

MC 156821 (Sub-5)X, filed June 21, 1982. Applicant: PHOENIX TRUCKING COMPANY, 6751 Tallmadge Rd., Rootstown, OH 44272. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Sub 1: (1) Broaden iron and steel articles to "metal products"; (2) remove the facilities limitations; (3) change one-way to radial authority; and (4) replace cities with county-wide authority: Stueben, OH (Jefferson County, OH, Hancock and Brooke Counties, WV and Washington County, PA); Weirton, WV (Hancock and Brooke Counties, WV and Jefferson County, OH); Beaver Falls, PA (Beaver County); Alliance, OH (Stark County); Lackawanna, NY (Erie County); Buffalo, NY (Erie County, (A)(6)); Youngstown, OH (Mahoning County); and Warren, OH (Trumbull County).

[FR Doc. 82-18161 Filed 7-2-82; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OPY-2-136]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

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.

Decided: June 24, 1982.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier.

Agatha L. Mergenovich,

Secretary.

MC 158202, filed June 7, 1982. Applicant: PARSEC, INC., 1100 Gest St., Cincinnati, OH 45203. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212, 614-481-8821. 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 Kenner Products Company, Division of C.P.G. Products Corp., of Cincinnati, OH.

Note.—This application is directly related to MC-F-14873, published in this same **Federal Register** issue.

[FR Doc. 82-18163 Filed 7-2-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any

application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the asbsence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OP1–109

Decided: June 23, 1982.

MC 37640 (Sub-12), filed June 17, 1982. Applicant: TRANSPORTATION ENTERPRISES, INC., 1135 Gunter, Austin, TX 78702. Representative: Paul D. Angenend, P.O. Box 2207, 1806 Rio Grande, Austin, TX 78768, (512) 476–6391. Transporting (1) over regular routes, *passengers and their baggage, and express, newspapers, and mail, in the same vehicle with passengers,* (a) between Houston, TX and Freeport, TX, over TX Hwy 228; and (b) between Clute, TX, and Lake Jackson, TX, over TX Hwy 332, serving all intermediate points; and (2) over irregular routes, passengers and their baggage, in the same vehicle with passengers, in charter and special operations, beginning and ending at Houston, TX, and points in Harris, Ft. Bend, and Brazoria Counties, TX and extending to points in the U.S. (except AK and HI).

MC 96840 (Sub-2), filed June 11, 1982. Applicant: I. E. MILLER OF EUNICE, INC., P.O. Box 472, Eunice, LA 70535. Representative: C. W. Ferebee, 3910 FM 1960 W., Suite 106, Houston, TX 77068, (713) 537–8156. Transporting (1) *Mercer commodities;* and (2) *earth drilling machinery, and machinery, equipment, materials, supplies, and pipe incidental to, or used in, or in connection with:* (a) The transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removable of commodities into or from holes or wells, between points in LA, TX, MS, AR and OK.

MC 98291 (Sub-5), filed June 17, 1982. Applicant: KUNKLE TRANSFER & STORAGE CO., 420 South Third Ave., Phoenix, AZ 85003. Representative: Bettie M. Ringle (same address as applicant), (602) 254–5305. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AZ, CA, NV, and UT.

MC 126421 (Sub-14), filed June 14, 1982. Applicant: GYPSUM TRANSPORT, INC., East Hwy. 80 (P.O. Drawer 2679), Abilene, TX 79604. Representative: Jerry Prestridge, P.O. Box 1148, Austin, TX 78767, (512) 472–8800. Transporting (1) *lumber and wood products;* and (2) *building materials,* between points in AL, AR, LA and MS, on the one hand, and, on the other, points in TX.

MC 134820 (Sub-15), filed June 14, 1982. Applicant: R. S. ALBRIGHT, INC., 6610 Ellis Ave. South, P.O. Box 81025, Seattle, WA 98108. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101, (206) 624–2832. Transporting *paper and paper products* (1) between points in WI, on the one hand, on the other, points in TX and AR; and (2) between points in AR, on the one hand, on the other, points in WA, OR and CA.

MC 135231 (Sub-73), filed June 14, 1982. Applicant: NORTH STAR TRANSPORT, INC., Rt. 1, Highway 59 North, Thief River Falls, MN 56701. Representative: Robert P. Sack, P.O. Box 21–307, Eagan, MN 55121, (612) 452–8770. Transporting *metal products,* between points in DuPage County, IL, and Traverse County, MI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 139380 (Sub-13), filed June 18, 1982. Applicant: STIDHAM TRUCKING, INC., P.O. Box 308, Yreka, CA 96097. Representative: O. L. Stidham (same address as applicant), (916) 842–4161. 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 Wickes Wood Products, of Wilsonville, OR.

MC 144121 (Sub-14), filed June 7, 1982. Applicant: LARRY'S EXPRESS, INC., 720 Lake Street, Tomah, WI 54660. Representative: James A. Spiegel, Olde Town Office Park, 6333 Odana Road, Madison, WI 53719, (608) 273–1003. Transporting *chemicals and related products, and animal litter,* between points in Vernon County, WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 145811 (Sub-1), filed June 14, 1982. Applicant: SURFACE TRANSPORTATION CO., INC., Old Federal Shipyard, So. Kearney, NJ 07032. Representative: Ronald I. Shapes, 450 Seventh Ave., New York, NY 10123, (212) 239–4610. Transporting *general commodities* (except classes A and B explosives, commodities in bulk (and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Intermodal Warehouse Corp., of Kearney, NJ.

MC 145890 (Sub-4), filed June 14, 1982. Applicant: EUGENE W. BELL d.b.a.,

BELL TRUCKING, 1047 Shoemaker Ave., Shoemakersville, PA 19555. Representative: Milton W. Flack, 8484 Wilshire Blvd., #840, Beverly Hills, CA 90211, (213) 655–3573. Transporting *food and related products,* between points in CA, IL, MD, PA and TX, on the one hand, and, on the other, points in the U.S. except AK and HI).

MC 148791 (Sub-25), filed June 18, 1982. Applicant: TRANSPORT-WEST, INC., 2125 N. Redwood Rd., Salt Lake City, UT 84116. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110, (801) 531–1777. Transporting *pulp, paper and related products,* between points in the U.S., under continuing contract(s) with Crown Zellerbach Corporation, of Bogalusa, LA.

MC 149121 (Sub-4), filed June 14, 1982. Applicant: GROAT BROTHERS, INC., d.b.a. RIDGEFIELD WOOD WASTE CO., P.O. Box 111, Ridgefield, WA 98642. Representitive: Lloyd L. Groat (same address as applicant), (206) 887–4600. Transporting (1) *building materials;* (2) *heavy equipment;* and (3) *bulk commodities;* between points in CA, ID, MT, OR, WA and ports of entry on the International Boundary line between the U.S. and Canada, located at points in WA.

MC 151751 (Sub-4), filed June 11, 1982. Applicant: BRUNSON, INC., P.O. Box 489, Dodge City, KS 67801. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612, (913) 233–9629. Transporting *food and related products,* (1) between points in Dawson County, NE, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (2) between points in Taylor County, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 154861 (Sub-11), filed June 14, 1982. Applicant: CAROLINE MOTOR EXPRESS, INC., P.O. Box 550, Forest City, NC 28043. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue, NW., Washington, D.C. 20005, (202) 347–9332. Transporting *food and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Swift Independent Packing Company, of Chicago, IL.

MC 154861 (Sub-12), filed June 18, 1982. Applicant: CAROLINA MOTOR EXPRESS, INC., P.O. Box 550, Forest City, NC 28043. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Ave., NW., Washington, D.C. 20005, (202) 347–9332.Transporting *food and related products,* between points in the U.S. (except AK and HI).

MC 155061 (Sub-2), filed June 11, 1982. Applicant: MARYVILLE-ALCOA TRANSPORTATION SYSTEM, INC., P.O. Box 378, Alcoa, TN 37701 Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440, (216) 652–2789. Transporting *such commodities as are dealt in or used by retail tire and automotive parts stores,* between points in TN, on the one hand, and, on the other, those points in and east of MN, IA, MO, AR and TX.

MC 156890 (Sub-1), filed June 14, 1982. Applicant: B. L. REEVER TRANSPORT, P.O. Box 8122, 449 First St., Toledo, OH 43605. Representative: Barry Lee Reever, P.O. Box 8122, 920 Willow St., Toledo, OH 43605, (419)–691–8001. Transporting (1) *iron and steel articles;* (2) *metal products;* and (3) *building materials,* between points in Lucas County, OH, on the one hand, and, on the other, points in MI, IN, IL, PA, NY, TN, KY and OH.

MC 161170 (Sub-4), filed June 17, 1982. Applicant: TRAFCON SERVICES, INC., 2310 Orange Ave., N.E., Roanke, VA 24012. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181, (6) 235–5571. 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 Omni Products, Inc., of Warwick, RI.

MC 161540, served June 15, 1982. Applicant SHIPPERS TERMINAL CO., INC., 2500 83rd St., Bldg, 12, North Bergen NJ 07047. Representative: H. Neil Garson, 3251 Old Lee Highway, Fairfax, Va 22030, (703)–691–0900. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between New York, NY, and points in Nassau, Suffolk and Westchester Counties, NY, and Passaic, Bergen, Hudson, Essex, Morris, Union, Somerset, Hunterdon, Middlesex, Mercer, Monmouth, Ocean, Burlington, Camden and Gloucester Counties, NJ.

MC 162460, filed June 14, 1982. Applicant: B. J. EXPRESS, INC., P.O. Box 4601, Spencer, IA 51301. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, (515)–282–3525. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Land O'Lakes, Inc., Spencer Beef Division, of Arden Hills, MN.

MC 162500, filed June 15, 1982. Applicant: L.R.C. TRUCK LINE, INC., State Highway #9, Richburg, SC 29729. Representative: William H. Borghesani, Jr., 1150 17th St., N.W., Suite 1000, Washington, DC 20036. Transporting (1) *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 (a) Peyton's, Inc., of Louisville, KY; (b) Bell Pharmacal Corp., or Greenville, SC; (c) SuperX Drugs Corp., of Cincinnati, OH: (d) Springs Industries, Inc., of Fort Mill, SC; and (e) The Kroger Co., of Cincinnati, OH; and (2) *cheese and cheese products,* between points in the U.S. (except Ak and HI), under continuing contract(s) with Pace Dairy Foods Company, of Rochester, MN.

MC 162521, filed June 17, 1982. Applicant: R. W. REESE TRUCKING, INC., 49 Grant St., Tidioute, PA 16351. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222, (412) 471–3300. Transporting *petroleum and petroleum products,* between points in PA, on the one hand, and, on the other, points in DE, MD, NJ, NY, OH, VA and WV.

MC 162550, filed June 18, 1982. Applicant: C. C. MANGUM, INC., P.O. Box 5936, Raleigh, NC 27650. Representative: Archie W. Andrews, P.O. Box 1166, Eden, NC 27288, (919) 627–0555. Transporting *machinery,* betwee those n points in the U.S. in and east of WI, IA, MO, AR and LA.

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Decided: June 25, 1982.

MC 37490 (Sub-10), filed June 21, 1982. Applicant: DUNCAN TRUCK SERVICE, INC., 100 Park Ave., Flandreau, SD 57028. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102, (612) 227–7731. Transporting *metal products and machinery,* between points in Eaton County, MI, on the one hand, and, on the other, points in IL, IN, MI, MN, SD, and WI.

MC 37830 (Sub-14), filed June 21, 1982. Applicant: COHENNO, INC., 92 Evans Drive, Stoughton, MA 02072. Representative: John G. Feehan, 178 Middle St., Portland, MA 04112, (207) 774–1486. Transporting *lumber, building materials and supplies, and tools,* between points in ME, NH, VT, MA, RI, CT, NY, and NJ.

MC 115771 (Sub-18), filed June 21, 1982. Applicant: SEAWHEELS, INC., P.O. Box 810, Carlisle, PA 17013. Representative: William A. Chesnutt, Suite 960, 1333 New Hampshire Ave., N.W., Washington, DC 20036, (202) 659–5157. Transporting *general commodities* (except classes A and B explosives and household goods), between points in AZ, AR, CO, ID, IL, IN, IA, KS, KY, MI, MN, MO, MT, NE, NV, NM, ND, OH, SD, TN, UT, VT, WV, WI, and WY, on the one

hand, and, on the other, points in the U.S. (except AK and HI).

MC 121081 (Sub-10), filed June 18, 1982. Applicant: COLUMBUS MOTOR LINES, INC., P.O. Box 26741, Charlotte, NC 28213. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168, (703) 629–2818. Transporting (1) *metal products,* between points in Guilford County, NC, on the one hand, and, on the other, points in AR, LA, MO, OK, and TX; and (2) *rubber and plastic products,* between points in Mecklenburg County, NC, on the one hand, and, on the other, points in CO, KS, NE, OK, TX, and WY.

MC 134311 (Sub-1), filed June 18, 1982. Applicant: GERALDINE BENNETT AND RICHARD F. ROTH, d.b.a. BENNETT & ROTH TRUCKING, R.R. #1, Burlington, IA 52601. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244–2329. Transporting *furniture and fixtures, and baskets,* between Burlington, IA, on the one hand, and, on the other, points in the U.S. (except AK and HI)

MC 141361 (Sub-5), filed June 14, 1982. Applicant: LONSBERG TRUCKING AND MATERIALS, INC., 545 Broadway, Platteville, WI 53818. Representative: A. R. Hanson, 2105 Madison Street, Madison, WI 53711, (608) 251–7841. Transporting *chemicals,* between points in Dubuque County, IA, and Jo Daviess County, IL, on the one hand, and, on the other, points in Grant, Lafayette and Iowa Counties, WI.

MC 144991 (Sub-4), filed June 16, 1982. Applicant: KINGSWAY TRANSPORTS, INC., 1480 Military Road, Kenmore, NY 14217. Representative: John W. Bryant, 900 Guardian Building, Detroit, MI 48226, (313) 963–3750. Transporting over regular routes, *general commodities,* (except classes A and B explosives, household goods, and commodities in bulk), between Stroudsburg, PA, and Philadelphia, PA, from Stroudsburg over PA Hwy 33 to Junction U.S. Hwy 22, then over U.S. Hwy 22 to Junction PA Hwy 309, then over PA Hwy 309 and city streets to Philadelphia, and return over the same route.

MC 148141 (Sub-5), filed June 15, 1982. Applicant: GOODY PRODUCTS, INC., 969 Newark Turnpike, Kearny, NJ 07032. Representative: William Jacobs (same address as applicant), (201) 997–3000. Transporting *copper cathodes, bars and rods, and molybdenum,* between points in Gila and Pima Counties, AZ, on the one hand, and, on the other, points in AL, AR, CT, GA, LA, MS, NJ, and TX, under continuing contract(s) with Cities Service Co., of Miami, AZ.

MC 150301 (Sub-21), filed June 18, 1982. Applicant: EQUITY TRANSPORTATION COMPANY, INC., 9744 E. Fulton Rd., Ada, MI 49301. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, (616) 459–6121. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the U.S., under continuing contract(s) with Mark Charcoal Co., of Chicago, IL; Fearn International, of Franklin Park, IL; Vydel Corporation of America, of Highland Park, IL; and Foulds, Inc., of Libertyville, IL.

MC 151270 (Sub-2), filed June 17, 1982. Applicant: BATESVILLE CASKET COMPANY, Highway 46, Batesville, IN 47006. Representative: John P. Fonte, 1333 New Hampshire Avenue, NW., Suite 400, Washington, DC 20036, (202) 887–4090. Transporting *rubber and plastic products,* between points in the U.S., under continuing contract(s) with General Foam Corp., of Paramus, NJ.

MC 151751 (Sub-3), filed June 10, 1982. Applicant: BRUNSON, INC., P.O. Box 489, Dodge City, KS 67801. Representative: Clyde N. Christey, Ks. Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612, (913) 233–9629. Transporting *stone and stone products,* (1) between points in Polk County, AR and Knox County, IN, on the one hand, and, on the other, points in VT, TX, OK, GA, ND, SD, and LA, and (2) between points in Polk County, AR, Knox County, TN, and Bonneville County, ID, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 158081, filed June 18, 1982. Applicant: J. R. SOPKO, INC., Box 388, Cooks Cross Road, Pittstown, NJ 08867. Representative: John R. Sopko, RD #1, Box 388, Pittstown, NJ 08867, (201) 735–7882. Transporting *petroleum products and petroleum by-products, and hazardous waste,* between points in the U.S., under continuing contract(s) with Brookhaven National Laboratory, of Upton, Long Island, NY.

NC 159221 (Sub-2), filed June 14, 1982. Applicant: S.K.T., 623 N.E. 10th St., Minot, ND 58701. Representative: Jack L. Schiller, 123–60 83rd Ave., Kew Gardens, NY 11415, (212) 263–2078. Transporting *general commodities* (except classes A and B explosives, commodities in bulk and household goods), between points in ND, on the one hand, and, on the other, points in AL, AR, AZ, CA, CO, FL, GA, IA, ID, IL, IN, KS, KY, LA, MA, MD, ME, MI, MN, MO, MS, MT, NC, ND, NE, NJ, NM, NV, NY, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, WA, WI, WY, and DC.

MC 159880, filed June 18, 1982. Applicant: FREIGHT HAULERS INTERNATIONAL, INC., 7335 N. W. 79th Terr., Miami, FL 33166. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 N.W. 53rd St., Miami, FL 33166, (305) 592–0036. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in FL.

MC 160890, filed June 14, 1982. Applicant: STEVEN C. MEIMANN, d.b.a. MEIMANN SEED CO., R.R. #2, Zearing, IA 50278. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309, (515) 244–2329. Transporting *liquors and wines,* between Jacksonville, FL, Owensboro, KY, and Cincinnati, OH, on the one hand, and, on the other, points in Nicollett County, MN.

MC 161930, filed June 21, 1982. Applicant: FLEENOR BROS., LTD., 328 Panorama Crescent, Courtenay, British Columbia Canada V9N 6V2. Representative: George LaBissoniere, 15 S. Grady Way, Suite 239, Renton, WA 98055, (206) 228–3807. Transporting (1) *shakes and shingles,* between ports of entry on the international boundary line between the U.S. and Canada in WA, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with Watkins Sawmills Ltd., of Mission, British Columbia, Canada, and (2) *classes A and B explosives,* between points in Jasper County, MO, Natrona County, WY, and Cherokee County, KS, on the one hand, and, on the other, ports of entry on the international boundary line between the U.S. and Canada in WA, under continuing contract(s) with Canadian Explosives Ltd., of Comox, British Columbia, Canada. Condition: To the extent this certificate authorizes the transportation of classes A and B explosives, it shall expire 5 years from date of issuance.

MC 161950 (Sub-1), filed June 21, 1982. Applicant: SDS TRANSPORT CO., INC., 381 Quincy Ave., Quincy, MA 02169. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108, (617) 742–3530. Transporting *rubber and plastic products and machinery,* between points in the U.S. (except AK and HI).

MC 162450, filed June 11, 1982. Applicant: SENS TRANSPORT LTD., 625 McDonald Street, Regina, Saskatchewan S4I 4X1. Representative: Charles E. Johnson, PO Box 2056, Bismarck, ND 58502, (701) 223–5300. Transporting (1) *fertilizer,* between the ports of entry on the international

boundary line between the U.S. and Canada in MT, ND, and MN, on the one hand, and, on the other, points in MT, ND, SD, and MN; (2) *farm machinery, and parts and attachments for farm machinery,* between ports of entry on the international boundary line between the U.S. and Canada in ND, MT, and MN, on the one hand, and, on the other, points in ND, SD, MN, IA, IL, WI, and MT; (3) *agricultural chemicals,* between ports of entry on the international boundary line between the U.S. and Canada in MT, on the one hand, and, on the other, points in MT; (4) *mustard seed,* between ports of entry on the international boundary line between the U.S. and Canada in ND, and MT, on the one hand, and, on the other, points in ND, SD, MN, WI, KS, OK, TX, IL, IN, IA, MO, WY, and CO; (5) *recyclable materials, hides, metal products and building materials,* between ports of entry on the international boundary line between the U.S. and Canada in WA, ID, MT, ND, and MN, on the one hand, and, on the other, points in MT, WY, ID, ND, SD, UT, NE, and CO; (6) *tanks and new trailers,* between ports of entry on the international boundary line between the U.S. and Canada in ND, on the one hand, and, on the other, points in ND; and (7) *feed and feed ingredients,* between ports of entry on the international boundary line between the U.S. and Canada in ND and MT, on the one hand, and, on the other, points in ND, SD, MN, and IA.

MC 162591, filed June 21, 1982. Applicant: McKILLICAN COACH, LTD., 1521 Crestlawn Dr., Burnaby, British Columbia, Canada V5B 3J9, Representative: Kenneth R. Mitchell, 2320A Milwaukee Way, Tacoma, WA 98421, (206) 383–3998. Transporting *passengers and their baggage,* in the same vehicle with passengers, between points in the U.S. (except AK and HI), under continuing contract(s) with McKillican Coach Tours of North Burnaby, British Columbia, Canada and Maple Leaf Travel Ltd., of Vancouver, British Columbia, Canada.

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Decided: June 25, 1982.

MC 2202 (Sub-683), filed June 21, 1982. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, OH 44309. Representative: William O. Turney, 7101 Wisconsin Ave., Suite 1010, Washington, DC 20014, 301–986–1410. Transporting *general commodities* (except household goods classes A and B explosives, and commodities in bulk), between points in the U.S., (except AK and HI), under continuing contract(s) with Uniroyal, Inc., World Headquarters, of Middlebury, CT.

MC 12462 (Sub-2), filed June 21, 1982. Applicant: TRAVEL TOURS, INC., 100 Hatteras Bldg., 5624 Executive Center Dr., P.O. Box 25403, Charlotte, NC 28212. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K Street NW., Washington, DC 20005, 202–783–7900. As a broker, in arranging for the transportation, by motor vehicle of *passengers and their baggage,* in the same vehicle with passengers, in charter and special operations, between points in the U.S. (including AK and HI).

MC 107012 (Sub-774), filed June 18, 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, commodities in bulk, and household goods), between points in the U.S., under continuing contract(s) with The May Department Stores Co., of St. Louis, MO.

MC 107012 (Sub-775), filed June 18, 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, commodities in bulk, and household goods), between points in the U.S., under continuing contract(s) with Whirlpool Corporation, of Benton Harbor, MI.

MC 112223 (Sub-137), filed June 18, 1982. Applicant: QUICKIE TRANSPORT COMPANY, 1700 New Brighton Blvd., Minneapolis, MN 55413. Representative: Earl Hacking (same address as applicant), 612–781–6653. Transporting *commodities in bulk,* between points in AR, CO, IA, IL, IN, KS, LA, MI, MN, MO, MT, NE, ND, OK, OH, SD, TX, WI, and WY.

MC 124813 (Sub-242), filed June 18, 1982. Applicant: UMTHUN TRUCKING CO., 910 South Jackson St., Eagle Grove, IA 50533. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, 515–282–3525. Transporting *lumber and wood products, and building materials,* between points in the U.S. (except AK and HI), under continuing contract(s) with (a) Key Wholesale Building Products, Inc., of Mason City, IA, and (b) Muhl Lumber Company, of Fort Dodge, IA.

MC 134112 (Sub-10), filed June 21, 1982. Applicant: NATIONAL FREIGHTWAYS, INC., 1923 S. 111th St., Omaha, NE 68144. Representative: Gerard Spittler (same address as applicant), 712–347–6300. Transporting *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 ND, SD, NE, CO, OK, and TX.

MC 134453 (Sub-31), filed June 21, 1982. Applicant: STERNLITE TRANSPORTATION COMPANY, Winsted, MN 55359. Representative: Robert P. Sack, P.O. Box 21–307, Eagan, MN 55121, 612–452–8770. Transporting *metal products, glass, clay or stone products, wood products, and plastic products,* between points in Tarrant County, TX, Hanover County, VA, Jefferson County, AL, Cook County, IL, Los Angeles County, CA, King County, WA, Jackson County, MO, and Cuyahoga and Franklin Counties, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 143702 (Sub-23), filed June 16, 1982. Applicant: ALL FREIGHT SYSTEMS, INC., 1026 South 10th St., Kansas City, KS 66105. Representative: Donald J. Quinn, Commerce Bank Bldg., 8901 State Line, Suite 232, Kansas City, MO 64114, 816–444–7474. 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 Associated Wholesale Grocers, Inc., of Kansas City, KS.

MC 148833 (Sub-9), filed June 18, 1982. Applicant: REBEL EXPRESS, INC., Box 98, Dawson, IA 50066. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309, 515–245–4300. Transporting *food and related products,* between points in the U.S. (except AK and HI).

MC 152622 (Sub-3), filed June 18, 1982. Applicant: DARYL THOMASON TRUCKING, INC., P.O. Box 1087, Broken Bow, OK 74728. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103, 817–332–4718. Transporting *forest products, lumber and wood products, gypsum products, and pulp, paper, and related products,* between points in the U.S., (except AK and HI), under continuing contract(s) with Weyerhaeuser Company, of Hot Springs, AR.

MC 153773 (Sub-2), filed June 17, 1982. Applicant: NDC TRUCKING CO., P.O. Box 7364, Longview, TX 75061. Representative: William Sheridan, P.O. Drawer, Irving, TX 75062, (214) 255–6279. Transporting (1) *pulp, paper, and related products, and printed matter,* between points in Lehigh and Montgomery

Counties, PA, and Gregg County, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI), (2) *such commodities* as are dealt in by manufacturers or distributors of fabricated metal products, between Dallas, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (3) *such commodities* as are dealt in by manufacturers or distributors of furniture or fixtures, between points in Dallas and Gregg Counties, TX, Madison County, IN, Gordon County, GA, Montgomery County, PA, Riverside, Mendocino, and Solano Counties, CA, and Worcester County, MA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 159053 (Sub-1), filed June 17, 1982. Applicant: KORTH TRANSFER, INC., P.O. Box 247, Reedsburg, WI 53959. Representative: Donald B. Levine, 29 South LaSalle St., Chicago, IL 60603, 312–236–9375. Transporting *chemicals and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Sicalco, Ltd., of Oak Brook, IL.

MC 161953, filed May 10, 1982. Applicant: SINDICATO DE TRABAJADORES DE TRANSPORTES, Lopez de Lara 3205, Nuevo Laredo, Tamoulipas, Mexico. Representative: Eduardo Pena, Jr., Solar Bldg., 1000 16th St., NW., Suite L150, Washington, DC 20036, 202–347–0906. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between ports of entry on the international boundary line between the U.S. and the Republic of Mexico, on the one hand, and, on the other, Laredo, TX.

MC 162313, filed June 2, 1982. Applicant: ROBERT L. AND DIANA R. LAWSON, d.b.a. FLATLAND TOURS, P.O. Box 4, Harbeson, DE 19951. Representative: Dean N. Wolfe, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877, (301) 840–8565. As a *broker,* at Gaithersburg, MD, in arranging for the transportation, by motor vehicle, of *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, beginning and ending at points in DE, MD, NJ, PA and VA, and extending to points in the U.S. (including AK and HI)

MC 162543, filed June 18, 1982. Applicant: STANDARD DISTRIBUTING COMPANY OF FREMONT, INC., 601 East Dodge St., Fremont, NE 68025. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106, (402) 392–1220. Transporting *food and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Signature Foods, Inc., of Omaha, NE.

MC 162552, filed June 18, 1982. Applicant: RONMAT LEASING, INC., 126 Crosswinds Ct., Murrysville, PA 15668. Representative: Arthur J. Diskin, 402 Law & Finance Bldg., Pittsburgh, PA 15219, 412–281–9494. Transporting *glass, glassware, and insulation,* between points in the U.S. (including AK but excluding HI), under continuing contract(s) with Pittsburgh Corning Corporation, of Pittsburgh, PA.

MC 162562, filed June 21, 1982. Applicant: OIL FIELD TRUCKING SERVICE COMPANY, P.O. Box 3261, Lufkin, TX 75901. Representative: M. D. Richey, 7601 Mapleleaf Dr., Fort Worth, TX 76180. Transporting *general commodities* (except commodities in bulk, household goods and commodities in bulk) between points in the U.S. (including AK but excluding HI) under continuing contract(s) with (a) Lufkin Industries, Inc., of Lufkin, TX and (b) Western Barite Corporation, of Yukon, OK.

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Decided: June 28, 1982.

MC 152813 (Sub-3), filed June 22, 1982. Applicant: FRESH EXPRESS, INC., 55 Produce Row, St. Louis, MO 63102. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501, 402–475–6761. Transporting *metal products and lumber and wood products,* between points in the U.S. (except AK and HI).

MC 152813 (Sub-4), filed June 21, 1982. Applicant: FRESH EXPRESS, INC., 55 Produce Row, St. Louis, MO 63102. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501, 402–475–6761. Transporting *lumber and wood products and metal products,* between points in Morgan County, IL, on the one hand, and, on the other points in the U.S. (except AK and HI).

MC 160852, filed June 21, 1982. Applicant: FISHER FREIGHT SERVICES, INC., P.O. Box 47062, Dallas, TX 75247. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062, 214–255–6279. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of sound, communications, educational, and entertainment materials, between points in the U.S. (except AK and HI).

MC 162582, filed June 21, 1982. Applicant: WARE COACH, INC., P.O. Box 56, Manor, GA 31550. Representative: Earl Daniel Smith, Jr., P.O. Box 475, Nahunta, GA 31553, 912–462–6383. Transporting *passengers and their baggage,* in the same vehicle with passengers, in charter operation, beginning and ending at points in Ware County, GA, and extending to points in the U.S.

MC 162593, filed June 21, 1982. Applicant: F & E TRUCKING CORPORATION, 1036 Longshadow Court, El Cajon, CA 92020. Representative: Edward T. Denny, Jr., (same address as applicant), 714–442–5586. 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 (a) F & E Sales, of Cajon, CA, and Cascade West Materials, Inc., of Lake Oswego, OR.

Volume No. OP2–143

Decided: June 29, 1982.

MC 102343 (Sub-14), June 21, 1982. Applicant: JOHN KAUSER TRUCKING SERVICE, INC., 850 W. Harrison St., Paulding, OH 45879. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *fertilizer and fertilizer ingredients,* between points in IN, MI and OH.

MC 127042 (Sub-312), filed June 21, 1982. Applicant: HAGEN, INC., P.O. Box 3208, Sioux City, IA 51102. Representative: Fred E. Hagen (same as applicant), (712) 255–8986. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AZ, CA, CO, ID, IL, IN, IA, KS, KY, MI, MN, MO, MT, NE, NV, NM, ND, OH, OK, OR, SD, TN, TX, UT, WA, WI and WY.

MC 147142 (Sub-2), filed June 23, 1982. Applicant: MERIC TRUCKING & LEASING, INC., 300 Winston Drive, Cliffside Park, NJ 07010. Representative: Kenneth M. Piken, Queens Office Tower, 95–25 Queens Blvd., Rego Park, NY 11374, (212) 275–1000. Transporting *rubber and miscellaneous plastic products and containers,* between points in the U.S., under a continuing contract(s) with Mercury Foam Corp., of Hackensack, NJ, and Liqui-Box Corp., of Auburn, MA.

MC 148873 (Sub-7), filed June 24, 1982. Applicant: ROAD–CON SYSTEMS, INC., 2500 83rd St., North Bergen, NJ 07047. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, 201–234–0301. 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 Cyro Industries, of Woodcliff Lake, NJ.

MC 152033 (Sub-5), filed June 21, 1982. Applicant: WILLIAM J. TIGHE TRUCKING COMPANY, INC., 1513 Palisade Ave., Union City, NJ 07087. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 234–0301. 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 153993 (Sub-5), filed June 23, 1982. Applicant: TKN, INC., 1242 Shawmut Ave., New Bedford, MA 02746. Representative: Terrence M. Murphy (same address as applicant), (1–617) 996–3755. Transporting *oil well and water well steel pipe supplies and raw materials used in the manufacture of oil well and water well steel pipe and machinery and equipment,* between points in the U.S., under continuing contract(s) with CSK, Industries, of Midland, TX.

MC 162023 (Sub-1), filed June 24, 1982. Applicant: FREDERICK TRANSPORT (U.S.), INC., 4000 49th Ave., Moline, IL 61265. Representative: Jeremy Kahn, Suite 733, Investment Bldg., 1511 K St., NW., Washington, DC 20005, 202–783–3525. Transporting *printed matter,* between points in IL and IA, on the one hand, and, on the other, points in the U.S. (except AK and HI). Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(a) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority, please submit a copy of the affidavit or proof of filing the application(s) for common control to team 2, Room 2379.

MC 162373, filed June 21, 1982. Applicant: CANADA DRY/GRAF'S TRANSPORT CORPORATION, 4040 West Greenfield Avenue, Milwaukee, WI 53215. Representative: Richard D. Armstrong, 925 Hyland Drive, Stoughton, WI 53589, (608) 873–8929. Transporting *liquors, wine, brandy and brandy spirits, and soft drinks,* and *such commodities* as are used in the production, manufacture and distribution of such commodities, between points in WI, on the one hand, and, on the other, points in CT, CO, IA, IN, IL, KY, MD, MI, MN, MO, NJ, NY, OH, PA, TN, VA and WV.

[FR Doc. 82-18164 Filed 7-2-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested only on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OP1–110

Decided: June 23, 1982.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier.

MC 162451, filed June 11, 1982. Applicant: OSAGE AIR FREIGHT, P.O. Box 60133 AMF, Houston, TX 77205. Representative: John L. Piercy (same address as applicant), (713)–449–9118. 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.

MC 162471, filed June 11, 1982. Applicant: ROBERT LOYAL GRAVES, d.b.a. CONSOLIDATED BROKER'S COMPANY, 22 Mill Race Drive, St. Peters, MO 63376. Representative: Dennis Michael Doyle, 4475 West Pine, #706, St. Louis, MO 63108, (314)–533–2916. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 162480, filed June 14, 1982. Applicant: THOMAS E. PREWITT and EDWARD M. PREWITT, d.b.a. T & E PREWITT TRUCKING, 142 Pearl St., Schofield, WI 54476. Representative: Michael S. Varda, P.O. Box 2509, Madison, WI 53701, (608)–255–8891. Transporting *food and other edible products and by-products 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).

Volume No. OP1–112

Decided: June 25, 1982.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier.

MC 82841 (Sub-327), filed June 14, 1982. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, NE 68127. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Road, Omaha, NE 68106, (402) 392–1220. 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 126791 (Sub-7), filed June 15, 1982. Applicant: SUTTER MOVING & STORAGE CO., INC., 4503 Railroad Avenue, Sacramento, CA 95826. Representative: Floyd L. Farano, 2555 E. Chapman Avenue, Suite 415, Fullerton, CA 92631, (714) 773–411. Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in CA, OR, WA, NV and AZ.

MC 139380 (Sub-12), filed June 18, 1982. Applicant: STIDHAM TRUCKING, INC., P.O. Box 308, Yreka, CA 96097. Representative: O. L. Stidham (same address as applicant), (916) 842–4161. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except except AK and HI).

MC 153071 (Sub–1), filed June 18, 1982. Applicant: LENAWEE COUNTY RAILROAD COMPANY, INC., 708 E. Michigan St., Adrian, MI 49221. Representative: John D. Heffner, 1776 K St., N.W., Suite 700, Wahington, DC 20006, (202) 296–0600. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between Detroit, MI, Toledo, OH and points in Williams County, OH, on the one hand, and, on the other, points in Lenawee, Monroe and Washtenaw Counties, MI.

MC 162501, filed June 16, 1982. Applicant: JIMMY R. MOORE, dba JIMMY MOORE TRUCKING, 14710 Lakewood Blvd. Sp. 1, Bellflower, CA 90706. Representative: Jimmy Moore (same address as applicant), (213) 531–0618. Transporting (1) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle; and (2) transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 162520, filed June 17, 1982. Applicant: HAROLD D. CHASE, 121 North Grove Street, Berlin, WI 54923. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, P.O. Box 5086, Madison, WI 53705–0086, (608) 238–3119. Transporting *food and other edible poroducts and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 162540, filed June 18, 1982. Applicant: OSCAR BOYER, d.b.a. BOYER TRUCKING CO., 32569 S.E. New Rd., Eagle Creek, OR 97022. Representative: Oscar Boyer (same address as applicant), (503) 637–3660. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 162541, filed June 18, 1982. Applicant: HOWARD-STERLING, INC., 695 Honeysuckle Lane, N.W., Gainesville, GA 30501. Representative: C. P. Howard (same address as applicant), (404) 534–5042. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 162561, filed June 21, 1982. Applicant: DOUBLE H. ENTERPRISES, INC., Route 20, Palmer, MA 01069. Representative: David M. Marshall, 101 State St., Suite 304, Springfield, MA 01103, (413) 732–1136. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

Volume No. OP2–138

Decided: June 25, 1982.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier.

MC 162363, filed June 7, 1982. Applicant: TRANSPORTATION & CONSOLIDATION SERVICES, INC., 100 Sonwil Drive, Buffalo, NY 14225. Representative: Robert D. Gunderman, Can-Am Bldg., 101 Niagara St., Buffalo, NY 14202, 716–854–5870. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 162493, filed June 15, 1982. Applicant: ROBERT R. TORRA (CHB) INC., 9475 N.W. 13th St., Miami, FL 33172. Representative: Robert R. Torra (same as applicant), (305) 592–3046. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 162522, filed June 17, 1982. Applicant: ROBERT LIPIN, 21500 Trolley Industrial Dr., Taylor, MI 48180. Representative: John F. Wickes, Jr., 1301 Merchants Plaza, Indianapolis, IN 46204, 317–638–1301. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 162542, filed June 18, 1982. Applicant: ESPELAND TRUCKING, INC., 442 Cleveland Ave., Winnebago, MN 56098. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108, 701–237–4223. Transporting *food and other edible products and by-products intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 162553, filed June 18, 1982. Applicant: LARRY D. HAYES, 305 N. 2nd, Edina, MO 63537. Representative: Larry D. Hayes (same address as applicant), 816–397–2580. 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. OP2–141

Decided: June 28, 1982

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier.

MC 112422 (Sub-12), filed June 21, 1982. Applicant: SAM VAN GALDER, INC., 715 South Pearl St., Janesville, WI 53545. Representative: Richard A. Westley, 4506 Regent St., Suite 100, P.O. Box 5086, Madision WI 53705–0086, 608–238–3119. Transporting, (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI); 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 162592, filed June 21, 1982. Applicant: PROGRESSIVE

TRANSPORT, INC., 922 N. Industrial Blvd., Dallas, TX 75207. Representative: Sam Hallman, 4555 1st National Bank Bldg., Dallas, TX 75202, 214–741–6263. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (including AK, but excluding HI).

MC 162603, filed June 21, 1982. Applicant: GERALD F. WHITEHURST, d.b.a. WHITEHURST FREIGHT, 1701 Ce Ora Circle, Garland TX 75042. Representative: James O. Houchins, 312 Congress Ave., Suite 210, P.O. Box 6366, Austin, TX 78701, 512–479–0777. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 162633, filed June 21, 1982. Applicant: SALEM TRUCKING, 250 North Second St., Box 276, Butterfield, MN 56120. Representative: Joseph Salem (same address as applicant), 507–956–2321. 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. OP2–142

Decided: June 29, 1982.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier.

MC 148812 (Sub-3), filed June 21, 1982. Applicant: GEORGE ROMINGER, d.b.a. GEORGE ROMINGER TRUCKING, 206 Lincoln (PO Box 822), Ellensburg, WA 98926. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055–3273, (206) 235–1111. Transporting *food and edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs) *agricultural limestone and fertilizers, and other soil conditioners* by owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 162312, filed June 1, 1982. Applicant: FRANK E. LONGTINE, d.b.a. LONGTINE TRUCKING, Route 2, Lake Park, MN 56554. Representative: Frank E. Longtine (same as applicant), (218) 532–2770. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S., (except AK and HI).

MC 162333, filed June 3, 1982. Applicant: EXECUTIVE SERVICES OF GREENWICH, INC., Putnam Green 23G, Greenwich, CT 06830. Representative: Bruce J. Robbins, 18 East 48th St., New York, NY 10017, 212–755–9400. 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).

Volume No. OP3–101

Decided: June 29, 1982.

By the Commission, Review Board, Number 2, Members Carleton, Fisher, and Williams.

MC 138174 (Sub-6), filed June 22, 1982. Applicant: JET DELIVERY SYSTEMS, INC., 6903 NE. 79th Ct., P.O. Box 20245, Portland, OR 97220. Representative: Leland O. Johnson (same address as applicant), (503) 256–3621. 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.

MC 160995 (Sub-1), filed June 24, 1982. Applicant: CLARK KENT EXPRESS, INC., 1161 Paterson Plank Rd., Secaucus, NJ 07094. Representative: Michael R. Werner, 241 Cedar Lane, Teaneck, NJ 07666, (201) 836–1144. As a *broker of general commodities,* (except household goods), between points in the U.S.

MC 162505, filed June 16, 1982. Applicant: CLIPPERSHIP LTD., 402 So. Boston St., Galion, OH 44823. Representative: Robert Smith (same address as applicant), (419) 468–9579. As a broker of *general commodities* (except household goods), between points in the U.S.

MC 162595, filed June 21, 1982. Applicant: FREIGHT LINE, INC., 3000 East Grauwyler Road, 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. (except HI).

MC 162614, filed June 22, 1982. Applicant: KENDALL TRUCKING AND GRADING, INC., Route 2, Box 18E, Wasesboro, NC 28170. Representative: Barry Weintraub, Suite 510, 8133 Leesburg Pike, Vienna, VA 22180, (703) 442–8330. (A) As a *broker* of *general commodities* (except household goods), between points in the U.S.; and (B) Transporting, for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

Volume No. OP4–240

Decided: June 28, 1982.

By the Commission, Review Board Number 2, Members Carleton, Fisher, and Williams. Member Williams not participating.

MC 97257 (Sub-5), filed June 21, 1982. Applicant: MIDLAND TRANSPORT, INC., 56 E. 25th St., Chicago Heights, IL 60411. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602, (312) 755–3230. Transporting *general commodities* (except classes A and B explosives, and household goods), between Hallville, Beason, and Burtonview, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI). Condition: Issuance of a certificate in this proceeding is conditioned upon applicant certifying to the Commission, prior to commencing operations, that all rail service has actually terminated at specified points. The certification should be sent to the Deputy Director, Section of Operating Rights, Interstate Commerce Commission, Washington, D.C. 20423.

MC 162477, filed June 14, 1982. Applicant: CAMBRIDGE DISTRIBUTION, INC., 355 Carob, Compton, CA 90220. Representative: Milton W. Flack, 8484 Wilshire Blvd., #840, Beverly Hills, CA 90211, (213) 655–3573. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–18298 Filed 7–2–82; 8:45 am]

BILLING CODE 7035–01–M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register.** One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon

which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no signficant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–182

The following applications were filed in region I: Send Protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 134806 (Sub-1–33TA), filed June 25, 1982. Applicant: B–D–R TRANSPORT, INC., Vernon Drive, P.O. Box 1277, Brattleboro, VT 05301. Representative: Edward T. Love, 4401 East-West Highway, Suite 404, Bethesda, MD 20814. *Contract carrier:* irregular routes: *Steel bolts and screws* from Billerica, MA to San Francisco, CA, Denver, CO, and Salt Lake City, UT, under continuing contract(s) with Precision Socket Screw, Inc., Billerica, MA. Supporting shipper: Precision Socket Screw, Inc., 13 Linnell Circle, Billerica, MA 01821.

MC 161678 (Sub-1–2TA), filed June 22, 1982. Applicant: CAPE TRANSIT CORP., 5501 Ocean Avenue, Wildwood Crest, NJ 08160. Representative: Andrew J. Carraway, Suite 1301, 1600 Wilson Boulevard, Arlington, VA 22209. *Passengers and their baggage, in charter and special operations,* between points in Sussex County, DE, and Worcester County, MD, to Atlantic City, NJ, and return. Supporting shipper: Harah's Marina Hotel Casino, 1725 Brigantine Blvd., Atlantic City, NJ 08401.

MC 119192 (Sub-1–2TA), filed June 24, 1982. Applicant: EASTERN DELIVERY SERVICE, INC., 80 Central Avenue, Bridgeport, CT 06607. Representative: Gerald A. Joseloff, 410 Asylum Street, Hartford, CT 06103. *Contract carrier:* Irregular routes: *Such merchandise as is dealt in or used by retail department stores* between Ridgefield, NJ, on the one hand, and, on the other, points in CT and NY under continuing contract(s) with J. C. Penny Company, Inc. of Langhorn, Pa. Supporting shipper: J. C. Penny Co., Inc., 905 Wheeler Way, Buck County Business Park, Langhorn, PA 19047.

MC 126965 (Sub-1–2TA), filed June 23, 1982. Applicant: CLIFFORD B. FINKLE, JR., 800 Bloomfield Avenue, P.O. Box 682, Allwood Sta., Clifton, NJ 07012. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract carrier:* Irregular routes: *Paper and paper products and materials, equipment and supplies used in the manufacturing, packaging and sales thereof, (except in bulk)* between Luke and Biggs, MD, and Meriden, CT. on the one hand, and, on the other, points in GA, MA, MS, MI, NJ, NY, NC, OH, PA, SC, VA and WI, under continuing contract(s) with Westvaco Corp., New York, NY. Supporting shipper: Westvaco Corp., 299 Park Avenue, New York, NY 10171.

MC 162545 (Sub-1–1TA), filed June 18, 1982. Applicant: FRANCRETE CORPORATION, One Van Street, P.O. Box 137, Staten Island, NY 10310. Representative: Edward F. Bowes, 7 Becker Farm Road, P.O. Box Y, Roseland, NJ 07068. *Contract carrier:* Irregular routes: *Sugar* from Yonkers and Briarcliff Manor, NY to points and places in CT, DE, MA, MD, NJ, NY, PA, RI and VT under continuing contract(s) with Refined Sugars, Inc., Yonkers, NY. Supporting shipper: Refined Sugars, Inc., Yonkers, NY.

MC 139069 (Sub-1–1TA), filed June 14, 1982. Applicant: GIROUX'S EXPRESS, INC., 10 Rex Drive, Braintree, MA 02184. Representative: John F. O'Donnell, Barrett and O'Donnell, 60 Adams Street, P.O. Box 238, Milton, MA 02187. *General commodities (except hazardous waste, Classes A & B explosives, household goods, and commodities in bulk),* between points in CT, MA, ME, NH, RI, and VT. Supporting shipper(s): There are seven statements in support of this application which may be examined at the I.C.C. Regional Office in Boston, MA.

MC 30144 (Sub-1–1TA), filed June 23, 1982. Applicant: GEORGE W. JEWETT & SON, INC., Route 5, Cornish, ME 04020. Representative: David R. Hastings II, Hastings & Son, P.A., 8 Portland Street, Fryburg, ME 04037. *Contract carrier:* Irregular routes: *(1) Petroleum products, both in bulk, and packaged,* from Bayonne, NJ to points in CO, RI, MA, NH, VT and ME, under continuing contract(s) with M. W. Sewall and Co. of Bath, ME and Bill's Oil Service, of Waterville, ME; *(2) Frozen ice cream, in packages,* from Framingham, MA to Conway, NH, under continuing contract(s) with Abbott's Ice Cream, Inc. of Conway, NH. Supporting shipper(s): M. W. Sewall and Co., P.O. Box 245, Bath, ME 04530; Bill's Oil Service, 19½ Temple Street, Waterville, ME 04901; Abbott's Ice Cream, Inc., P.O. Box 411, Conway, NH 03818.

MC 162594 (Sub-1–1TA), filed June 23, 1982. Applicant: JOSEPHINE JOHNSON, d.b.a. JOHNSON TRUCKING, P.O. Box 493, Bayonne, NJ 07002. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract carrier:* Irregular routes: *Empty cartons, empty plastic containers in cartons and petroleum products in packages* between points in Bergen, Essex, Hudson and Union Counties, NJ, on the one hand, and, on the other, Baltimore, MD, and points in Baltimore and Harford Counties, MD, under continuing contract(s) with Exxon Co., U.S.A., Houston, TX. Supporting shipper: Exxon Company, U.S.A., P.O. Box 2180, Houston, TX 77001.

MC 162632 (Sub-1–1TA), filed June 23, 1982. Applicant: NATHANIEL JOHNSON, INC., 326 Brookfield Place, Rahway, NJ 07065. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract carrier:* Irregular routes: *Paper and paper products and plastic and plastic products* between the facilities of Accurate Box Co., Inc., Newark, NJ, on the one hand, and on the other, points in the U.S. (except AK and HI), under continuing contract(s) with Accurate Box Co., Inc., Newark, NJ. Supporting shipper: Accurate Box Co., Inc., 651 North 3rd Street, Newark, NJ 07107.

MC 113784 (Sub-1–7TA), filed June 24, 1982. Applicant: LAIDLAW TRANSPORT LIMITED, 65 Guise Street, P.O. Box 3020, Hamilton, Ontario, CD L8L 7X7. Representative: Harold G. Hernly, Jr., Hernly & Booker, P.C., P.O. Box 1281, Old Town Station, Alexandria, VA 22313. *Road construction equipment* between Portsmouth, VA and points on the International Boundary Line between the U.S. and CD. Supporting shipper: Sheridan Equipment Co., Sheridan Circle, Toronto, Ontario, CD.

MC 148873 (Sub-1–1TA), filed June 24, 1982. Applicant: ROAD-CON SYSTEMS, INC., 2500 83rd Street, North Bergen, NJ 07047. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier:* Irregular routes: *Acrylic sheets and molding compounds,*

from Wallingford, CT and Sanford, ME to points in CA, GA, IL, MI, OH, TN, and TX, under continuing contract(s) with Cyro Industries, Woodcliff Lake, N.J. Supporting shipper: Cyro Industries, 155 Tice Blvd., Woodcliff Lake, NJ 07675.

MC 120888 (Sub-1–1TA), filed June 21, 1982. Applicant: SHEPARD'S EXPRESS, INC., 207 Mill Street, Leominster, MA 01453. Representative: Steven L. Weiman, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877. *Contract carrier:* Irregular routes: *Electrical and electronic equipment and parts, computers, data processing components and materials and supplies used in the manufacture, processing distribution, sale and use of such commodities* between points in ME, MA, NH, RI, VT, CT, and NY, under continuing contract(s) with Digital Equipment Corporation, Northborough, MA. Supporting shipper: Digital Equipment Corporation, 450 Whitney Street, Northborough, MA 01532.

MC 145288 (Sub-1–1TA), republication, filed June 1, 1982. Applicant: SPECIALIZED HAULING CORPORATION, Box 488, Barre, VT 05641. Representative: John P. Monte, Box 686, Barre, VT 05641. *Treated utility poles, cross-arms and railroad ties,* from points in the states of FL, GA, MD, NC and SC to points in the states of CT, MA, MD, ME, NH, PA, RI and VT. Supporting shipper: Southern Wood Piedmont Company, P.O. Box 5447, Spartanburg, SC 29304. Sole purpose of the republication is to include NY and NJ as destination States.

MC 162587 (Sub-1–1TA), filed June 22, 1982. Applicant: JOHN F. SULLIVAN, d.b.a. SULLIVAN ENTERPRISES, Aldis Street, P.O. Box 997, St. Albans, VT 05478. Representative: John F. Sullivan (same as applicant). *Contract carrier:* irregular routes: *Liquor* between St. Albans, VT, and Champlain, NY, under continuing contract(s) with Central Vermont Railway, Incorporated of St. Albans, VT. Supporting shipper: Central Vermont Railway, Incorporated, Federal Street, St. Albans, VT 05478.

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 141344 (Sub-II–1TA), filed June 17, 1982. Applicant: ALLEN TRANSPORT CORPORATION, P.O. Box 9072, Richmond, VA 23228. Representative: Paul D. Collins, 7761 Lakeforest Dr., Richmond, VA 23235. Contract, irregular: *(1) Tubular products, steam & gas generator parts, boiler parts, fabricated machinery & machinery parts; (2) aerators and materials, supplies and equipment used in the manufacture, sale and distribution thereof; and (3) engines, engines sets, generators, power system units and materials, supplies and equipment used in the manufacture, sale and distribution thereof,* between points in Hanover County, VA, on the one hand, and, on the other, points in AL, FL, LA, MS and TX, under continuing contract(s) with (1) International Tubular Products Co., (2) EPI, Inc. and (3) Cogenic Energy Systems, Inc. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): International Tubular Products Co., U.S. Hwy. 1, Ashland, VA; EPI, Inc., Erie, RD, Mechanicsville, VA, and Cogenic Energy Systems, Inc., 307 Leadbetter Rd., Ashland, VA.

MC 162537 (Sub-2–1TA), filed June 17, 1982. Applicant: ANDERSON BUS SERVICE, INC., 2732 Kirkland Dr., N.W., Roanoke, VA 24017. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Passengers and their baggage, in the same vehicle with passengers, in round trip and one-way charter operations,* between Roanoke, Moneta, Salem and Martinsville, VA, on the one hand, and, on the other, points in LA, FL, TN, DC, SC, NC, NJ, PA, OH, NY, GA, MD, CT, MA and WV, for 270 days. An underlying ETA seeks 120 days authority. There are 21 statements in support attached to this application which may be examined at the Phila. Regional Office listed.

MC 72069 (Sub-II–16TA), filed June 17, 1982. Applicant: BLUE HEN LINES, INC., P.O. Box 280, Milford, DE 19963. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, D.C. 20005. *Shoes and handbags,* from Elizabeth and Paterson, NJ, Lawrence and Boston, MA, Flushing and New York, NY, and Altoona and Akron, PA, and points in their commercial zones, to Elkridge, MD, for 270 days. Supporting shippers: Shoe World, Inc., Elkridge, MD 21227.

MC 152509 (Sub-II–32TA), filed June 18, 1982. Applicant: CONTRACT TRANSPORTATION SYSTEMS CO., 1370 Ontario St., Cleveland, OH 44101. Representative: J. L. Nedrich (same as applicant). Contract Irregular: *general commodities,* between all points in the United States (except AK and HI) under continuing contract(s) with Lawson Products Company for 270 days. An underlying eta seeks 120 days authority. Supporting shipper: Lawson Products Company, 1666 East Toughey, Des Plaines, IL 60018.

MC 152509 (Sub-II–33TA), filed June 18, 1982. Applicant: CONTRACT TRANSPORTATION SYSTEMS CO., 1370 Ontario St., Cleveland, OH 44101. Representative: J. L. Nedrich (same as applicant). Contract Irregular: *general commodities,* (except household goods and classes A and B explosives) between all points in the United States (except AK and HI) under continuing contract(s) with Charles McAlpin Brokerage, Inc. for 270 days. Supporting shipper: Charles McAlpin Brokerage, Inc., Rt 4, Box 71–A, Decatur, AL 35603.

MC 162538 (Sub-II–1TA), filed June 17, 1982. Applicant: DAHLMEYER'S EXPRESS INC., 952 Oranmore St., Pittsburgh, PA 15201. Representative: Dahlmeyer Hurd (same address as applicant). Contract Irregular: *General commodities, (except HHG's as defined by the Commission, and Classes A & B explosives)* between Pittsburgh, PA, on the one hand, and, on the other, points in KY, MD, PA, OH and WV, under continuing contract(s) with Commonwealth Warehouse & Storage, Inc. An underlying ETA seeks 120 days authority. Supporting shipper(s): Commonwealth Warehouse & Storage, Inc., 123 36th St., Pittsburgh, PA 15201.

MC 158859 (Sub-II–7TA), filed June 18, 1982. Applicant: O. DEAN TRANSPORTATION, INC., 406 W. Williamsburg Rd., Sandston, Va. 23150. Representative: P. Owen Dean (same as applicant). Contract, irregular: *Pulp and paper products, materials, supplies and equipment to manufacture same* between West Point, VA, on the one hand, and, on the other, points in PA, NJ, NY, MA, and CO. An underlying ETA seeks 120 days authority. Supporting shipper(s): The Chespeake Corp. of VA, P.O. Box 311, West Point, VA 23181.

MC 128136 (Sub-II–2TA), filed June 15, 1982. Applicant: FARM & FOREST TRUCK SERVICE, INC., 1648 N. Lincoln Ave., Salem, Ohio 44460. Representative: Paul D. Collins, 7761 Lakeforest Drive, Richmond, Virginia 23235. Contract irregular: (1) *Iron or steel, flats, plate or coils:* Between points in Butler, Mercer and Westmoreland Counties, PA, on the one hand, and on the other points in Halifax County, Va. under continuing contract(s) with Westinghouse Electric Corporation, Pittsburgh, Pa.; (2) *Lumber and forest products, and materials, supplies and equipment used in the manufacture, sale and distribution of lumber and forest products:* between points in Charlotte County, Va., on the one hand, and, on the other, points in DC, MD, NJ, NY, NC, PA, and WV, under continuing contract(s) with Stanley Land and Lumber Corp., Drakes Branch, Va.; (3) *Lumber and forest products, and treated lumber:* (a) between points in Craven County, NC, on the one hand, and, on the other

points in OH, VA, and points in PA, in and west of U.S. Highway 15, and (b) between points in Allegheny County, PA, on the one hand, and, on the other, points in OH, under continuing contract(s) with Sylvania Lumber Company, North Jackson, Ohio: (4) *Lumber and Forest Products:* Between points in Halifax County, NC, on the one hand, and, on the other, points in DE, MD, NJ, PA, VA, WV and DC, under continuing contract(s) with Coastal Lumber Company for 270 days. And underlying ETA seeks 120 days authority. Supporting Shipper(s): Westinghouse Electric Corporation, Westinghouse Building, Gateway Center, Pittsburgh, PA 15222; Sylvania Lumber Co., P.O. Box 368, Rosemont Road, North Jackson, OH 44451; Stanley Land & Lumber Corp., P.O. Box 221, Drakes Branch, VA 23937; Coastal Lumber Company, Box 829, Weldon, NC 27890.

MC 146551 (Sub-2–7TA), filed June 14, 1982. Applicant: TAYLOR TRANSPORT, INC., Route 2, State Rte 66 N, Defiance, OH 43512. Representative: Owen B. Katzman, 1828 L Street, N.W. Suite 1111, Washington, D.C. 20036. Contract irregular *General Commodities* (except household goods, classes A and B explosives, and commodities in bulk) between points in OH, PA, and NY, on the one hand, and, on the other, points in the U.S. (including AK but excluding HI) under a continuing contract with Marine Intermodal Cooperative Association of Portland, OR. for 270 days. An underlying ETA seeks 120 days authority. Supporting Shipper(s): Marine Intermodal Cooperative Association, P.O. Box 3589, Portland, OR 97208.

MC 161157 (Sub-II–2TA), filed June 10, 1982. Applicant: TOP LINE EXPRESS, INC., 110 N. Elizabeth St., Lima, OH 45801. Representative: Stephen L. Oliver, 275 E. State St., Columbus, OH 43215. *General commodities* (except classes A and B explosives, commodities in bulk, and household goods), between Toledo and Columbus, OH, on the one hand, and, on the other, points OH for 270 days. Restricted to shipments having prior or subsequent movements by rail. An underlying ETA seeks 120 days authority. Supporting shipper(s): The Procter & Gamble Company, P.O. Box 599, Cincinnati, OH 45201.

MC 162332 (Sub-II–TA), filed June 17, 1982. Applicant: VALE TRANSPORT SERVICES, INC., 135 Wyandot Ave., Marion, OH 43302. Representative: Richard Rueda, 135 N. 4th St., Phila., PA 19106. Contract irregular *foodstuffs, except commodities in bulk, and in tank vehicles,* between points in OH, on the one hand, and, on the other, points in AL, AZ, AR, CA, CT, DE, DC, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NV, NC, ND, PA, OH, OK, RI, SC, TN, TX, VA, WV and WI, under continuing contract(s) with Popped-Right, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Popped-Right, Inc., 135 Wyandot Ave., Marion, OH 43302.

MC 155912 (Sub-II–3TA), filed June 21, 1982. Applicant: BALTIMORE WAREHOUSING & TRANSPORTATION, INC., 2701 Boston Street, Baltimore, MD 21224. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, DC 20005. *General commodities,* except commodities in bulk and Classes A and B explosives, between Baltimore, MD, on the one hand, and, on the other, points in the U.S. located in and east of MN, IA, MO, OK and TX; restricted to traffic having a prior or subsequent movement by water, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Stevens Forwarders, Inc., Saginaw, MI 48605; United Transportation Systems, Inc., Baltimore, MD 21224; Routed Thur-Pac, Inc., Baltimore, MD 21234: Sea Land Service, Inc., Baltimore, MD 21224.

MC 152726 (Sub-II–2TA), filed June 21, 1982. Applicant: CENTRAL VALLEY TRANSPORTATION, INC., P.O. Box 125, Howard, PA 16841. Representative: Raymond A. Richards, 35 Curtice PK, Webster, NY 14580. *Scrap metals,* from points in NY to points in NJ and PA. An underlying ETA seeks 120 days authority. Supporting shipper(s): Roth Steel Corp., 800 W. Hiawatha Blvd., Syracuse, NY 13204.

MC 144118 (Sub-2–1TA), filed June 21, 1982. Applicant: COMPUTER TRANSPORT OF OHIO, INC., 3699 Interchange Road, Columbus, OH 42301. Representative: Bruce E. Mitchell, Esq., 3390 Peachtree Road, N.E., Suite 520, Atlanta, GA 30326. *Duplicating machines, computers, typewriters, instruments, and photographic goods; related materials, equipment and supplies,* between points in OH, IL, IN, KY, MI, NY, PA, VA and WV for 270 days. Supporting Shippers: Xerox Corporation, 3000 Des Plaines Ave., Des Plaines, IL 60018 and Addressograph Multigraph International, 1834 Waldon Office, Schaumburg, IL 60196.

MC 152509 (Sub-II–34TA), filed June 21, 1982. Applicant: CONTRACT TRANSPORTATION SYSTEMS CO., 1370 Ontario St., Cleveland, OH 44101. Representative: J. L. Nedrich (same as applicant). Contract, irregular route: *(KDF) knock down flat corrugated boxes* between all points in the United States (except AK and HI), under continuing contracts(s) with Corr Pak, Inc. for 270 days. Supporting shipper: Corr Pak, Inc., 990 Jersey Ave, New Brunswick, N.J. 08901.

MC 152509 (Sub-II–35TA), filed June 21, 1982. Applicant: CONTRACT TRANSPORTATION SYSTEMS CO., 1370 Ontario St., Cleveland, OH 44101. Representative: J. L. Nedrich (same as applicant). Contract, irregular route: *General commodities* (except household goods and classes A and B explosives) between all points in the United States (except AK and HI) under continuing contract(s) with Charles McAlpin Brokerage, Inc. for 270 days. Supporting shipper: Charles McAlpin Brokerage, Inc., Rt 4, Box 71–A, Decatur, AL 35603.

MC 152509 (Sub-II–36TA), filed June 21, 1982. Applicant: CONTRACT TRANSPORTATION SYSTEMS CO., 1370 Ontario St., Cleveland, OH 44101. Representative: J. L. Nedrich (same as applicant). Contract, irregular route: *Air filtration equipment and parts,* between points in Illinois, North Carolina, California, New Jersey and Massachusetts, under continuing contract(s) with Farr Company for 270 days. Supporting shipper: Farr Company, P.O. Box 92187 Airport Station, Los Angeles, CA 90009.

MC 152509 (Sub-II–37TA), filed June 21, 1982. Applicant: CONTRACT TRANSPORTATION SYSTEMS CO., 1370 Ontario St., Cleveland, OH 44101. Representative: J. L. Nedrich (same as applicant), (216) 566–2677. Contract, irregular route: *(KDF) knock down flat corrugated boxes* between all points in the United States (except AK and HI), under continuing contract(s) with Corr Pak, Inc. for 270 days. Supporting shipper: Corr Pak, Inc. 990 Jersey Ave., New Brunswick, N.J. 08901.

MC 157195 (Sub-II–1TA), filed June 21, 1982. Applicant: DANIEL E. GAGAIN, d.b.a. D & L TRUCKING, 5715 Angola Road, P.O. Box 7490, Toledo, OH 43615. Representative: Keith D. Warner, 5732 W. Rowland Rd., Toledo, OH 43613. Contract, irregular: *General Commodities* (except Classes A & B explosives, household goods (as defined by the Commission) and commodities in bulk) between points in IN, MI and OH, on the one hand, and, on the other, points in the United States (except AK and HI) for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Expert Freight Brokerage, Inc., 5405 Southwyck Dr., Suite 105, Toledo, OH 43614.

MC 144780 (Sub-II–3TA), filed June 22, 1982. Applicant: PAUL EVANS & SONS TRUCKING, INC., P.O. Box 185,

Wilmington, OH 45177. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212. *Contract:* Irregular: *Coal,* from Jackson, Perry, Tuscarawas and Licking Counties, OH, to Coldwater and Detroit, MI and Decatur, IN, under continuing contract(s) with M.S.S. Industrial Sales, Inc. of Cincinnati, OH for 270 days. An underlying ETA has been filed seeking 120 days authority. Supporting shipper: M.S.S. Industrial Sales, Inc., 1048 Cloverfield Lane, Cincinnati, OH 45224.

MC 128136 (Sub No. II-3TA), filed June 21, 1982. Applicant: FARM & FOREST TRUCK SERVICE, INC., 1648 N. Lincoln Ave., Salem, OH 44460. Representative: Paul D. Collins, 7761 Lakeforest Drive, Richmond, VA 23235. *Machinery, machine parts, metal and electrical products, fabricated sheet metal, machinery bases, fabricated iron and steel articles, and materials, supplies, and materials used in the manufacture, sales and distribution thereof,* between points in Columbiana, Mahoning and Trumbull Counties, Ohio, on the one hand, and, on the other, points in KY, IL, IN, MD, NJ, NY, PA, TX, and WV for 270 days. Restricted to traffic originating at or destine to the facilities on NRM Corporation, Firestone Sheet Metal, Inc. or Tri-Fab, Inc. Underlying ETA seeks authority for 120 days. Supporting shippers: NRM Corporation, 400 West Railroad Ave., Columbiana, OH 44408; Firestone Sheet Metal, Inc., 1100 S. Ellsworth Ave., Salem, OH 44460; Tri-Fab, Inc., 10359 W. South Range Rd., Salem, OH 44460.

MC 107012 (Sub-II–224TA), filed June 21, 1982. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Contract Irregular *household goods* between points in the United States, under continuing contract(s) with International Harvester Company of Chicago, IL for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: International Harvester Company, 401 N. Michigan Avenue, Chicago, IL 60611.

MC 107012 (Sub-II–225TA), filed June 21, 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 as applicant). Contract, irregular: *General commodities (except classes A and B explosives, commodities in bulk, and household goods as defined by the Commission)* between points in the U.S., under continuing contract(s) with The May Department Stores Co., St. Louis, MO for 270 days. Supporting shipper: The May Department Stores Co., 611 Olive St., St. Louis, MO 63101.

MC 107012 (Sub-II–226TA), filed June 21, 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 as applicant). Contract, irregular: *General commodities (except classes A & B explosives, commodities in bulk, and household goods as defined by the Commission)* between points in the U.S., under continuing contract(s) with Whirlpool Corporation, Benton Harbor, MI for 270 days. Supporting shipper: Whirlpool Corporation, 2000 U.S. 33 North, Benton Harbor, MI 49022.

MC 147313 (Sub-4TA), filed June 18, 1982. Applicant: JOHN PFROMMER, INC., Box 307, Douglassville, PA 19518. Representative: Theodore Polydoroff, Suite 301, 1301 Dolley Madison Blvd., McLean, VA 22101 *Coke, in bulk, in dump trucks,* from Tonawanda, NY to Boyertown, PA. An underlying ETA seeks 120 days authority. Supporting shipper(s): The Eastern Foundry Co., Div. of Peerless Industries, Spring & Schaeffer Sts., Boyertown, PA 19512.

MC 154381 (Sub-II–4TA), filed June 21, 1982. Applicant: PRETLOW BROS. TRUCKING CO., INC., 121 E. Marshall St., Richmond, VA 23219. Representative: Revardo C. Pretlow (same address as applicant). *General commodities (except Household Goods, Classes A & B explosives and commodities in bulk)* for the account of the U.S. Government, between Norfolk, VA, Washington, DC and Patuxent River, MD. An underlying ETA seeks 120 days authority. Supporting shipper(s): U.S. Army Legal Services Agency, Department of Defense, 5611 Columbia Pike, Falls Church, VA 22041.

MC 57992 (Sub-II–1TA), filed June 23, 1982. Applicant: RONALD E. SEWELL, an Individual, d.b.a. Sewell Parcel Service, 2622 Cora Ave., Cincinnati, OH 45211. Representative: James E. Phillipps, 414 Walnut St., Cincinnati, OH 45202. Contract Irregular: *Paper Products* such as paper plates, butter dishes, aluminum foil and pans, and *Plastic Products,* plastic sheeting, plastic drinking straws, beverage stirrers, Nested dishes from Covington, KY to points in FL for 270 days. Supporting shipper(s): (1) Premier Industries, Inc., 200 Madison Ave., Covington, KY 41011.

The following applications were filed in Region 3. Send protests to: ICC, Regional Authority Center, Room 300, 1776 Peachtree Street, N.E., Atlanta, GA 30309.

MC 160725 (Sub-3–2TA), filed June 22, 1982. Applicant: A & S TRUCKING COMPANY, INC., 404 E. Cross Street, Cleveland, MS 38732. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701. *Iron and steel articles* between points in AL, AR, GA, LA, MS, and TX. Supporting shipper: Cives Steel Company, P.O. Box 609, Rosedale, MS 38769.

MC 162214 (Sub-3–1TA) filed June 22, 1982. Applicant: ANN BAILEY d.b.a. A. BAILEY TRUCKING, Route 2, Box 553, Shepherdsville, KY 40165. Representative: Ann Bailey, Route 2, Box 553, Shepherdsville, KY 40165. (1) *Metallurgical coke* from Middletown, OH to Louisville, KY. (2) *Lightweight aggregate* from KY to points in OH, IN, and TN. Supporting shipper: Airco Carbide, 10200 Linn Station Road, Louisville, KY 40223. Kentucky Solite Corp., Brooks, KY 40109.

MC 146869, (Sub-3–8TA), filed June 22, 1982. Applicant: CARRIER FREIGHT LINES, INC., P.O. Box 813, Hickory, NC 28601. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. *Buffing compounds,* from Chicago, IL; Senica, MO; Cairo, IL; Erie, MI; and Butler, PA; to Conover, NC. Supporting shipper: Jackson Buff Corporation, Box 1065, Conover, NC 28613.

MC 119917 (Sub-3–11TA), filed June 23, 1982. Applicant: DUDLEY TRUCKING COMPANY, INC., 724 Memorial Drive, S.E., Atlanta, GA 30316. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. *General commodities (except in bulk, household goods and classes A and B explosives)* between the commerical zones of Jacksonville, FL; Atlanta, GA; Boston, MA; Jersey City, North Bergen and Secaucus, NJ; New York, NY; Charlotte, Goldsboro and Raleigh, NC; Philadelphia, PA; Cranston, RI; Greenville, SC and Richmond, VA, restricted to traffic moving for the account of the Charlotte Freight Association, Inc. Supporting shipper: Charlotte Freight Association, Inc., P.O. Box 8825, Charlotte, NC 28208.

MC 162618 (Sub-3–1TA), filed June 22, 1982. Applicant: LANCASTER TOURS, INC., P.O. Box 521, Lancaster, SC 29720. Representative: James K. Davis, P.O. Box 337, Lancaster, SC 29720. *Passengers and their baggage, in special and charter operations,* beginning and ending at points in Cherokee, Chester, Chesterfield, Darlington, Fairfield, Florence, Kershaw, Lancaster, Newberry, Union, and York Counties, SC, and extending to points in the U.S., (except AK and HI). Supporting

shippers: There are five (5) statements of support which may be examined at the Atlanta, GA, Regional Office.

MC 145779 (Sub-3–2TA), Filed June 23, 1982. Applicant: OIL SERVICE COMPANY, INC., Route 3, Petty Lane, Columbia, TN 38401. Representative: Edward C. Blank, II, P.O. Box 1004, Columbia, TN 38401. *Oil Rubber Processing* from Harris County, TX, East Baton Rouge and Baton Rouge Parishes, LA to Jefferson County, KY. Supporting shipper: George Whitesides Company, 3048 Michigan Drive, Louisville, KY. 40212.

MC 162615 (Sub-3–1TA), Filed June 22, 1982. Applicant: P. M. EXPRESS, INC., 5455 Marina Cove, Memphis, Tennessee 38115. Representative: R. Connor Wiggins, Jr., Attorney at Law, 100 North Main Building #909, Memphis, Tennessee 38103. *General commodities* between Memphis, TN and its commericial zone, on the one hand, and, on the other, Rome, GA, and points in TN on and west of U.S. Highway 231; points in MS on and north of U.S. Highway 80; points in AL on, north and west of U.S. Highways 82 and 231; points in KY on and west of the Tennessee River; and points in AR on and east of U.S. Highways 65 and 167; and points in Hot Spring County, AR restricted to traffic having a prior or subsequent movement by rail. There are five supporting shipper statements attached to this application which may be reviewed at the Regional office in Atlanta, GA.

MC 162624, (Sub–3–1 TA), filed June 23, 1982. Applicant: PERRY BUS LINE, 1403 Cambridge Road, P.O. Box 1351, Perry, GA 31069. Representative: Carlene M. Smith (same address as applicant). *Passengers and their baggage in special and charter operations,* Beginning and ending in Houston, Macon, Taylor, Crawford, Peach, Dooly, Chatham, Sumter, Crisp, Lee, Dougherty, Monroe, Bibb, Pulaski, Schley, Tift, Colquitt, Lowndes, Muscogee Counties in GA and extending to all points in the US except AK and HI. Supporting shipper: There are fourteen support statements attached to this application which may be examined at the ICC Regional Office, Atlanta, GA.

MC 162625, (Sub–3–1 TA), filed June 23, 1982. Applicant: PRICE BROS. TRUCKING CO., INC., P.O. Box 68, Main Street, Louisville, AL 36048. Representative: V. Lee Pelfrey, 104 Court Square, Clayton, AL 36016. 1. *Lumber and lumber articles, wood, to include treated lumber and material, equipment and supplies used in the manufacture, production, or sale of lumber and lumber articles (except commodities in bulk, in tank vehicles),* between the plant sites of Slawson Lumber Co., Inc., at Louisville, AL; and Southeast Wood Treating, Inc., at Louisville, AL, on the one hand, and, on the other, points in GA, FL, MS, LA, AR, TX, TN, NC, SC, VA, OH, IN, IL and KY. 2. *Fertilizer,* between the plant sites of Grant Bros. Ag. Store, Inc., at Louisville, AL; and Farmer's Warehouse at Louisville, AL, on the one hand, and, on the other, points in AL, GA, FL and MS. Supporting Shippers: Grant Bros. Ag. Store, Inc., Clayton Street, Louisville, AL 36048; Farmer's Warehouse, Clayton Street, Louisville, AL 36048, Slawson Lumber Co., Inc., P.O. Box 97, Louisville, AL 36048 and Southeast Wood Treating, Inc., P.O. Box 25, Louisville, AL 36048.

MC 150612, (Sub–3–1 TA), filed June 23, 1982. Applicant: SOUTHEASTERN SALES & DESIGNS, INC., P.O. Box 199, Counce, TN 38326. Representative: W. M. Rhodes (same address as applicant). *Iron and steel and iron and steel articles* between Tishomingo County, MS on the one hand, and, on the other, points in AL, MS, TN, GA, AR, and FL having a prior or subsequent movement by water. Supporting shipper: Yellow Creek State Inland Port Authority, Route 4, Box 509, Iuka, MS 38852.

MC 143315 (Sub–3–1TA), filed June 23, 1982. Applicant: RENT-A-BUS, INC., d.b.a. SUNWAY CHARTERS, Highway 17 S, Myrtle Beach, SC 29577. Representative: Bruce E. Mitchell, 3390 Peachtree Road, N.E., Suite 520, Atlanta, GA 30326. *Passengers and their baggage, in the same vehicle with passengers, in charter and special operations,* beginning and ending at points in SC and NC and extending to points in the U.S. (including AK, but excluding HI). There are five statements of support which can be examined at ICC Regional Office, Atlanta, GA.

MC 140645 (Sub–3–5TA), filed June 22, 1982. Applicant: UNITED TRUCKING, INC., 100 Stoffel Dr., Tallapoosa, GA 30176. Representative: Clyde W. Carver, Atty., P.O. Box 720434, Atlanta, GA 30328. *Petroleum products in containers,* from Putnam County, OH, to points in AL, FL, GA, MS, NC, SC and TN. Supporting shipper: Konalrad Products, Inc., 501 S. Basiner Rd., Pandora, OH 45877.

MC 162289 (Sub-3–1TA), filed June 23, 1982. Applicant: VALLEY COACH COMPANY, P.O. Box 155, Fayetteville, NC 28301. Representative: John W. McLaurin (same address as applicant). *Passengers and baggage in special and charter operations,* between Cumberland, Sampson, and Robeson Counties, North Carolina to FL, GA, NY, VA, Washington, DC. Supporting shippers; There are seven (7) statements of support which may be examined at the ICC office in Atlanta, GA.

MC 144776 (Sub-3–7TA), filed June 23, 1982. Applicant: APACHE TRANSPORT, INC., 833 Warner Street, S.W., Atlanta, GA 30310. Representative: Virgil H. Smith, 74 Highway N. Box 245, Tyrone, GA 30290. *One time carbon paper and/or related raw materials used in the Manufacturing of the same,* Between the facilities of American Tara Corp. in the U.S. on the one hand and points in the U.S. on the other hand, (except AK and HI). Supporting shipper: American Tara Corp., 5669 New Peachtree Rd., Chamblee, GA 30341.

MC 148976 (Sub-3–3TA), filed June 23, 1982. Applicant: H & W TRANSFER AND CARTAGE SERVICE, INC., 611 South Main Street, Cedartown, GA 30125. Representative: Bruce E. Mitchell, 3390 Peachtree Road, N.E., Suite 520, Atlanta, GA 30326. *Contract,* irregular *plastic products,* between the facilities of Shenandoah Plastics, at, or near, Rome, GA, on the one hand, and, on the other, points in the U.S. (except AK and HI) under contract or continuing contract(s) with Shenandoah Plastics. Supporting shipper: Shenandoah Plastics, P.O. Box 2488, Rome, GA 30161.

MC 161867 (Sub-3–1TA), filed May 26, 1982. Applicant: JERRY E. McCOY, Route 2, Box 360, Cleveland, NC 27013. Representative: Jerry E. McCoy (same as above). *Passengers* between Rowan and Iredell Counties, NC on the one hand, and, on the other, Catawba Project in York County, SC. Supporting shippers: There are five statements of support which may be examined at the Interstate Commerce Commission Regional Office in Atlanta, GA.

MC 157140 (Sub-3–1TA), filed June 28, 1982. Applicant: TRICO EQUIPMENT, INCORPORATED, P.O. Box 669, Ahoskie, NC 27910. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229. (1) *Iron or steel roofing, decking, joists, sheets and iron or steel articles and (2) materials, equipment and supplies* used in the manufacture, distribution and sales of commodities in (1) above, between Chesapeake and Virginia Beach, VA; Baltimore, MD; Fayetteville, NC; Frazer and Philadelphia, PA; (and points in their commercial zones), on the one hand, and, on the other, points in CT, DE, FL, GA, IN, MA, MD, ME, MI, NC, NH, NJ, NY, OH, PA, RI, SC, VA, VT, WV and DC (includes shipments having a prior or subsequent movement in interstate or foreign commerce). Supporting shipper: South East Metal

Deck, Inc., 1400 Cavalier Boulevard, Chesapeake, VA 23323.

The following applications were filed in Region 4. Send protests to: ICC, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 15735 (Sub-4–20TA), filed June 18, 1982. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Martin T. Boratyn, P.O. Box 4403, Chicago, IL 60680.*Contract* Irregular: *Computerized telephone communications equipment, computers and equipment racks, materials, supplies and parts used in the manufacture, repair and installation of communications equipment* between points in the U.S. (except AK and HI) under a continuing contract with Racal-Milgo, Inc., Supporting shipper: Racal-Milgo, Inc., 7460 N.W. 52nd St., Miami, FL 33166.

MC 129189 (Sub-4–4TA), filed June 22, 1982. Applicant: WING CARTAGE COMPANY, 4141 George Place, Schiller Park, IL 60176. Representative: Arnold L. Burke, 180 North LaSalle St., Suite 3520, Chicago, IL 60601. *Prestressed concrete building materials and shoring materials,* from Hodgkins, IL to points and places in KA. Supporting shipper: National Filigree, Inc., 475 W. 55th Street, Countryside, IL 60575.

MC 140283 (Sub-4–1TA), filed June 21, 1982. Applicant: McHENRY TRUCK LINE, INC., 3939 Albany St., McHenry, IL 60050. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956. *Printed matter and materials, euipment and supplies used in the manufacture, sale and distribution of printed matter* between Elkhorn, WI and Crystal Lake, IL. An underlying ETA seeks 120 days authority. Supporting shipper: Graftek Press, 6704 S. Pingree Road, Crystal Lake, IL 60014.

MC 142711 (Sub-4–1TA), filed June 21, 1982. Applicant: BERRYMAN TRANSFER & STORAGE CO., INC., 1830 Mound Road, Joliet, IL 60436. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603. *Contract,* irregular, *Boiler tubes, refractory materials, and related products,* (a) from Chicago, IL to Cattlesburg, KY, and (b) from Greenville, PA to Chicago, IL, under continuing contract(s) with V. J. Mattson Company. Supporting shipper: V. J. Mattson Company, 6450 South Austin Avenue, Chicago, IL 60638.

MC 146277 (Sub-4–1TA), filed June 21, 1982. Applicant: ALLAN FODNESS, d.b.a. Al's Trucking, Route 1, Lennox, SD 57037. Representative: Thomas J. Simmons, P.O. Box 480, Sioux Falls, SD 57101. *Fertilizer,* from Hawarden and Sioux City, IA, Omaha, NE, and Minneapolis/St. Paul, MN, to points in Lincoln, Turner, and Union counties, SD. An underlying ETA seeks 120 days. Supporting shippers: (1) Brenner Elevator, Worthing, SD 57077; (2) Dakota Fertilizer & Chemical, Inc., Canton, SD 57013, and (3) Full Circle, Inc., Parker, SD 57053.

MC 15432 (Sub-4–2), filed June 21, 1982. Applicant: VERNON MARTELL, 2434 Hillview Ave., Bismarck, ND 58501. Representative: Charles E. Johnson, 220 N. 4th Street, Box 2056, Bismarck, ND 58502–2056. *Oil, in drums and cases,* from Oil City, PA and Port Arthur, TX, to the facilities of A & I Distributors, Bismarck, ND. Underlying ETA seeks 120 day authority. Supporting shipper: A & I Distributors, Bismarck, ND 58501.

MC 153077 (Sub-4–4TA), filed June 21, 1982. Applicant: TOTAL TRANSPORTATION, INC., 1601 99th Lane N.E., Minneapolis, MN 55434. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Edina, MN 55424, (612) 927–8855. *Plastic articles* from Chicago, IL, to Minneapolis, MN; Davenport, IA; Kansas City and St. Louis, MO; and Oklahoma City, OK; for 270 days. Supporting shipper: Progressive Sales Corporation, 1005 Republic Drive, Addison, IL 60101.

MC 155364 (Sub-4–4TA), filed June 21, 1982. Applicant: SINCLAIR CARTAGE, INC., 9700 South Madison Street, Hinsdale, IL 60521. Representative: EDWARD G. FINNEGAN, LTD., 134 North La Salle Street, Suite 1016, Chicago, IL 60602. *Petroleum, petroleum products, chemicals, and tar products in bulk,* between points in IA, IL, KY, MI, MN, OH, IN and WI. Supporting shippers: W. H. Barber Company, 3650 South Homan Avenue, Chicago, IL 60632; LA Chemicals Ltd., 4335 South Western Boulevard, Chicago, IL 60609; Exxon Company, U.S.A., 800 Bell Street, P.O. Box 2180, Houston, Texas 77001; Chempet Corporation, 1750 Armitage Court, Addison, IL 60101, and Seneca Petroleum Co., Inc., 13301 South Cicero Avenue, Crestwood, IL 60445.

MC 161810 (Sub-4–2TA), filed June 23, 1982. Applicant: M & E MILK TRANSPORT, INC., R.R. 3, Box 243, Middlebury, IN 46540. Representative: Barry Weintraub, Suite 510, 8133 Leesburg Pike, Vienna, VA 22180. *Contract: Irregular;* Transporting *corn syrup* from Dayton, OH, Hammond, IN, Chicago, IL to and its commercial zone and Keokuk, IA Ligonier, IN, under continuing contract with Kidd and Company, Inc. Supporting shipper(s): Kidd and Company, Inc., 308 N. Martin St., Ligonier, IN 46767.

MC 162574 (Sub-4–1TA), filed June 22, 1982. Applicant: INTERNATIONAL INVESTMENTS CORP., d.b.a. UNIVERSAL TRUCKING, Route 1, Argonne, WI 54511. Representative: Richard A. Westley, Attorney, 4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI 53705–0086. (1) *Lumber, lumber products and building materials and supplies,* from points in the U.S. in, north and west of OH, IN, IL, MO, AR, and LA (except AK and HI) to the facilities of Hofkens Bldg. & Supply, Inc. at or near Crandon and Kimberly, WI. (2) *Building materials,* from points in IL, IA, and MN to the facilities of Amerhardt Ltd., at or near Green Bay, WI. An underlying ETA seeks 120 day authority. Supporting shippers: Hofkens Bldg. & Supply, Inc., 406 North Lake Avenue, Crandon, WI 54520 and Amerhardt Ltd., P.O. Box 3068, Green Bay, WI 54303.

MC 162610 (Sub-4–1TA), filed June 22, 1982. Applicant: JETM DISTRIBUTION SYSTEMS, INC., 9915 South Trumbull, Evergreen Park, IL 60642. Representative: William D. Brejcha, Sullivan & Associates, Ltd., 180 N. Michigan Ave., Suite 1700, Chicago, IL 60601. *Contract;* irregular: *General commodities* (except Classes A & B explosives, household goods as defined by the Commission, and commodities in bulk) from the facilities of Dry Storage Corporation in Cook and Du-Page Counties, IL to points in the U.S. (except AK and HI), restricted to traffic moving under continuing contract(s) with Dry. Storage Corporation of Des Plaines, IL. Supporting shipper: Dry Storage Corporation, Des Plaines, IL.

MC 162611 (Sub-4–1TA), filed June 21, 1982. Appllicant: SHIPLEY DISTRIBUTORS, INC., 1127 Dearborn St., Aurora, IL 60505. Representative: Anthony E. Young, 29 South Lasalle St., Suite 350, Chicago, IL 60603. *Paper and paper products* from the facilities of Trinity Mid-West Corp., located at or near Plainfield, IL to points in MN and WI. Supporting shipper: Trinity Med-West Corp., P.O. Box 301, Planifield, IL 60544.

MC 162612 (Sub-4–1TA), filed June 21, 1982. Applicant: BAZIL & HILDA BRANDY d.b.a. BRANDY TRUCKING COMPANY, 5529 Montclair St., Detroit, MI 48213. Representative: Eddie D. Smith (attorney), 1450 City National Bank Building, Detroit, MI 48226. *General Commodities,* (except bulk commodities, express, newspapers, baggage of passengers or passengers). Between Dearborn, MI, and Detroit, MI, and points in KY, IL, IN, MI, MO, OH, TN, and WI. Supporting shipper: Anchor

Conveyor, 6906 Kingsley Ave., Dearborn, MI 48126. Supporting shipper: National Metal Fabricators Inc., 6101 Cook, Detroit, MI 48210.

MC 162619 (Sub-4–1TA), filed June 21, 1982. Applicant: FRANK ADAIR d.b.a. ADAIR'S TRANSPORT, 502 Avenue M South, Saskatoon, Saskatchewan S7M 2K9. Representative: Charles E. Johnson, 220 N. 4th Street, P.O. Box 2056, Bismarck, ND 58502–2056. Transporting *fertilizer* from ports of entry on the International Boundary line between the U.S. and CN located in ND and MT on the one hand, and, on the other, points in ND, SD, MN, IA, WS, and MT. *ETA seeks 120 days authority.* Supporting shippers: Midland Cooperatives, Inc., Minneapolis, MN; Cargill, Inc., Gluek, MN; ConAgra, Inc., Wolf Point, MT; and Sioux Fertilizer, Inc., Hawardin, IA.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, P.O. Box 17150, Fort Worth, TX 76102.

MC 134009 (Sub-5–1TA), filed June 21, 1982. Applicant: SECURITY ARMORED CAR SERVICE, INC., 1022 South 9th Street, St. Louis, MO 63104. Representative: B. W. LaTourette, Jr., 11 South Meramec, Suite 1400, St. Louis, MO 63105. Contract, Irregular: *Money, coin, currency, checks, gold, silver, bullion, precious metals and stones, jewelry, stamps, negotiable and non-negotiable instruments and securities, stocks, bonds, and other rare and valuable documents of unusually high value,* between points and places in the U.S. (except AK and HI) under continuing contract with the Federal Reserve Bank of St. Louis. Supporting shipper: Federal Reserve Bank of St. Louis, 410 Locust Street, St. Louis, MO 63101.

MC 152959 (Sub-5–15TA), filed June 21, 1982. Applicant: MOBILE EXPRESS, INC., P.O. Box 8167, Longview, TX 75607. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. Contract: Irregular *Trailers or Trailer Chassis and/or Parts Thereof* between points in the U.S. Restricted to shipments for the Account of The Heil Company. Supporting shipper: The Neil Company, 5101 Austin Rd., Hixson, TN 37343.

MC 153773 (Sub-5–6TA), filed June 21, 1982. Applicant: NDC TRUCKING CORP., P.O. Box 7364, Longview, TX 75601. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. *Alcoholic Beverages or Wines* between points in CA on the one hand, and, on the other, points in TX. Restricted to shipments for the account of Maxwell Distributing Co. Supporting shipper: Maxwell Distributing Co., P.O. Box 1588, Longview, TX 75606.

MC 157591 (Sub-5–2TA), filed June 21, 1982. Applicant: WALTER M. NICKELS d.b.a. NICKELS FARM, Raymondville, MO 65555. Representative: Walter M. Nickels (same address as applicant). Contract, irregular: *Processed log products, millwork, building materials, salvage, and accessories, parts and supplies for assembly, processing, and manufacture of log homes,* between Houston, MO, on the one hand, and, on the other, points in the U.S. (except AK and HI) under continuing contract(s) with New England Log Homes, Inc. Supporting shipper: New England Log Homes, Inc., 801 Industrial Dr., Houston, MO 65483.

MC 157942 (Sub-5–TA), filed June 21, 1982. Applicant: TRUMAN BARKS, d.b.a. BARKS TRUCKING CO., Greenville, MO 63944. Representative: Stephen G. Newman, P.O. Box 456, Jefferson City, MO 65102. *Lumber and wood products,* between points in AL, AR, GA, IL, IN, KS, KY, MI, MS, MN, NE, OH, OK, and TX. Supporting shipper: Kennedy Forest Products, Inc., Kalamazoo, MI.

MC 162255 (Sub-5–1 TA), filed June 21, 1982 Applicant: BAILEY GRAIN & SUPPLY, P.O. Box 167, Morrill, KS. 66515. Representative: Bruce C. Harrington, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS. 66612. (Part 1) *liquid nitrogen solution* (a) From Beatrice, Omaha, Nebraska City and Fall City, NE and Creston, IA to the facilities of Fairview Fertilizer Co., Inc. at or near Fairview, KS; (b) From the facilities of Fairview Fertilizer Co., Inc. at or near Fairview, KS to points in NE; (c) From Sugar Creek, MO to the facilities of Vassar Elevator Inc. at or near Vassar, Lyndon or Melvern, KS and the facilities of Morrill Elevator, Inc. at or near Morrill, KS and (d) From Fall City, LaPlatte and Beatrice, NE and Mound City and Kansas City, MO to the facilities of Morrill Elevator, Inc. at or near Morrill, KS. (Part 2) *dry fertilizer materials,* (a) From Beatrice, Nebraska City and Fall City, NE to the facilities of Fairview Fertilizer Co. Inc. at or near Fairview, KS and from Sugar Creek, MO to the facilities of Vassar Elevator, Inc. at or near Vassar, Lyndon and Melvern, KS and the facilities of Morrill Elevator Inc. at or near Morrill, KS and (b) From LaPlatte, NE; Catoosa, OK and Joplin, Brunswick, and Kansas City, MO to the facilities of Morrill Elevator, Inc at or near Morrill, KS. Supporting shippers: Wittwer Fertilizer Service, Dawson, NE 68337; Morrill Elevator Co. Inc., Morrill, KS 66515; and Fairview Fertilizer Co. Inc., Fairview, KS 66425.

MC 162255 (Sub-5–2 TA), filed June 21, 1982. Applicant: BAILEY GRAIN & SUPPLY, P.O. Box 167, Morrill, KS. 66515. Representative: Bruce C. Harrington, KS Credit Union Bldg., 1010 Tyler Suite 110L, Topeka, KS 66612. *Fertilizer,* Between the facilities of Quad-State Terminals, Inc. at or near Mound City, Craig and Bigelow, MO, on the one hand, and points in KS, NE, IA, OK and NM, on the other hand. Supporting shippers: Quad-State Terminals, Inc., Mound City, MO 64470.

MC 162499 (Sub-5–1 TA), filed June 21, 1982. Applicant: SCHNUCKS TRANSPORTATION COMPANY, 12921 Enterprise Way, Bridgeton, MO 63044. Representative: William H. Borghesani, Jr., 1150 17th St., N.W., Suite 1000, Washington, D.C. 20036. Contract, irregular, *general commodities (except classes A & B explosives, household goods, and commodities in bulk)* between, on the one hand, points in St. Louis County, MO; and, on the other, points in the U.S. except AK and HI under continuing contract(s) with Panasonic, St. Louis, MO; Purex Corp., St. Louis, MO; General Merchandisers, Inc., Hazelwood, MO; Wetterau Incorporated, Hazelwood, MO; Vi-Jon Laboratories, Inc., St. Louis, MO; and Schnucks Distributing Co., Inc., Bridgeton, MO. Supporting shippers: 6.

MC 162566 (Sub-5–1 TA), filed June 21, 1982. Applicant: LEONARD & IRIS PALMER TRUCKING, INC., P.O. Box 187, Wilsonville, NE 69046. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Cheese,* from the commercial zones of Oxford and Hebron, NE and Garnett, KS, to pts in the U.S. (except AK and HI). Supporting shippers: Oxford Cheese Corporation, Northwest Hwy. 46, Oxford, NE 68967.

MC 162569 (Sub-5–1TA), filed June 21, 1982. Applicant: G. R. JONES, d.b.a. G. R. JONES CONSTRUCTION COMPANY, Route 1, Box 101AA, Folsom, LA 70437. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205. Contract; irregular: *coal* having a prior movement by water, between Orleans Parish, LA and Bogalusa, LA under continuing contract(s) with Crown-Zellerbach Corporation, Bogalusa, LA.

MC 162577 (Sub-5–1TA), filed June 21, 1982. Applicant: TIFFANY TRUCK LINES LIMITED, 4921 Camp Street, New Orleans, LA 70115. Representative: Timothy E. Jilek (same as applicant). *General Commodities (Except class A and B explosives),* between New Orleans on the one hand, and other pts in AL, AR, LA, TX, MS, TN and further

restricted to prior or subsequent movement by rail or water. Supporting shippers: Dalton Steamship, 736 Union Street, New Orleans, LA 70130; Care Shipping, Inc., 419 Rue Decatur, Suite 108, New Orleans, LA 70130; and McTeer Int'l Freight Forwarding Co., P.O. Box 8346, Savannah, GA 31432.

MC 110567 (Sub-5–9TA), filed June 24, 1982. Applicant: SOONER TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, IA 50309. Representative: Kenneth L. Kessler, P.O. Box 855, Des Moines, IA 50304. Contract; iregular: *such commodities as are distributed by retail grocery stores,* between La Salle County, IL, on the one hand, and, on the other, pts in AL, AR, CO, CT, FL, GA, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NJ, NY, NC, ND, OH, OK, PA, SD, TN, TX, VA, WI and DC. Supporting shipper: Sunstar Foods, Inc., Streator, IL.

MC 149139 (Sub-5–1TA), filed June 25, 1982. Applicant: YOUNGBLOOD ENTERPRISES, INC., P.O. Box 470, Haynesville, LA 71038. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. *Oilfield equipment, materials and supplies* from Bossier and Caddo Parishes to pts in OK, TX, AR and MS. Supporting shipper(s): Badak Energy Services, Inc., 7505 Pines Road, Suite 1220, Shreveport, LA 71129; Tri State Oil Tool Industrial, Inc., 2570 E. Texas, Bossier City, LA 71111; Oilfield Rentals Services, Inc., P.O. Box 6102, Bossier City, LA 71111.

MC 149222 (Sub-5–1TA), filed June 25, 1982. Applicant: DAVID FESSLER, R.R. #1, Swaledale, IA 50477. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Steel bins,* from Milford, IN, to Pts in Hancock County, IA. Supporting shipper: North Iowa Grain Equipment, Inc., 75 N. State Street, Garner, IA 50438.

MC 151641 (Sub-5–5TA), filed June 25, 1982. Applicant: WILLIAM E. JOHNSON, d.b.a. WILLIAM E. JOHNSON TRUCKING, 11211 Sherman Avenue, Dallas, TX 75220. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. *Food and related products* from Wichita, KS to points in NV, CA, ID, OR, WA, CO, UT, OK, NM, AZ, AR and TX. Supporting shipper: Dold Foods, Inc., 2929 N. Ohio, Wichita, KS 67219.

MC 151753 (Sub-5–7TA), filed June 25, 1982. Applicant: M. W. CYCLE HAULER, INC., 11909 Santa Fe Drive, Lenexa, KS. 66215. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS. 66612. *Paper and paper products and articles and materials and supplies necessary in the manufacture, sale and distribution of paper and paper products,* Between the Commercial zone of Aurora, OH, on the one hand, and points and places in the U.S. (except AK and HI), on the other hand. Supporting shipper: Chemtrol Adhesives, Inc., 180 Lena Drive, Aurora, OH 44202.

MC 151819 (Sub-5–27TA), filed June 24, 1982. Applicant: CARGO-MASTER, INC., 2815 Gaston Ave., Dallas, TX 75226. Representative: Jackson Salasky (same as above). *Malt beverages and related materials and supplies* from the facilities of the Joseph Schlitz Brewing Co., Winston-Salem, NC to all points in and north of VA, WV, and PA. Supporting shippers: 17.

MC 154883 (Sub-5–8TA), filed June 23, 1982. Applicant: LOGGINS TRUCKING COMPANY, P.O. Box 6676, Tyler, TX 75711. Representative: Larry Loggins (same as applicant). Contract; Irregular. *Ice Cream and Related Products,* from Lodi, NJ. to Dallas, TX. Supporting shipper: Vesel Food Distributors, Inc., 4320 Springvalley Rd., Dallas, TX 75234.

MC 154883 (Sub-5–9TA), filed June 24, 1982. Applicant: LOGGINS TRUCKING COMPANY, P.O. Box 6676, Tyler, TX 75711. Representative: Larry Loggins (same as applicant). Contract; Irregular. *Ice Cream and Related Products,* from Greencastle, PA. to points in TX. Supporting shipper: Colombo Inc., Danton Drive, Methuen, MA 01845.

MC 154883 (Sub-5–10TA), filed June 24, 1982. Applicant: LOGGINS TRUCKING COMPANY, P.O. Box 6676, Tyler, TX 75711. Representative: Larry Loggins (same as applicant). Contract; Irregular. *Ice Cream and Related Products,* from Alexandria VA to points in TX. Supporting shipper: Meadow Gold Products Inc., 400 Calvert Ave., Alexandria, VA 22313.

MC 159792 (Sub-5–3TA), filed June 25, 1982. Applicant: Mid-America Dairymen, Inc., P.O. Box 1837 S.S.S., Springfield, MO 65805. Representative: E. R. Grant (same address as applicant). *Petroleum and petroleum products (except in bulk),* from St. Louis, MO, and Ponca City, OK to the facilities of Ohio Falls Oil Co., Inc., at Louisville, KY, and Evansville Petroleum Co., Inc., at Evansville, IN. Supporting shipper: Ohio Falls Oil Company, Inc., 4509 Poplar Level Road, Louisville, KY.

MC 160879 (Sub-5–2TA), filed June 24, 1982. Applicant: MILLER SPECIALTY TRUCKING, INC., P.O. Box 414, Ardmore, OK 73401. Representative: Herbert H. Thomas, 2222 South Tower, Plaza of the Americas, Dallas, TX 75201. *General Commodities (except Classes A and B explosives, hazardous waste, household goods and commodities in bulk).* Restricted to traffic having a prior or subsequent movement by rail between Grayson County, TX, on the one hand, and on the other, points in TX and OK. Supporting Shipper: P and M Sales, Inc., Tishomingo, OK, Rio City Terminal Co., Inc., Garland, TX.

MC 162083 (Sub-5–2TA), filed June 24, 1982. Applicant: PRATER ENTERPRISES, INC., Route 2, Box 54, Canadian, TX 79014. Representative: Timothy Mashburn, P.O. Box 2207, Austin, Texas 78768–2207. *Machinery, equipment, materials and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products,* between points in Hemphill County, TX, on the one hand, and, on the other, points in Roger Mills, Custer, Ellis, Oklahoma, Harmon, Beckham, Woodward, Washita, Cimarron, Texas, Beaver, Harper, Dewey and Greer Counties, OK; Seward County, KS. Supporting Shippers: Oilfield Rental Service, Box 1229, Canadian, TX 79014; Wildcat Mud, Inc., Box 668, Canadian, TX 79014; Drilling Mud, Inc., Box 958, Canadian, TX 79014; and E.T.S. Enterprises, Inc. Box 955, Canadian, TX 79014.

MC 162576 (Sub-5–TA), filed June 24, 1982. Applicant: TANCO DISTRIBUTING COMPANY, P.O. Box 4423, El Paso, TX 79914. Representative: Gene Crutcher (same as Applicant). *Foodstuffs, including Meats, Meat By-Products and Packing House Products,* between El Paso County, TX, on the one hand, and, on the other, points in AZ, NM, and TX. Supporting Shipper: John Morrell & Company, Chicago, IL.

MC 162622 (Sub-5–1TA), filed June 24, 1982. Applicant: TRADE SHOW SPECIALISTS, INC., Route 5, Box 365, Rosie, AR 72571. Representative: R. Connor Wiggins, Jr., 100 North Main Bldg., Suite 909, Memphis, TN 38103. *Exhibit stalls, booths, paraphernalia and accessories* between Memphis, TN, Cincinnati, OH, Ft. Wayne, IN, and Jackson, MI, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shippers: Richards Manufacturing Co., Inc., 1450 East Brooks Road, Memphis, TN 38116; Aeroquip Corporation, 300 Southeast Avenue, Jackson, MI 49203; and Display Sales, Inc., 5555 Fair Lane, Cincinnati, OH 45227.

MC 162636 (Sub-5–1TA), filed June 24, 1982. Applicant: CONTRACT EXPRESS, INC., 937 State Line Road, Kansas City, MO 64101. Representative: Lawrence P. Kahn, 633 West Wisconsin Avenue,

Milwaukee, WI. 53203. Contract, irregular; *Dated publications and printed matter* from the plant site of Publisher Accredited Transportation, Kansas City, MO. U.S. Supporting shipper: Publisher Accredited Transportation, 5326 Winner Road, Kansas City, MO. 64127.

MC 162651 (Sub-5–1TA), filed June 25, 1982. Applicant: R. M. or V. W. BROACH d.b.a. BROACH CO., P.O. Box 177, Spavinaw, OK 74366. Representative: Jack R. Anderson, Suite 305 Reunion Center, 9 East Fourth Street, Tulsa, OK 74103. *(1) Industrial and Oil Field Heat Exchange Equipment and (2) equipment and materials used in the manufacture and distribution of the commodities named in part (1)* above between the plant site of The G. C. Broach Company located in Tulsa, OK on the one hand, and, on the other, all points in the U.S. (except AK and HI). Supporting shipper: The G. C. Broach Company, 7667 E. 46th Pl., Tulsa, OK 74145.

The following applications were filed in region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, 211 Main St., Suite 501, Sn'Francisco, CA 94105.Q02

MC 149195 (Sub-6–16TA), filed June 21, 1982. Applicant: ARCADIAN MOTOR CARRIERS, 1100 Sierra St., Kingsburg, CA 93631. Representative: James F. Hauenstein, 1100 Sierra St., Kingsburg, CA 93631. *Lighting fixtures* from Martin, TN to points in CA, for 270 days. Supporting shipper: The Miller Company, P.O. Box 500, Martin, TN.

MC 133779 (Sub-6–5TA), filed June 17, 1982. Applicant: FUNDIS COMPANY, P.O. Box 740, Lovelock, NV 89419. Representative: Edwin Meyer, P.O. Box 7042, Reno, NV 89510. (1) *Diatomaceous Earth (diatomite), mixtures of diatomaceous earth and alkyl napthalene and sodium sulfonate, and wood pulp* from Clark and Colado, NV to points in the U.S. except for AZ, CA, ID, OR, UT, WA & WY. (2) *Materials and supplies used in the manufacture and distribution* of #1 from all points in the U.S. to Clark and Colado, NV, for 270 days. Supporting shipper: Eagle Picher Industries, Inc., P.O. Box 12130, Reno, NV 89510.

MC 1515 (Sub 6-21TA), filed June 22, 1982. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: M. G. Gragg (same as Applicant). *Common carrier,* regular route, *passengers and their baggage and express and newspapers in the same vehicles with passengers,* between Ephrata and the junction of WA State Hwy 171 and Interstate Hwy 90: From Ephrata over WA State Hwy 282 to junction of WA State Hwy 17, thence over WA State Hwy 17 to junction WA State Hwy 171, thence over WA State Hwy 171 to Moses Lake, thence over WA State Hwy 171 to junction Interstate Hwy 90 and return over the same route, serving all intermediate points for 180 days. An underlying E.T.A. seeks 90 days authority. Applicant intends to tack this authority with authority it presently holds in MC 1515. Supporting shippers: There are six (6) shippers. Their statements may be examined at the Regional Office listed above.

MC 161516 (Sub-6–1TA), filed June 22, 1982. Applicant: BRUCE HANNAH TRUCK LINES, LTD., Box 149, Acme, Alberta, CD T0M 0A0. Representative: G. Robert Crotty, Jr., 18 Sixth St. North, Room 200, Great Falls, MT 59401. *Contract Carrier,* Irregular routes: *Bulk and bag fertilizer,* from Great Falls, Conrad, Havre, Cut Bank, and Hingham, MT to U.S.-Canada ports of entry in MT, for the accounts of N. Jorgensen Fuel & Fertilizer and Alberta Sugar Co., and Southern Alberta Cooperative Association, Ltd., for 270 days. Supporting shippers: N. Jorgensen Fuel & Fertilizer, SS1–1–12, Lethbridge, Alberta Canada T1J 4B3; Alberta Sugar Co., 306 Tenth St. So., Lethbridge, Alberta, Canada T1J 2M6; and Southern Alberta Cooperative Association, Ltd., 1221 Second Ave. So., Lethbridge, Alberta, Canada T1J 0E4. .

MC 162590 (Sub-6–1TA), filed June 21, 1982. Applicant: J BAR L COMPANY, INC., 1000 First Ave., N., Billings, MT 59101. Representative: Joel E. Guthals, P.O. Box 1977, Billings, MT 59103. *Contract* irregular *General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment* between points in MT under continuing contracts, with Billings Shipping Corporation, Billings Furniture Pool Association, Billings Retail Shippers Association, Montana Shippers and Receivers Association, Great Falls Shipping Association, and Missoula Shippers Association for 270 days. There are 6 shippers. Their statements may be examined at the Regional Office listed above.

MC 161885 (Sub-6–1TA), filed June 24, 1982. Applicant: ROBERT L. NEWSOM, d.b.a. NEWSOM TRANSPORTATION, 1005 Jewell Ave., Salt Lake City, UT 84104. Representative: Bruce W. Shand, Ste. 280, 311 S. State St., Salt Lake City, UT 84111. *Contract Carrier;* irregular routes: *food and related products,* from (a) Clinton, OK to Denver, CO and points in UT; (b) from Denver, CO to Points in UT and ID and (c) from Seattle, WA to points in ID and UT under a continuing contract (s) with Bar-S Foods Co., for 270 days. An ETA seeks 120 days authority. Supporting shipper: Bar-S Foods Co., 3443 N. Central Ave., Phoenix, AZ 85026.

MC 145321 (Sub-6–1TA), filed June 21, 1982. Applicant: RAY L. and CHERYLE RICHTER, d.b.a. WOOD-PLY MATERIALS TRADING AND TRANSPORT CO., P.O. Box 23127, Portland, OR 97223. Representative: Ray L. Richter (same as applicant). *Building Materials* between points in CA on the one hand, and, on the other, points in AZ, ID, CO, NM, NV, OR, and WA, for 270 days. Supporting shipper: Marine Intermodal Cooperative Assn., 4533 N. Channel Ave., Portland, OR 97208.

MC 149100 (Sub-6–12TA), filed June 24, 1982. Applicant: JIM PALMER TRUCKING, 9730 Derby Dr., Missoula, MT 59801. Representative: John T. Wirth, 717 17th St., Ste 2600, Denver, CO 80202–3357. *Contract carrier,* irregular routes: *Lumber and wood products and forest products,* from points in MT, ID, OR, and WA to points in MI, ND, SD, NE, MN, IA, WI, IL, IN, and OH, under continuing contract(s) with Viking Forest Products of Minneapolis, MN, for 270 days. Supporting shipper: Viking Forest Products, P.O.B. 35811, Minneapolis, MN 55435.

WC 1338 (Sub.-2–TA), filed June 15, 1982. Applicant: THE BINKLEY COMPANY, d.b.a. NORTHWEST NAVIGATION, P.O. Box 1065, Bethel, AK 99559. Representative: Johne Binkley (same as applicant). By order served June 24, 1982, Regional Motor Carrier Board 6 granted The Binkley Company d.b.a. Northwest Navigation, Bethel, AK 180 days temporary authority to engage in the business of transportation by water vessel, in interstate commerce: Common Carrier, General commodities, between points on the Kuskokwim River and its tributaries from its mouth to and including Medfra, AK. Supporting Shippers: Lower Kuskokwim School District, P.O.B. 305, Bethel, AK 99559, AndKusuk School District, P.O.B. 108, Aniak, AK 99557. Any interested party may file a petition for reconsideration within 20 days of the date of this publication. Within 20 days after the filing of such petition with the Commission, any interested party may file and serve a reply thereto. Petitions and replies should be sent to Regional Motor Carrier Board 6, Interstate

Commerce Commission, San Francisco, CA 94105.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-18297 Filed 7-2-82; 8:45 am]

BILLING CODE 7035-01-M

[Application MC-1527]

Released Rate

AGENCY: Interstate Commerce Commission.

ACTION: Notice. Released Rate Application No. MC-1527.

SUMMARY: National Motor Freight Traffic Association, on behalf of all common carriers and freight forwarders named as participants in the National Motor Freight Classification ICC NMF-100-I, seek to amend Released Rate Order No. MC-314 (Household Goods) by adding thereto the following Note reference:

"If shipper fails to execute the above statement or designates its value exceeding $5.00 per pound, shipment will not be accepted, but if shipment is inadvertently accepted, it will be considered as being released at the lowest valuation provided and shipment will move, and be charged for, on the basis of such limitations of liability."

ADDRESS OF APPLICANT: Mr. William W. Pugh, Counsel, National Motor Freight Traffic Association, Inc., 1616 P Street, N.W., Washington, DC 20036, Tel. (202) 797-5310.

FOR FURTHER INFORMATION CONTACT: Mr. Howard J. Rooney, Jr., Bureau of Traffic, Interstate Commerce Commission, Washington, DC 20423, Tel. (202) 275-7390 or 0782.

SUPPLEMENTARY INFORMATION: Relief is sought under 49 U.S.C. 10730 and 11707.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-18156 Filed 7-2-82; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket 29945]

Louisville and Nashville Railroad Company—Exemption—Abandonment in Hopkins County, KY

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from the requirements of prior approval under 49 U.S.C. 10903 the abandonment by the Louisville and Nashville Railroad Company of 2.63 miles of track in Hopkins County, KY, extending from Milepost 261.31 at Romney, KY, to Milepost 263.94 at Powerfull, KY, subject to the standard labor protection.

DATES: This exemption will be effective on August 5, 1982. Petitions to stay the effectiveness of the decision must be filed by July 16, 1982, and petitions for reconsideration must be filed by July 26, 1982.

ADDRESSES: Send pleadings to:

(1) Section of Finance, Room 5449, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioners' representative: R. Lyle Key, Jr., Asst. General Solicitor, 500 Water Street, Jacksonville, FL 32202.

Pleadings should refer to Finance Docket No. 29945.

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, DC 20423, (202) 289-4357—DC metropolitan area, (800) 424-5403—Toll-free for outside the DC area.

Decided: June 28, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam Commissioners Gresham, Sterrett, Andre, and Simmons.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-18158 Filed 7-2-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte 387 (Sub-167)]

Chesapeake & Ohio Railway Co.; Exemption for Contract Tariff ICC-CO-C-0016

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 Chesapeake and Ohio Railway Company (CO) filed a petition on June 18, 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 tariff ICC-CO-C-0016 filed on June 17, 1982, to become effective on one day's notice. The contract involves the movement of fertilizer.

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. Short notice effectiveness of the contract will enable the shipper to move its inventory under economically feasible terms and before the end of the current fertilizer application season. Moreover, without the exemption, there is the possibility of the temporary shutdown of the shipper's phosphate mines. We find this to be the type of exceptional circumstance which warrants a provisional exemption.

Petitioner's contract tariff ICC-CO-C-0016 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(e) 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 29, 1982.

By the Commission, Division 1, Commissioners Sterrett, Simmons and Gardison. Commissioner Gradison did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-18300 Filed 7-2-82; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-C-10799]

Petition for Declaratory Order; Transportation of Hazardous Wastes

AGENCY: Interstate Commerce Commission.

ACTION: Declaratory order.

SUMMARY: The Commission has determined that hazardous wastes of no economic value destined for disposal (other than nuclear or radioactive waste) do not constitute "property" within the meaning of 49 U.S.C. 10521. Accordingly, the Commission does not have jurisdiction over the for-hire transportation by motor carriers of such wastes. Administrative Ruling No. 130 is vacated.

EFFECTIVE DATE: August 6, 1982.

FOR FURTHER INFORMATION CONTACT: Paul Grossman, (202) 275–7976 or Howell I. Sporn, (202) 275–7691.

SUPPLEMENTARY INFORMATION: On November 18, 1980, the Commission's Office of Compliance and Consumer Assistance [(OCCA) formerly the Office of Consumer Protection (OCP)], issued a tentative ruling which provides that authority from the Commission is required for the transportation of hazardous materials and toxic wastes in interstate or foreign commerce by for-hire carriers. Administrative Ruling No. 130, *Transportation of Toxic Wastes*, 45 FR 78246 (November 25, 1980). OCCA's ruling was based primarily on the decision in *Nuclear Diagnostic Labs., Contr. Car. Applic.*, 131 M.C.C. 578 (1979), where the Commission concluded that it has jurisdiction over the for-hire transportation of radioactive waste materials destined for burial.

The Hazardous Waste Services Association (HWSA), by petition filed February 12, 1981, requested that the Commission stay Administrative Ruling No. 130 pending reconsideration or, alternatively, issue a declaratory order removing all uncertainty concerning the validity of the ruling. National Tank Truck Carriers, Inc. (NTTC), by petition filed February 27, 1981, sought a declaratory order revoking Administrative Ruling No. 130 and affirmatively finding that the transportation of hazardous wastes is exempt from Commission regulation. On March 4, 1981, OCCA concurred in HWSA's petition to the Commission to issue a declaratory order and asked the Commission to assert jurisdiction over the transportation of hazardous wastes.

In response to these petitions, the Commission, on April 14, 1981, instituted this declaratory order proceeding to determine whether hazardous wastes are "property" within the meaning of 49 U.S.C. 10521. Notice was published in the **Federal Register** on April 20, 1981, at 46 FR 22697.

Comments

The great majority of the comments filed in this proceeding oppose the Commission's exercise of jurisdiction over the for-hire transportation of hazardous wastes. Most of the comments consist of 1 to 2 page letters from waste management companies which simply register their opposition to the Commission exercising jurisdiction. In addition, jurisdiction is opposed in more substantial pleadings by three generators of hazardous wastes, three associations of hazardous waste companies, two carriers, and the U.S. Department of Transportation (DOT).

The Commission's exercise of jurisdiction is supported by three State regulatory commissions, two trade associations, a regulated carrier, and OCCA.

The arguments raised by the parties opposing the commission's exercise of jurisdiction may be grouped into four fundamental areas:

1. *Commission regulation will serve no useful purpose.* Opponents argue that DOT and Environmental Protection Agency (EPA) regulations are sufficient to ensure the safe carriage of hazardous waste materials, and that Commission licensing would merely impose another unnecessary layer of regulation.

2. *Cost of complying with Commission regulations.* Opponents are, of course, reluctant to absorb the costs of filing for operating authority, publishing tariffs, and complying with other Commission regulations. They argue that these costs outweigh the "benefits" of regulation.

3. *Insurance companies can perform Commission functions.* Opponents state that since DOT and EPA regulations require substantial insurance coverage for transporters of hazardous waste materials, it is standard practice for insurers to examine the proposed insured for risk before issuing policies. Insurance risks are unable to obtain insurance and, thus, may not operate legally even if there is no licensing requirement.

4. *Private carriage exception.* Opponents point out that, as a practical matter, even if hazardous waste is "property," many hazardous waste transporters will still not be obliged to obtain authority from the Commission. If the transportation is in furtherance of a "primary business" other than transportation, the transporter is not subject to the Commission's jurisdiction (49 U.S.C. 10524). Indeed, in the *Nuclear Diagnostic* case, *supra*, The Commission determined that although nuclear waste was property, the transporter in that case was exempt from Commission jurisdiction under the primary business test. 131 M.C.C. 578, at 585.

Similarly, the arguments of the parties favoring the Commission's exercise of jurisdiction may be categorized in four basic areas:

1. *Unique nature of the traffic.* Proponents argue that, unlike other hazardous materials, there is little incentive for carriers of hazardous wastes to comply with existing DOT and EPA regulations. While both the shipper and receiver will be interested in the safe carriage of hazardous materials other than wastes, the primary interest of a shipper of hazardous wastes is the elimination of the waste. It has little concern for what happens afterward. Illicit dumping then becomes a problem. A carrier doing the work for even a reputable manufacturer or government agency may dump the material indiscriminately without the generator's knowledge.

2. *Organized crime involvement in the disposal of hazardous waste.* Proponents argue that the requirement of a Commission license and the availability of Commission enforcement activities should result in greater compliance with DOT and EPA regulations. On December 16, 1980, the Subcommittee on Oversight and Investigations of the Committee on Interstate and Foreign Commerce, House of Representatives, held hearings on organized crime involvement in the disposal of hazardous waste. The testimony included statements from organized crime figures to the effect that the organized crime element has had some success in subverting DOT and EPA regulations, including the manifest tracking systems employed by EPA to monitor disposal of hazardous waste.

3. *Assistance to State enforcement activities.* Regulatory bodies in Alabama, Arkansas, and Tennessee argue that the Commission's exercise of jurisdiction would aid regulation and enforcement of safety standards by the State commissions. In many cases, State commission enforcement personnel will be the only officers making the necessary spot checks of safety compliance on the highways, and these efforts could be helped by Commission licensing and the registration of operating authority with the State commission.

4. *Prospective finding of fitness.* Proponents argue that DOT and EPA sanctions relate to an after-the-fact failure to observe regulations, but they do not preclude an unfit carrier from operating. The Commission, it is argued, is in a better proition to prevent carriers who are likely to violate safety regulations from operating in interstate commerce.

Discussion and Conclusions

We have considered the comments filed in this proceeding and conclude

that hazardous wastes destined for disposal (other than nuclear or radioactive waste) do not constitute "property" within the meaning of 49 U.S.C. 10521. Accordingly, the Commission does not have jurisdiction over the for-hire transportation by motor carriers of such wastes.

Section 10521 provides, as pertinent, that the Commission has jurisdiction over the transportation by motor carriers "to the extent that passengers, property, or both," are transported in interstate or foreign commerce.

"Property" is not defined in the Act and the Commission has, from time to time, been confronted with the question of what constitutes property for the purposes of Commission jurisdiction. In *Joray Trucking Corp., Common Carrier Application,* 99 M.C.C. 109 (1965), consideration was given to whether debris and rubble constitute property. It was held that since they have no value (in fact have only a negative value) and none of the attributes commonly associated with the word property, such material should not be considered "property" for determining the jurisdictional scope of the Interstate Commerce Act. It was also found that even if these materials were regarded as property, the proposed service would still be private carriage and not subject to the Commission's regulations.

In *Long Island Nuclear Service Corp. Com. Car. Applic.,* 110 M.C.C. 398 (1969), the Commission reached a different conclusion with regard to the transportation of radioactive waste destined for burial. Like debris, these materials had no economic value or use and had no disposition other than burial at an approved site. Nevertheless, the Commission looked beyond the mere value of the materials and concluded that economic value alone is not the sole test in determining whether or not a particular commodity is "property" for jurisdicational purposes. The Commission reasoned that the term is used in the Act in its broadest sense and that the overall and substantial public interest in responsible for-hire transportation of dangerous materials must be taken into account in considering whether such commodities are included within the term "property." It was concluded that the inherent attributes of radioactive materials, even though destined for burial and even without economic value, are sufficiently important to require the Commission's continued jurisdiction over the transportation of such materials.

In *Nuclear Diagnostic, supra,* the Commission held again that radioactive waste destined for burial constitutes "property" within the meaning of the Act. The Commission reasoned that while the term "property" is subject to many different meanings, it connotes ownership as well as economic value. It concluded that the public interest and the national transportation policy (49 U.S.C. 10101) compelled use of a broader definition of the term, thus meriting jurisdiction and thereby meeting the express goals of the national transportation policy. However, the decision in the *Nuclear Diagnostic* case differed significantly from that in *Long Island Nuclear, supra,* in one important sense. The thrust of the argument in the *Nuclear Diagnostic* case for exercising jurisdiction was that the remedial aims of the Act required the Commission to exercise jurisdiction to ensure that adequate transportation service is available because many carriers considered radioactive wastes unattractive commodities to transport. In fact, the refusal of 22 rail carriers to carry radioactive wastes was the subject of extensive litigation, ultimately resulting in a decision that the Commission did hold jurisdiction over the transportation of the involved radioactive wastes. *Akron, Canton & Youngstown R.R.* v. *ICC,* 611 F. 2d 1162 (6th Cir. 1979). Accordingly, the Commission has in recent years exercised its jurisdiction over the transportation of radioactive wastes both by motor and rail carriers. The need for exercising jurisdiction in this area has arisen primarily from the reluctance of carriers to handle such wastes because of the inherent dangers of the traffic.

The Commission had not, however, attempted to exercise jurisdiction over the transportation of hazardous wastes (other than nuclear or radioactive wastes) destined for disposal, until the promulgation of Administrative Ruling No. 130. That ruling appears to be a departure from existing precedent. As a general rule, the Commission has considered commodities transported for the purpose of disposal as exempt from our regulation. See, *Transportation of "Waste" Products for Reuse,* 114 M.C.C. 92, 108 (1971) and *Joray, supra.* An exception to this general rule had been carried out for radioactive wastes for the reasons discussed above. However, we find no compelling reason to conclude that other hazardous wastes require similar treatment. For one thing, unlike in the area of radioactive wastes, there appear to be a large number of carriers and waste management companies anxious to handle hazardous waste traffic. Therefore, no argument in favor of jurisdiction can be made on the basis of a need to assure the availability of adequate transportation service.

Secondly, we cannot ignore the fact that, as a class, radioactive wastes are inherently more dangerous than other hazardous wastes. While appropriate packaging is the key to safe carriage, the failure to properly package most hazardous materials normally will result in some physical evidence of the defect (leakage, emission of fumes, etc.). With radioactive wastes, the danger is the absence of any phsyical evidence of leakage or emission.

The arguments of those favoring our exercise of jurisdiction are unconvincing. We fail to see how Commission regulation of hazardous waste traffic will solve the problem of illicit dumping or organized crime involvement in hazardous waste transportation, particularly in view of the Commission's limited budget for enforcement activities. The States are in a better position to monitor these activities. While an argument is made that regulation would aid State enforcement activities, the limited interest of only three State regulatory bodies in this proceeding would appear to diminish such an argument.

The most compelling argument in favor of exercising jurisdiction is the Commission's position of being able to assess an applicant's fitness during the application process and thereby screen out carriers who are likely to be unwilling to comply with DOT and EPA regulations. However, as noted by several commentors, many hazardous waste transporters would be exempt from the Commission's jurisdiction in any event because of the exemption from regulation contained at 49 U.S.C. 10524 for transportation in furtherance of a "primary business."

Section 306(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 49 U.S.C. 9610 *et seq.,* added subsection (h)(1) to 49 U.S.C. 11901, which increases the penalties that may be imposed on motor carriers illegally transporting hazardous wastes. Two parties favoring the Commission's exercise of jurisdiction over hazardous wastes contend that section 306(c) is an expression by Congress that these materials are subject to the Commission's jurisdiction. The legislative history of that section, however, clearly indicates that Congress was aware that the jurisdictional issue had not been settled and that section 306(c) was not intended to resolve the issue. 126 Cong. Rec. S. 16427 (Daily ed. Dec. 12, 1980). Therefore, this legislation does not appear to have any impact upon our decision here.

Accordingly, we can find no justification for excepting hazardous wastes from the general rule that commodities of no economic value are not "property" for purposes of Commission jurisdiction.

Administrative Ruling No. 130 will be vacated, and the transportation of hazardous wastes of no economic value destined for disposal (other than radioactive or nuclear wastes) will not be subject to Commission jurisdiction.

We find:

Hazardous wastes of no economic value destined for disposal (other than radioactive or nuclear wastes) do not constitute "property" within the meaning of 49 U.S.C. 10521.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

Administrative Ruling No. 130 is vacated. This proceeding is discontinued.

Decided: June 24, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Gresham, Sterrett, Andre, and Simmons. Vice Chairman Gilliam dissented with a separate expression. Commissioner Gresham did not participate.

Agatha L. Mergenovich,

Secretary.

Vice Chairman Gilliam, dissenting

I have great faith in the abilities of the U.S. private transportation sector to function efficiently with a minimal amount of government intervention. I also believe very strongly that the competitive economic dynamics of the U.S. transportation marketplace are themselves self-enforcing in that competition itself provides greater possibilities for quality service and reasonable rates. I have long been supportive of those goals. There are instances, however, where these types of economic considerations must be overridden by a compelling practical public interest in maintaining regulation for the sake of health and safety. That principle is violated in this case. I find myself in complete and fundamental disagreement with the majority on the issue of continued regulation of the transportation of hazardous wastes. I believe that continued regulation of hazardous waste transportation is essential and necessary to public health and safety and that the Commission's decision to abandon its jurisdiction in this area is hasty, unwise and represents unsound public policy.

The majority, in rejecting arguments for retention of jurisdiction, casually asserts that that retaining jurisdiction will not "solve" illicit dumping problems or affect hazardous waste transporters acting in furtherance of a primary business. Conceding this and further conceding that our modest regulatory efforts will not "solve" the problems of organized crime or illegal dumping, the "solution" of doing nothing "solves" nothing and protects no one. How much illegal dumping could be interrupted by even a relatively small enforcement effort? What percentage of hazardous waste transporters would be exempt from our jurisdiction? How many carriers would be deterred from violations given the existence of even a modest enforcement effort? The majority opinion is silent on these questions.[1] Clearly, something other than an "all or nothing" approach is needed in this area rather than this hasty and unfortunate rush to leave the field.

In addition to promulgating poor public policy, the decision also does violence to the case law that is used to buttress it. The decision holds hazardous wastes not to be "property" while claiming that our continuing jurisdiction over radioactive waste is "an exception to the general rule" that commodities transported for the purpose of disposal are exempt from Commission regulation. The Commission last provided guidance on the issue of hazardous waste as property in *Nuclear Diagnostic Labs Contr. Car. Applic.* 131 M.C.C. 578 (1979). There we approved the following factors for use in determining whether waste is property:

1. Whether the materials are transported over long distances;
2. Whether they generate significant public concern; and
3. Whether carriers may consider them unattractive to transport. *Id.*, at 581.

There is no doubt that radioactive wastes in that case met these requirements and were properly classified as property, thus making them subject to our regulation. In the instant case, however, the majority refuses to accord the same protection to the public in the case of hazardous waste. So, according to this decision we now have a peculiar dichotomy in which hazardous radioactive waste is subject to our regulation while more "ordinary" but still hazardous waste is not. I find such reasoning tortuously strained and the attempted distinctions unpersuasive.[2]

In sum, I find this decision in error on both law and public policy. Our hasty exit from this important area does not serve the public well. Additionally, this decision does a disservice to the thousands of conscientious shippers and transporters of hazardous wastes who properly rely on *someone* to keep the rotten apples off the road so as to help preserve and assure good safety records and reasonable insurance premiums. I strongly dissent from this decision which tells the public and the industry that they should no longer look to the ICC for assistance.

[FR Doc. 82-18299 Filed 7-2-82; 8:45 am]

BILLING CODE 7035-01-M

[1] The scope and magnitude of the problem is indicated by the fact that in 1980 EPA received notice from 35,000 entities indicating plans to generate, dispose of or transport hazardous wastes.

[2] Additionally, the decision's effort to rely on *Transportation of Waste Products for Reuse* 114 M.C.C. 92 (1971) and *Joray Trucking Corp. Com. Car. Applic.*, 99 M.C.C. 109 (1965) fails because neither case involved hazardous wastes.

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention

Office of Juvenile Justice and Delinquency Prevention; National Institute for Juvenile Justice and Delinquency Prevention; Announcement of Cancellation of the National Juvenile Justice Standards Resource and Demonstration Program

AGENCY: Office of Juvenile Justice and Delinquency Prevention, Justice.

ACTION: Announcement of cancellation of draft solicitation for applications for the National Juvenile Justice Standards Resource and Demonstration Program.

SUMMARY: Notice is hereby given that the National Institute for Juvenile Justice and Delinquency Prevention, Office of Juvenile Justice and Delinquency Prevention, pursuant to the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 42 U.S.C. 5601 et seq., is cancelling its Draft Solicitation for Applications: National Juvenile Justice Standards Resource and Demonstration Program, which was announced in the **Federal Register**, Vol. 47, No. 116, Wednesday, June 16, 1982, pp. 26055–26056.

FOR FURTHER INFORMATION CONTACT: Barabara Allen-Hagen, National Institute for Juvenile Justice and Delinquency Prevention, Office of Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue N.W., Washington, D.C. 20531. Telephone: 202/724–7573.

SUPPLEMENTARY INFORMATION: The National Institute for Juvenile Justice and Delinquency Prevention is cancelling, until further notice, the National Juvenile Justice Standards Resource and Demonstration Program for the following reasons:

(1) The proposed program addresses a primary statutory function of the National Advisory Committee (NAC) for Juvenile Justice and delinquency Prevention;

(2) OJJDP wishes to have the NAC review and officially advise the Office on the direction, scope and methodology of future standards activities; and

(3) The NAC is considering as an agenda item for its work the development of model legislation based on standards. Therefore the relationship of the Demonstration Program to the possible model code work must be examined.

Parties who would have been interested in responding to the draft solicitation are advised to do no further work on it.

Other options for accomplishing standards adoption and implementation are being considered.

Charles A. Lauer,

Acting Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 82-18209 Filed 7-2-82; 8:45 am]

BILLING CODE 4410-18-M

DEPARTMENT OF LABOR

Office of Pension and Welfare Benefit Programs

[Application No. D-3115]

Proposed Exemption for Certain Transactions Involving the Stout-Wall Research, Inc., Profit Sharing Plan Located in Loveland, Colorado

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt: (1) For a period of seven years, the proposed loans of money (the Loans) by the Stout-Wall Research, Inc. Profit Sharing Plan (the Plan) to Stout-Wall Research, Inc. (the Employer); and (2) the guarantee of the obligation of the Employer in such Loans by Roy C. Stout, Jr. (Stout) and Robert Wall (Wall), parties in interest with respect to the Plan. The proposed exemption, if granted, would affect the Employer, Stout, Wall, the participants and beneficiaries of the Plan and other persons participating in the proposed transactions.

DATES: Written comments and requests for a public hearing must be received by the Department on or before August 20, 1982.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D-3115. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Katherine D. Lewis of the Department, telephone (202) 523-8972. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the trustee of the Plan, Affiliated First National Bank of Loveland, Colorado (the Bank), pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a profit sharing plan with ten participants and net assets of approximately $131,655 on March 31, 1982. The Employer is a Colorado corporation engaged in the formulation and marketing of agricultural chemicals. Fifty percent of the outstanding stock of the Employer is owned by Wall and fifty percent is owned by Stout.

2. An exemption is requested to permit the Plan to enter into a loan agreement (the Loan Agreement) with the Employer whereby the Plan will periodically lend to the Employer amounts of money up to an aggregate at any point in time of 25 percent of the Plan's assets. The Loans will be made over a seven year period, the first day of which will be the date the grant of an exemption is published in the **Federal Register.** All of the proposed Loans will mature and become due and payable on or before the last day of such seven year period. The interest rate for any Loan granted under the Loan Agreement will be the prime rate charged by the Bank in effect at the time of the making of the Loan. In no event will the rate of interest on any Loan be less than 11 percent per annum. Each Loan will have a maturity of not more than 180 days. Upon maturity, the entire principal amount of each Loan plus accrued interest will be due and payable.

3. All Loans made under the Loan Agreement will be secured by a perfected first security interest in the accounts receivable (the Receivables) of the Employer. The Receivables will have, at all times during the term of the Loan Agreement, a value in excess of 200 percent of the outstanding aggregate Loan balances. A security agreement and financing statement will be executed by the Employer and the Plan, evidencing the Plan's first security interest in the Receivables. The Employer states that in 1981 the company had sales of $1,500,000 and Receivables of $142,000 at the end of the year. The normal turnover time for Receivables is four to six months.

4. Mr. Larry Scott (Scott), president of University National Bank, Fort Collins, Colorado, will act as an independent fiduciary for the Plan with respect to the proposed Loans. Scott is independent of the Employer and its shareholders and has had extensive experience in the areas of pension plans and investments. Scott represents that he has reviewed the proposed Loan Agreement, the needs of the Plan for liquidity and diversification and the overall investment scheme of the Plan, and has determined that the Loan Agreement is in the best interest of the Plan and its participants and beneficiaries. Prior to the execution of any Loan, Scott will review the terms of the Loan, render a judgment as to its suitability as a Plan investment, and throughout its duration, monitor the terms of the Loan and the Loan Agreement. Scott will ensure that the Plan has, at all times, a perfected first security interest in Receivables having a value of at least 200 percent of the aggregate outstanding loan balances. The applicants represent that in the event of any default on a Loan, Scott will be in a position to step in and effectively take over Receivables collections in an amount adequate to pay off the Loans.

5. In addition, Stout and Wall will commit, through their personal guarantees, their respective interests in all assets and resources of the Employer as well as their own personal resources to repayment of any Loans within thirty days of default by the Employer, in the event that the Loans are not repaid through the collection of Receivables. The combined net worth of Stout and Wall is approximately $1,000,000.

6. The trustee of the Plan has determined that the Loan Agreement is

in the best interests and protective of the Plan and its participants and beneficiaries.

7. In summary, the applicants represent that the proposed transactions meet the statutory criteria of section 408(a) of the Act because: (1) The loans will bear a high rate of interest with a floor of 11% per annum and will at all times be secured by the Receivables with a value of at least 200 percent of the outstanding loan balances; (2) the Plan will have a first security interest in the Receivables; (3) Stout and Wall personally guarantee repayment of the Loans; (4) Scott, acting as independent fiduciary for the Plan, has determined that the proposed Loan Agreement is in the best interests of the Plan's participants and beneficiaries; (5) Scott will approve each Loan made under the Loan Agreement, monitor the compliance with the terms of the Loans, and take any steps necessary to enforce the rights of the Plan with regard to the Loans; and (6) the Bank, as trustee of the Plan, has determined that the proposed Loan Agreement is in the best interests of the Plan and its participants and beneficiaries.

Notice to Interested Persons

All participants and beneficiaries of the Plan will be provided with a copy of the notice of pendency as published in the **Federal Register** and a statement informing them of their right to comment and/or request a hearing regarding the proposed exemption. The notice will be hand delivered to all participants and beneficiaries and a copy of the notice will be posted on the bulletin board of the Employer within 15 days after publication of the notice of pendency in the **Federal Register**.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply for a seven year period to the Loans of money by the Plan to the Employer as described herein, provided that the outstanding balances of such Loans do not, at any time exceed 25 percent of the assets of the Plan and that the terms of the Loans are at least as favorable to the Plan as those obtainable in an arm's-length transaction with an unrelated party.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to the exemption.

Signed at Washington, D.C. this 30th day of June 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 82–18234 Filed 7–2–82; 8:45]

BILLING CODE 4510–29–M

[Application No. D–2277]

Proposed Exemption for Certain Transactions Involving the Racine Neurosurgical Associates, S.C., Restated Pension Plan and Trust Located in Racine, Wis.

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the proposed loan (the Proposed Loan) of $100,000 by the Racine Neurosurgical Associates, S.C. Restated Pension Plan and Trust (the Plan), to Kandem Associates (the Partnership), a party in interest with respect to the Plan. The proposed exemption, if granted, would affect the participants and beneficiaries of the Plan and the Partnership.

DATES: Written comments and requests for a public hearing must be received by the Department on or before August 11, 1982.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D–2277. The application for exemption and the comments received will be available for public inspection in the

Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Horace C. Green of the Department, telephone (202) 523–8196. (This is not a toll-free numer.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an appliction for exemption from the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by Jose Kanshepolsky, M.D. (Kanshepolsky), the trustee (the Trustee) of the Plan pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. Racine Neurosurgical Associates, S.C. (the Employer), a Wisconsin professional medical service corporation, established the Plan as a defined benefit plan on June 1, 1976. As of October 31, 1981, the Plan had three participants and total assets of 691,292. The investment decisions for the Plan are made by the Trustee.

2. The applicant is requesting an exemption which would permit the Plan to make the Proposed Loan to the partnership. The Partnership is a land partnership of which 100 percent of the capital interest is equally owned by Kanshepolsky and John T. Dembowiak. The proceeds of the Proposed Loan would be used to assist the Partnership in financing the construction of a professional medical office building (the Building), located at 822 Wisconsin Avenue, Racine, Wisconsin. An appraisal performed by E. J. Aronin, (Aronin) Realtors, which is independent of the parties to the transaction, valued the Building at $300,000 as of June 18, 1981. It is represented that: (a) the Building is the only asset of the Partnership; and (b) the Partnership has no outstanding liabilities other than $3,000 of finishing work.

3. The Proposed Loan would be evidenced by a promissory note (the Note) which would have a term of 15 years. The Note will bear interest at a rate of 1% over the First Wisconsin Bank of Milwaukee, Wisconsin prime rate adjusted quarterly, with a floor equal to the lesser of 14% or five percentage points over the Federal Reserve discount rate in the Chicago Federal Reserve District. Repayments will be made in monthly installments to cover principal and interest. The Proposed Loan would represent approximately 14% of the assets of this Plan as of October 31, 1981.

4. The Proposed Loan will be secured by but not limited to the following collateral (the Collateral): (a) a second mortgage (the Second Mortgage) on Kanshepolsky's residence (the Residence) in Racine, Wisconsin which is valued at $162,700 by an appraisal and is subject to a first mortgage of $100,000, and (b) Kanshepolsky's 50% interest in the Partnership, valued at approximately $150,000. The appraisal was performed by Aronin, on June 18, 1981. John T. Dembowiak, the co-partner of the Partnership represents that he will consent to the pledge by Kanshepolsky of the 50% Partnership interest. The applicant represents that under the relevant statutes of the State of Wisconsin, a partner's interest in a partnership is considered personal property and can be assigned and pledged to a third person.

5. A security agreement and UCC financing statement (collectively, the Documents) will be executed by the Plan and the Partnership recording the 50% secured interest in the Partnership assets. The Documents along with the Second Mortgage will be duly filed with the Register of Deeds of Racine, Wisconsin recording the Plan's secured interest in the Partnership and the Residence.

6. The Marine Trust Company, N.A. (the Bank) of Racine, Wisconsin, has been appointed as an independent fiduciary with respect to the transaction. The Bank is independent of the parties to the transaction. It is represented that after reviewing the proposed transaction, the Bank believes that it is in the best interests of the Plan participants and beneficiaries and is protective of their rights. The Bank will monitor all the terms and conditions of the Proposed Loan and will enforce collection of the Proposed Loan in the event of default.

7. The Bank will require the Partnership to provide additional collateral when in its judgment, the market value of the Collateral is less than 150% of the remaining unpaid balance of the Proposed Plan. In such an instance, the Bank will be provided with appraisals of additional collateral, performed by independent appraisers, the cost of which will be borne by the Partnership. It is represented that if the Collateral is less than 150% and additional collateral cannot be provided, the Partnership shall deposit with the Bank the required cash amount so that the value of the Collateral will always represent no less than 150% of the remaining unpaid balance of the Proposed Loan.

8. In summary, the applicant represents that the criteria contained in section 408(a) of the Act have been satisfied as follows: (a) The Bank represents that the Proposed Loan is in the best interests of the Plan participants and beneficiaries and is protective of their rights; (b) the Proposed Loan will at all times be secured by the Collateral with a value of at least 150% of the outstanding balance of the Proposed Loan; (c) the Plan will have a secured interest in the Collateral; and (d) the Bank will monitor all the terms and conditions of the Proposed Loan and will enforce collection of the Proposed Loan in event of default.

Notice to Interested Persons

Notice of the proposed exemption will be provided to all present participants and beneficiaries and to other interested parties. This notice shall be made by posting at the usual places of such notices to employees and by first class mail to other interested parties. Notice shall be given within 5 days of the date the notice of pendency of such exemption is published in the **Federal Register**. Such notice shall include a copy of the notice of pendency and shall inform all interested persons of their right to comment or to request a hearing regarding the requested exemption.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not believe a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and

the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interests of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the Proposed Loan as described herein, provided that the terms and conditions of the Proposed Loan will be and remain at least as favorable to the Plan as an arm's length transaction would be with an unrelated party.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 30th day of June 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 82-18235 Filed 7-2-82; 8:45 am]

BILLING CODE 4510-29-M

[Application Nos. D-3320 and D-3321]

Proposed Exemption for Certain Transactions Involving the Teamsters Joint Council No. 83 of Virginia Health and Welfare Fund and the Teamsters Joint Council No. 83 of Virginia Pension Fund Located in Richmond, Va.

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the lease of office space by the Teamsters Joint Council No. 83 of Virginia Health and Welfare Fund and the Teamsters Joint Council No. 83 of Virginia Pension Fund (the Funds) to On-Line Computers, Inc. (On-Line), a service provider to the Funds and therefore a party in interest. The proposed exemption, if granted, would affect participants and beneficiaries of the Funds and On-Line.

DATES: Written comments must be received by the Department on or before August 16, 1982.

EFFECTIVE DATE: If granted the exemption will be effective March 25, 1982.

ADDRESS: All written comments (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application Nos. D-3320 and D-3321. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Alan H. Levitas of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code. The proposed exemption was requested in an application filed by legal counsel for the Funds, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975).

Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Funds are both multiemployer, jointly-trusted Taft-Hartley plans. The same persons serve on the Boards of Trustees of both Funds. Messrs. Ronald Jenkins and Earl Perkins serve as Union Trustees and Messrs. Don G. Wilson and John W. Pearsall serve as Employer Trustees (collectively, the Trustees). The Trustees have delegated authority to manage the Funds' day-to-day operations to Mr. Joseph E. Gross, the Administrator of the Funds. The Welfare Fund has approximately 6,500 participants, and the Pension Fund has

approximately 5,500, located throughout the Commonwealth of Virginia.

2. The administration of the Funds involves a substantial operational staff and the processing of voluminous records. In June 1978 the Funds hired On-Line to develop a software package to permit all of the Funds' recordkeeping and most of their other administrative functions to be computerized. On-Line is a corporation based in Richmond, Virginia, which develops, markets and maintains computer software packages for a variety of customers in Richmond and elsewhere. In December 1979 the custom-designed software package for the Funds was completed by On-Line and implemented by the Funds. As a result, all of the records of the Funds are maintained on computers. In addition, many of the administrative functions of the Funds, including all of their accounting and check-writing functions, all of their benefit claims, and some of their correspondence, are processed with the aid of the computer.

3. In addition to custom-designing the Funds' soft-ware package, On-Line has entered into a servicing arrangement with the Funds whereby, for a monthly fee of $600, On-Line maintains and enhances the programs. Pursuant to this arrangement, if a software problem occurs which causes the program to malfunction, On-Line will correct it. In most instances, it is necessary for On-Line personnel to come to the offices of the Funds to analyze the malfunction, determine a possible solution and test the solution to see if it corrects the problem. In addition to correcting "bugs" which occur in the programs, under the servicing arrangement On-Line also provides the Funds with enhancement of the software packages. Such enhancement may be necessitated by changes in regulatory requirements or by modifications or additions to the benefits provided by the Funds. Again the development of the necessary modifications to the software package may require several trips by On-Line personnel to the Funds' offices for systems analysis and testing.

4. On-Line's offices, prior to the present lease, were situated in another part of Richmond from the Funds' offices. Therefore, if a software problem developed, there was generally some lag time before On-Line personnel could be contacted and could make the trip to the Funds' offices to observe and analyze the problem, and take corrective action. During this lag time, thirty-four employees of the Funds were idled. Since payroll and related costs for the Funds' operations are approximately $17,000 per week, the Fund Administrator estimated that each hour of computer down time resulted in approximately a $500 productivity loss to the Funds.

5. The Trustees determined that it would be beneficial to the Funds to have On-Line personnel immediately available to the Funds' offices, thereby eliminating the lag time involved in contacting On-Line personnel and requiring them to travel across town to correct the Funds' software problems. Therefore, the Trustees leased to On-Line office space in a new office building constructed by the Funds at 8814 Fargo Road in Richmond, Virginia which serves as the Funds' headquarters for their administrative operations. None of the Trustees had any ownership interest, or any other interest, in On-Line which could have affected their fiduciary judgment on behalf of the Funds.

6. The office building consists of approximately 24,914 sq. ft. of space. The Funds intend initially to occupy approximately 13,385 sq. ft. of the building for their operations, and to rent out the balance of the space. The Trustees leased to On-Line approximately 569 sq. ft. of office space adjacent to the space which the Funds will occupy.

7. The terms and conditions of the lease were the same as those offered to all other tenants in the building. The terms and conditions of rentals in the building have been negotiated by Virginia Realty and Development Co. (Virginia Realty), an independent professional property manager which has been retained by the Funds to manage the building. Virginia Realty, it is represented, has made its determination of appropriate rental rates and terms based upon its own expertise in and knowledge of the commercial rental market in Richmond, and based upon the results of arms-length negotiations with unrelated tenants for the building.

8. The Funds rented the space to On-Line for a term of five years. The initial annual rental rate is $11.50 per sq. ft. The lease provides that the base rent will be increased seven percent annually to reflect an estimated increase in the cost of living. There were no real estate commissions charged in regard to the On-Line lease.

9. As property manager, Virginia Realty is responsible for monitoring the On-Line lease, for collecting rental payments as they become due, including such additional rent as becomes due as a result of the lease's escalation provisions, and for taking any appropriate steps to correct any default on the part of On-Line.

10. In summary, the applicants represent that the transaction meets the statutory criteria for an exemption under section 408(a) of the Act because (a) the terms and conditions of the lease have been developed and are being monitored by Virginia Realty, a professional realty firm which is represented to be fully conversant with the commercial rental market in Richmond and which is independent of On-Line; (b) the terms and conditions were the same as those which were being made available to the unrelated tenants occupying the building; and (c) the Trustees have determined that the transaction is appropriate for the Funds and is in the best interest of the Funds and their participants and beneficiaries.

Notice to Interested Persons

The Trustees will provide notice of the proposed exemption to all participants and beneficiaries of the Funds, to all employers contributing to the Funds, and to each employee organization whose members are participants in the Funds. The notice will include a copy of the Notice of Proposed Exemption published by the Department in the **Federal Register**, together with a statement that interested persons have a right to file written comments regarding the proposed exemption. The notice will be posted in conspicuous locations at the Funds' offices and at all hiring halls where the Funds' participants and potential employees of employers who are obligated to make contributions to the Funds normally congregate. In addition, such information will be mailed, postage prepaid, to each employer who is obligated to make contributions to either of the Funds, and to each employee organization with members who are participants in the Funds, with a request that they post the information in a conspicuous location where employees/members will be likely to see it. Such notification shall take place within ten days after publication of the Notice of Proposed Exemption in the **Federal Register.**

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4957(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to

which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b) of the Act and section 4975(c)(1)(E) and (F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments

All interested persons are invited to submit written comments on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply to the lease of office space by the Funds to On-Line, provided that the terms of the transaction are not less favorable to the Funds than those obtainable in an arm's-length transaction with an unrelated party.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction which is the subject of the proposed exemption.

Signed at Washington, D.C., this 30th day of June 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 82–18236 Filed 7–2–82; 8:45 am]

BILLING CODE 4510–29–M

[Prohibited Transaction Exemption 82–112; Exemption Application Nos. D–2763, D–2764 and D–2765]

Exemption From the Prohibitions for Certain Transactions Involving the Retirement and Security Program for Employees of National Rural Electric Cooperative, the Savings Plan for Employees of National Rural Electrical Cooperative and National Rural Electric Association Group Insurance Program Located in Washington, D.C.

AGENCY: Office of Pension and Welfare Benefit Program, Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits: (1) The establishment and operation of a partnership (the Partnership) between the Retirement & Security Program for Employees of National Rural Electric Cooperative (the R & S Plan), the Savings Plan for Employees of National Rural Electric Cooperative (the Savings Plan) and the National Rural Electric Cooperative Association Group Insurance Program (the Group Plan, collectively, the Plans), for the purchase of a computer system (the Computer), where the Plans are administered by a common trustee, Wachovia Bank and Trust Company (Wachovia); and (2) the lease of the Computer by the Partnership to the Plans, the National Rural Electric Cooperative Association (NRECA), and the Retirement, Safety and Insurance Committee of NRECA (the RS & I Committee), parties in interest with respect to the Plans.

FOR FURTHER INFORMATION CONTACT: Louis Campagna of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523–8883. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On April 9, 1982, notice was published in the **Federal Register** (47 FR 15447) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for transactions described in an application filed by Wachovia and NRECA. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicants have represented that they have complied with the requirements of notice to interested persons as stated in the notice of pendency. No public comments and no requests for a hearing were received by the Department. The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited

transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plans and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plans.

Accordingly the restrictions of section 406(a), 406(b)(1) amd 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to: (1) The establishment and operation of the Partnership for the purchase and use of the Computer where the Plans are administered by Wachovia, a common trustee, provided the terms and conditions of the Partnership are at least as favorable to each Plan as each Plan could obtain in a similar transaction with an unrelated party; and (2) the leases of the Computer by the Partnership to the Plans, the RS & I Committee and NRECA, provided the terms and conditions of the leases are at least as favorable to the Plans as the Plans could obtain in similar transactions with unrelated parties.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 30th day of June 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 82–18237 Filed 7–2–82; 8:45 am]

BILLING CODE 4510–29–M

[Prohibited Transaction Exemption 82–113; Exemption Application No. D–2918]

Exemption From the Prohibitions for Certain Transactions Involving Mutual Life Insurance Co. of New York Located in New York, New York

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits: (1) The proposed allocation and offering of certain interests in equity real estate investments (the Investments) between the general account (General Account) of Mutual Life Insurance Company of New York (MONY) and PA–7, an equity real estate separate account established by MONY in which employee benefit plans (the Plans) invest; and (2) the transfer of all or a fractional interest in such Investments by the General Account to PA–7.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Sandler of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523–8195. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On February 5, 1982, notice was published in the **Federal Register** (47 FR 5520) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b) (1) and (2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for the above-described transactions. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that a copy of the notice was distributed to interested persons in accordance with the requirements set forth in the proposed exemption. No public comments and no requests for a hearing were received by the Department. The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plans and of their participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plans.

Accordingly the restrictions of section 406(a), 406(b) (1) and (2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to: (1) The allocation and offering by MONY of the Investments between the General Account and PA–7; and (2) the transfer of all or a fractional interest in an investment by the General Account to PA–7.

The availability of this exemption is subject to the express conditon that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 30th day of June 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 82–18238 Filed 7–2–82; 8:45 am]

BILLING CODE 4510–29–M

[Prohibited Transaction Exemption 82–114; Exemption Application No. D–2839]

Exemption From the Prohibitions for Certain Transactions Involving the Lincoln County National Bank Employee Pension Plan Located in Danville, Kentucky

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of individual exemption

SUMMARY: This exemption retroactively permits the sale on December 24, 1980 by the Lincoln County National Bank Employee Pension Plan (the Plan) of certain real estate notes and mortgages (the Mortgages) originated by the Plan to Lincoln County National Bank (the Employer), a party in interest with respect to the Plan.

FOR FURTHER INFORMATION CONTACT: Mr. Horace C. Green of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. (202) 523–8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On April 9, 1982, notice was published in the **Federal Register** (47 FR 15411) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for the above described transactions. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has complied with the requirements of notification to interested persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department. The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly, the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the sale for cash of $249,338.49 by the Plan of the Mortgages to the Employer on December 24, 1980, provided the

sales price of the Mortgages was not less than the fair market value of the Mortgages at the time of the sale.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 30th day of June 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 82-18239 Filed 7-2-82; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-3400]

Proposed Exemption for Certain Transactions Involving the Clint N. Paschal, D.M.D., P.C. Profit Sharing Plan Located in Columbus, Ga.

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the cash sale by the Clint N. Paschal, D.M.D., P.C. Profit Sharing Plan (the Plan) of certain unimproved real property (the Real Property) to Dr. Clint N. Paschal (Dr. Paschal) a disqualified person with respect to the Plan. Since Dr. Paschal is the sole shareholder of Clint N. Paschal D.M.D., P.C. (the Employer) as well as the only participant in the Plan, there is no jurisdiction under Title I of the Employee Retirement Income Security Act of 1974 (the Act) pursuant to 29 CFR 2510.3-3(b). However, there is jurisdiction under Title II of the Act pursuant to section 4975 of the Code. The proposed exemption, if granted, would affect the Plan, Dr. Paschal and others participating in the transaction.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before August 10, 1982.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D-3400. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Ms. Jan D. Broady of the Department of Labor, telephone (202) 523-8971. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed on behalf of the Plan, pursuant to section 4975(c)(2) of the Code, and in accordance with procedures set forth in Rev. Proc. 75-26, 1975-1 C.B. 722. Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Employer is a professional corporation, organized under the laws of the State of Georgia and engaged in the business of providing dental services. The Employer maintains its practice at 1300 Wynnton Road, Columbus, Georgia.

2. The Plan is a profit sharing plan having Dr. Paschal as its only participant. The Plan had net assets of $52,357 as of March 31, 1982. Dr. Paschal is also the trustee of the Plan and in this capacity, directs the investments of the Plan.

3. On September 25, 1980, the Plan purchased the Real Property, which is adjacent to the Employer's place of business, from Mr. Jack F. King, an unrelated party. The Real Property is located at 1326 Wynnton Road, Columbus, Georgia. The consideration paid by the Plan was $45,000 in cash at the time of closing. The Plan was also responsible for paying certain closing costs totaling $656.

4. To finance its acquisition of the Real Property, the Plan obtained a loan (the Loan) in the amount of $30,000 from an unrelated party, Trust Company of Columbus, located in Columbus, Georgia. The Loan, which is payable on demand, carries an annual interest rate of 13.2 percent and is secured by the Real Property. To date, the principal balance of the Loan has not been reduced since the time of its making.

5. The Plan's original objective with respect to its investment in the Real Property was to develop a professional office complex on the land and then lease the offices to physicians in the Columbus, Georgia area. Because the Plan has been unable to achieve its purpose, due to a lack of demand for office space and the unavailability of adequate financing, the Real Property has remained undeveloped. Although the Plan has attempted to sell the Real Property to unrelated parties for $50,000, it has received no offers. Therefore, an exemption is requested to sell the Real Property to Dr. Paschal for cash at its current fair market value of $50,000. Neither party will incur any real estate fees or commissions in connection with the sale.

6. The sales price for the Real Property is based on identical appraised valuations prepared in March and May 1982 by three independent appraisers who maintain realty and appraisal business in the Columbus, Georgia area: Messrs. Murray A. Calhoun (of Calhoun Realty Company), Robert H. Rowe (of Rowe Realty Company) and William P. Cliatt (of Cliatt Appraisal Company). Mr. Cliatt notes in his appraisal report that the Real Property is of no unique or special value to either the Employer or Dr. Paschal by virtue of its proximity to the Employer's place of business.

7. In summary, it is represented that the proposed transaction meets the statutory criteria for an exemption under section 4975(c)(2) of the Code because: (a) The Real Property will be sold at its fair market value price as determined by independent appraisals at the time the transaction is consummated; (b) the sale represents a one-time transaction for cash which can be verified easily; (c) the sale will not involve the payment of any real estate commissions or fees by either the Plan or Dr. Paschal; and (d) the only participant affected by the transaction is Dr. Paschal, who approves of the transaction and desires that it be consummated.

Notice to Interested Persons

Because Dr. Paschal is the only participant in the Plan and the sole shareholder of the Employer, it has been determined that there is no need to distribute the notice of pendency to interested persons.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 4975(c)(2) of the Code does not relieve a fiduciary or other disqualified person from certain other provisions of the Code, including any prohibited transaction provisions to which the exemption does not apply; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 4975(c)(2) of the Code and in accordance with the procedures set forth in Rev. Proc. 75–26, 1975–1 C.B. 722. If the exemption is granted, the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the cash sale of the Real Property for $50,000 by the Plan to Dr. Paschal, provided the amount paid is not less than the fair market value on the date the sale is consummated.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 30th day of June 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82–18233 Filed 7–2–82; 8:45 am]
BILLING CODE 4510–29–M

[Prohibited Transaction Exemption 82–107; Exemption Application No. D–3011]

Exemption From the Prohibitions for Certain Transactions Involving the Shearson/American Express, Inc., Keogh Plan Located in Longmeadow, Mass.

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption will permit (1) the sale to the Shearson/American Express, Inc. Keogh Plan for the account of Dr. George Franklin (the Plan) of a one-half interest in a parcel of real property (the Property) by the Bar Realty Trust (the Realty Trust); and (2) the assumption by the Plan of the Realty Trust's obligations pursuant to a mortgage on the Property. Because Dr. Franklin is the only participant in the Plan, there is no jurisdiction under Title I of the Employer Retirement Income Security Act of 1974 (the Act) pursuant to 29 CFR 2510.3–3(b). However, there is jurisdiction under Title II of the Act pursuant to section 4975 of the Internal Revenue Code of 1954 (the Code).

FOR FURTHER INFORMATION CONTACT: Mr. David Stander of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, (202) 523–8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On May 14, 1982, notice was published in the **Federal Register** (47 FR 20884) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the sanctions resulting from the application of section 4975 of the Code by reason of section 4975(c)(1)(A) through (E) of the Code, for the above-described transactions. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 4975(c)(2) of the Code does not relieve a fiduciary or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Code, including any prohibited transaction provisions to which the exemption does not apply; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or

transitional rule is not dispositive of whether the transactions is, in fact, a prohibited transaction.

Exemption

In accordance with section 4975(c)(2) of the Code and the procedures set forth in Rev. Proc. 75–26, 1975–1 C.B. 722, and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participant and beneficiaries; and

(c) It is protective of the rights of the participant and beneficiaries of the Plan.

Accordingly the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the sale to the Plan by the Realty Trust of its one-half interest in the Property and the assumption by the Plan of the Realty Trust's obligations pursuant to the mortgage on the Property, provided that the sales price of the one-half interest in the Property is not in excess of its fair market value at the date of sale.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 30th day of June 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82–18227 Filed 7–2–82; 8:45 am]

BILLING CODE 4510–29–M

[Prohibited Transaction Exemption 82–110; Exemption Application No. D–3240]

Exemption From the Prohibitions for Certain Transactions Involving Plastic Surgery Associates, Ltd., Pension Plan Located in St. Paul, Minn.

AGENCY: Office of Pension and Welfare Benefit Programs, Labor

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption will permit the proposed sale of a certain parcel of real property (the Property) from the segregated investment account of Dr. Frank Pilney (the Account) in the Plastic Surgery Associates, Ltd. Pension Plan (the Plan) to Dr. Frank Pilney (Dr. Pilney), a party in interest with respect to the Plan.

FOR FURTHER INFORMATION CONTACT: Mr. David Stander of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, (202) 523–8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On May 14, 1982, notice was published in the **Federal Register** (47 FR 20881) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for the above-described transaction. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the cash sale of the Property from Dr. Pilney's Account to Dr. Pilney for $14,000, provided that this amount is not less than the fair market value of the Property on the date of sale.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 30th day of June 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82-18230 Filed 7-2-82; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 82-111 Exemption Application No. D-2936]

Exemption From the Prohibitions for Certain Transactions Involving Caldwell and Fisher Keogh Plan Located in Jackson, Tenn.

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the past sale of common stock (the Stock) by the Caldwell and Fisher Keogh Plan (the Plan) to Raleigh Fisher, a disqualified person with respect to the Plan. Mr. Fisher is also an owner-employee with respect to the Plan as defined in section 401(C)(3) of the Intenal Revenue Code of 1954 (the Code) due to his 50% ownership of Caldwell and Fisher, the Plan sponsor. Section 408(d)(3) of Title I of ERISA (the Act) provides that the Department of Labor (the Department) lacks authority to grant an exemption under section 408(a) of the Act for the sale of any property by a plan to an owner-employee. Therefore, the Department cannot grant an exemption under Title I for the sale of the Stock. However, there is jurisdiction under Title II of the Act, pursuant to section 4975 of the Code.

FOR FURTHER INFORMATION CONTACT: Mr.Robert Sandler of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, (202) 523-8195. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On April 20, 1982, notice was published in the **Federal Register** (47 FR 16914) of the pendency before the Department of a proposal to grant an exemption from the sanctions resulting from the application of section 4975 of the Code by reason of section 4975(c)(1) (A) through (E) of the Code, for the above-described transaction. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington,D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to the exemption. The applicant has represented that a copy of the notice was distributed in accordance with the requirements set forth in the proposed exemption. No public comments and no requests for a hearing were received by the Department. The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 4975(c)(2) of the Code does not relieve a fiduciary or other disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the code that a plan must operate for the exclusive benefit of the emloyees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406 of the Act and section 4975 (c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 4957(c)(2) of the Code and the procedure set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly, the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply, effective July 31, 1979, to the sale of the Stock by the Plan to Raleigh Fisher, provided that the sales price of the Stock represented at least the market value of the Stock at the time of sale.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately described all material terms of the transaction that is the subject of this exemption.

Signed at Washington, D.C., this 30th day of June, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82-18231 Filed 7-2-82; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 82-109; Exemption Application No. D-3194]

Exemption From the Prohibitions for a Certain Transaction Involving the Jim D. Owen, Pension Plan Trust for Self-Employed Individuals, Single-Employer Plan Located in Knoxville, Tenn.

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption exempts the sale of a tract of real property, located in Hancock County, Tennessee (the Property) to the Jim D. Owen, Pension Plan Trust for Self-Employed Individuals, Single-Employer Plan (the Plan) by Mr. and Mrs. Jim D. Owen, disqualified persons with respect to the Plan. Since Mr. Owen is the only participant in the Plan, which is an HR-10 Plan, there is no jurisdiction under Title I of the Employee Retirement Income Security Act of 1974 (the Act) pursuant to 29 CFR 2510.3-3(b). However, there is jurisdiction under Title II of the Act pursuant to section 4975 of the Internal Revenue Code of 1954 (the Code).

Tax consequences of transaction: The Department of the Treasury has determined that if a transaction between a qualified employee benefit plan and

its sponsoring employer (or affiliate thereof) results in the plan either paying less than or receiving more than fair market value such excess may be considered to be a contribution by the sponsoring employer to the plan and therefore must be examined under applicable provisions of the Code, including sections 401(a)(4), 404 and 415.

EFFECTIVE DATE: This exemption is effective April 15, 1979

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On May 18, 1982, notice was published in the **Federal Register** (47 FR 21351) of the pendency before the Department of Labor (the Department) or a proposal to grant an exemption from the sanctions resulting from the application of section 4975 of the Code by reason of section 4975(c)(1) (A) through (E) of the Code, for a transaction described in an application filed by Mr. Owen. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 4975(c)(2) of the Code does not relieve a fiduciary or other disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 4975(c)(2) of the Code and the procedures set forth in Rev. Proc. 75-26, 1975-1 C.B. 722, and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participant and beneficiaries; and

(c) It is protective of the rights of the participant and beneficiaries of the Plan.

Accordingly the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the April 15, 1979 sale of the Property to the Plan by Mr. and Mrs. Jim D. Owen for $9,000, provided that this amount was not higher than the fair market value of the Property as of the date of sale.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction which is the subject of this exemption.

Signed at Washington, D.C., this 30th day of June 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82-18229 Filed 7-2-82; 8:45 am]

BILLING CODE 4510-29-M

[Application Nos. D-3171, D-3233, D-3234 and D-3235]

Proposed Exemption for Certain Transactions Involving the Diamond Shamrock Corporation Retirement Income Plan, Employees' Retirement Plan of Diamond Shamrock Oil and Gas Company, Pension Plan for Employees of Process Chemicals Division and Diamond Shamrock Pension Plan for Hourly-Rated Employees Located in Dallas, Tex.

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt: (1) The contribution (the Contribution) of an oil and gas royalty interest (the Royalty Interest) to a master trust (the Trust) comprised of the Diamond Shamrock Corporation Retirement Income Plan (the DSC Plan), the Employees' Retirement Plan of Diamond Shamrock Oil and Gas Company (the Retirement Plan), the Pension Plan for Employees of Process Chemicals Division (the Pension Plan) and the Diamond Shamrock Pension Plan for Hourly-Rated Employees (the Hourly Plan, collectively the Plans) by Diamond Shamrock Corporation (the Employer), the sponsor of the Plans; and (2) a guarantee (the Guarantee) by the Employer related to the Royalty Interest. The proposed exemption, if granted, would affect the Employer, the Plans and their participants and beneficiaries and other persons participating in the transactions.

EFFECTIVE DATE: The effective date of this exemption is January 1, 1982.

DATES: Written comments and requests for a public hearing must be received by the Department on or before August 23, 1982.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216, Attention: Application Nos. D-3171, D-3233, D-3234 and D-3235. The application for exemption and the comments received will be available for public inspection in the Public

Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Louis Campagna of the Department, telephone (202) 523–8883. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the Employer, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Employer is a diversified international corporation with primary interests in energy, technology and chemicals. In 1981, the Employer reported sales and operating revenues of $3,400,000,000 and net income of $121,000,000. The Plans are defined benefit pension plans the assets of which are held in the Trust by the Republic Bank of Dallas, Texas (Republic). The DSC Plan has approximately 9,450 participants and total assets, as of December 31, 1980, of $6,841,00. The Pension Plan has approximately 400 participants and assets, as of December 31, 1980, of $123,231,000. The Retirement Plan has approximately 700 participants and assets, as of December 31, 1980 of $2,982,000. The Hourly Plan has 1,500 participants and assets as of December 31, 1980 of $19,608,000. The Trust is segregated into three component parts, Funds 1, 2 and 3. Fund No. 1 has assets of $101,062,000 and is available to provide benefits to all of the Plans' participants and beneficiaries. Fund No. 2 consists primarily of a venture capital partnership with assets, as of December 31, 1981, of $1,012,000. Fund No. 3 is a fixed income portfolio established to insure the benefit payments under the Hourly Plan to primarily 1,281 former employees of an Employer's plant which was closed in 1976 and had assets, as of December 31, 1981, of $16,454,000. DSC Investment Management Company (DSC) directs the investment of the assets comprising Funds No. 1 and 3. DSC is a registered investment advisor under the Investment Advisors Act of 1940 and is a wholly owned subsdiary of the Employer. None of the assets of the Plans are invested in any type of oil and gas interest. The applicant represents that the minimum funding requirement for the Trust in 1981 was $15,700,000 and that Employer's normal quarterly contribution to the Trust was withheld because of the proposed contribution of the Royalty Interest.

2. The Royalty Interest is owned by the Employer and is an undivided one-half interest in certain oil and gas royalty and overriding royalty interests in the Opelika field in Henderson County, Texas (the Property). Neither the owner of the Property nor the holder of the other one-half royalty interest in the Property is related to the Employer or to the Plan. The Property is a oil and gas producing property with a long history of production.

3. The Employer contributed the Royalty Interest on March 31, 1982 to the Trust and assigned it to Fund No. 1, and thereby satisfied its funding obligation for 1981 and part of 1982. H. J. Gruy and Associates, Inc. (Gruy), an independent petroleum consulting firm located in Irving, Texas, has determined that, as of January 1, 1982, the Royalty Interest had a value of $18,000,000. Gruy represents that its appraisal is based upon the proven reserves of the Property. The percentage of the assets of the DSC Plan, the Retirement Plan, the Pension Plan and the Hourly Plan that the Royalty Interest represents is 11.5%, 12%, 13% and 12.8% respectively. The Contribution of the Royalty Interest was made effective as of Janary 1, 1982. As a result, the Employer, upon actual Contribution on March 31, 1982 paid over to the Trust all the income it had received from the Royalty Interest for production since January 1, 1982 of $379,236 plus interest of $5,143 for the period the Employer had received income for 1982 production on the Royalty Interest. The interest on 1982 production income was calculated on the basis of the prime interest rate charged by Republic.

4. Rotan Mosle, Inc. (Rotan), an investment banking firm located in Houston, Texas, an entity independent of the parties to the transactions, reviewed, prior to the date the Contribution was made, the transaction and all accompanying documentation and determined that the Contribution was in the best interests of the Plans and their participants and beneficiaries. Rotan was selected to represent the Plans because the combination of its oil and gas expertise and investment advisory experience made it uniquely qualified to represent the Plan's interests in the transaction. Rotan also represents that based on the appraisal by Gruy, the Royalty Interest will generate an annual return of 20% to the Plans. This annual rate of return is based on revenues from production, which revenues are based upon the prices of oil and gas, net all expenses and taxes.

5. Through the Guarantee the Employer guarantees that the Trust will receive a rate of return of at least 20% per annum from the Royalty Interest until December 31, 2001. The Guarantee will be monitored by Rotan. Rotan will review the rate of return actually received by the Plans at the end of the fifth, tenth and twentieth years after the Contribution was made. Any deficiency in such rate will be paid to the Plans by the Employer within 60 days of the Employer being notified by Rotan of the deficiency. The Employer guarantees that to the extent on the date Rotan reviews the rate of return received by the Plans, the revenues received from the Royalty Interest plus the residual value of the Royalty Interest do not exceed the future value (calculated at a rate of 20% per annum) of $18,000,000, the Contribution value of the Royalty Interest, the Employer will pay to the Plan any such deficiency. If the Royalty Interest is ever sold before December 31, 2001, the Rotan will calculate the deficiency in the rate of return for the period January 1, 1982 to the date of sale. The authority to decide when and if to sell the Royalty Interest will be delegated to DSC. DSC, will not, however, without first obtaining a prohibited transaction exemption, sell the Royalty Interest to any party in interest or disqualified person as defined in the Act and Code. In any event, the decision by DSC to sell the Royalty Interest will be reviewed by Rotan or another qualified party independent of the parties to the transaction. The applicant represents that the Royalty Interest is a high quality asset with excellent potential for

appreciation which should be readily marketable.

6. In summary, the applicant represents that the Contribution satisfies the statutory criteria of section 408(a) of the Act because:

(1) Rotan, an independent party, determined that it was in the best interests of the Plans and their participants and beneficiaries; (2) the Plans obtained an asset with a proven income production history which Rotan represents will generate a return of 20% per annum; (3) the value of the Royalty Interest was determined by Gruy, an independent appraiser; (4) The Royalty Interest represents a relatively small percentage of the assets of the Plans; (5) if DSC decides to sell the Royalty Interest the sale will be approved by an independent fiduciary; and (6) the Employer guarantees that the Plans will receive a rate of return of at least 20% per annum, such Guarantee will be monitored by Rotan, and the Employer will make up any deficiency in the rate of return within 60 days of being notified by Rotan.

Notice to Interested Persons

Notice of proposed exemption will be given within fifteen days of the publication of the notice in the **Federal Register** to all participants and beneficiaries of the Plans. All present participants will be notified by posting on employees bulletin boards throughout the offices and plants of the Employer. All employers participating in the Plans and all other beneficiaries will be notified by first class mail. Such notice will contain a copy of the notice of pendency as it appears in the **Federal Register** as well as a statement informing interested persons of their right to comment or request a hearing on the proposed exemption.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsiblity provisons of section 404 of the Act, which among other things require a fiduciary it discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiairies;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to: (1) the Contribution of the Royalty Interest by the Employer to the Trust provided that (a) the Employer's federal tax deduction for the Contribution of the Royalty Interest was not greater than its fair market value on the date of Contribution and (b) the Contribution of the Royalty Interest was valued at its fair market value by the Trust on the date of Contribution; and (2) the Guarantee by the Employer related to the rate of return the Plans will receive on the Royalty Interest.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 30th day of June, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82–18232 Filed 7–2–82; 8:45 am]

BILLING CODE 4510–29–M

[Prohibited Transaction Exemption 82–108; Exemption Application No. D–3193]

Exemption From the Prohibitions for Certain Transactions Involving the Earth Consultants, Inc., Profit Sharing Plan Located in Bellevue, Wash.

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption permits the sale of a parcel of real property by the Earth Consultants, Inc. Profit Sharing Plan (the Plan) to Robert and Eloise Levinson (the Levinsons), parties in interest with respect to the Plan.

FOR FURTHER INFORMATION CONTACT: Alan H. Levitas of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523–8971. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On May 7, 1982, notice was published in the **Federal Register** (47 FR 19816) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for the transaction decribed in an application filed by legal counsel for the Plan. The

notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any intereted person might submit a written request that a public hearing by held relating to this exemption. The applicant has represented that it has complied with the requirements of the notification to interested persons as set forth in the notice of pendency. No public comments and no request for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act of the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the sale of a parcel of vacant property located on the east side of 136th Place N.E., in the northeasterly portion of the city of Bellevue, Washington, by the Plan to the Levinsons provided that the terms and conditions of sale are at least as favorable to the Plan as those obtainable in an arms length transaction with an unrelated party at the time of consummation of the transaction, and further provided that the cash payment received by the Plan is no less than the Plan's cash expenditures in connection with the property.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 30th day of June 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82-18228 Filed 7-2-82; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 82-39]

NASA Advisory Council, Aeronautics Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aeronautics Advisory Committee, Informal Advisory Subcommittee on Rotorcraft Technology.

DATE AND TIME: July 27, 1982, 8:30 a.m. to 5 p.m.; July 28, 1982, 8 a.m. to 12 Noon.

ADDRESS: National Aeronautics and Space Administration, 600 Independence Ave., SW, Room 625, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. John F. Ward, National Aeronautics and Space Administration, Code RJL–2, Washington, DC 20546 (202/755–2375).

SUPPLEMENTARY INFORMATION: The Informal Advisory Subcommittee on Rotorcraft Technology was established to assist the NASA in assessing the current adequacy of rotorcraft technology and recommend actions to reduce deficiencies through modification of the planned NASA research and techology program in rotorcraft aerodynamics, acoustics, structures, dynamics, propulsion system components, flight control, and avionics. The Subcommitteee, chaired by Mr. Edward S. Carter, Jr., is comprised of seven members. The meeting will be open to the public up to the seating capacity of the room (approximately 40 persons including the Subcommittee members and participants).

Type of Meeting: Open

Agenda

July 27, 1982

8:30 a.m.—RePort of the Chairman and Executive Secretary.
8:45 a.m.—NASA Aeronautics Long Range Plan.
10 a.m.—Summary of Current Rotorcraft Program—NASA Ames Research Center.
11 a.m.—Summary of Current Rotorcraft Program—NASA Langley Research Center.
1 p.m.—Summary of Current Rotorcraft Program—NASA Lewis Research Center.
2 p.m.—Proposed Rotorcraft FY 1984 New Initiatives.
3 p.m.—Rotorcraft Budget Definition.
4 p.m.—Discussion.
5 p.m.—Adjourn.

July 28, 1982

8 a.m.—Subcommittee Working Session.
11 a.m.—Subcommittee Summary Presentation and Report.
12 Noon—Adjourn.

Dated: June 29, 1982.

Walter B. Olstad,

Associate Administrator for Management.

[FR Doc. 82-18303 Filed 7-2-82; 8:45 am]

BILLING CODE 7510-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-358-OL]

Cincinnati Gas & Electric Co., et al. (Zimmer Nuclear Power Station, Unit 1); Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this operating license proceeding: Alan S. Rosenthal, Chairman, Stephen F. Eilperin, Howard A. Wilber.

Dated: June 29, 1982.

[FR Doc. 82-18213 Filed 7-2-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-247]

Consolidated Edison Co. of New York, Inc.; Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 78 to Facility Operating License No. DPR-26 issued to the Consolidated Edison Company of New York, Inc. (the licensee) which revised Technical Specifications for operation of the Indian Point Nuclear Generating Unit No. 2 (the facility) located in Buchanan, Westchester County, New York. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications to modify the reactor coolant system heatup, cooldown, and hydrostatic test pressure/temperature limitations applicable through seven (7) effective full power years of reactor operation. The maximum heatup rate will be limited to 60 Deg F/hr while further review is being conducted on the proposed 100 Deg F/hr limitations.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations 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 May 5, 1982, (2) Amendment No. 78 to License No. DPR-26, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the White Plains Public Library, 100 Martine Avenue, White Plains, New York. 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 28th day of June 1982.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 82-18211 Filed 7-2-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-315]

Indiana and Michigan Electric Co.; Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 55 to Facility Operating License No. DPR-58, issued to Indiana and Michigan Electric Company (the licensee), which revised Technical Specification for operation of Donald C. Cook Nuclear Plant, Unit No. 1 (the facility) located in Berrien County, Michigan. The amendment was effective June 7, 1982.

The amendment permits a one-time exclusion of the inoperable status of one ECCS subsystem for 144 hours to expire no later than 1:00 p.m. on June 10, 1982. After June 10, 1982, the inoperable status of one ECCS subsystem is again limited to 72 hours or be in HOT SHUTDOWN within the next 12 hours. The amendment was authorized on an expedited basis to maintain the plant at a steady-state condition and avoid a shutdown transient shown by our evaluation to be unnecessary but required by Technical Specification unless amended.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a signficant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any signficant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the request for amendment dated June 7, 1982, (2) the Commission's letter to the licensee dated June 8, 1982, (3) Amendment No. 55 to License No. DPR-58 and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room 1717 H Street, N.W., Washington, D.C. and at the Maude Reston Palenski Memorial Library, 500 Market Street, St. Joseph, Michigan 49085. 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 28th day of June 1982.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 82-18212 Filed 7-2-82; 8:45 am]

BILLING CODE 7590-01-M

MOTOR CARRIER RATEMAKING STUDY COMMISSION

Announcement of Closing Date of Record

SUMMARY: The purpose of this notice is to inform all interested parties that August 1, 1982 is the last day written testimony will be accepted for the record of the Commission.

ADDRESS: Written comments should be submitted to: Larry F. Darby, Executive Director, Motor Carrier Ratemaking

Study Commission, 214 Massachusetts Avenue, NE., Washington, D.C. 20515.

FOR FURTHER INFORMATION CONTACT: J. Kent Jarrell, General Counsel, (202) 724–9600.

SUPPLEMENTARY INFORMATION: The Motor Carrier Act of 1980, Pub. L. 96–296, directs the Motor Carrier Ratemaking Study Commission to make a full and complete investigation and study of the collective ratemaking process for all rates of motor common carriers and of the need or lack of need for continued antitrust immunity thereof. The Commission is specifically directed to estimate the impact of the elimination of such immunity upon the rate levels and rate structures and to describe the impact of such elimination on the Interstate Commerce Commission and its staff. Also, the Commission has been directed to give special consideration to the impact of the elimination of such immunity upon rural areas and small communities. The Commission shall, not later than January 1, 1983, submit to the President and the Congress its final report including its findings and recommendations.

The Commission has established a record whereby testimony may be submitted by any interested party and would only be excluded upon a finding of the General Counsel that such submission (1) is libelous; (2) contains profanity, other than that contained in a quote; (3) is non-germane; or (4) is unsigned by the submitter. In connection with the Commission's public hearings held on December 10, 1981, and in 1982, January 29, February 12, March 5, 18 and 19, and April 2, notice was placed in the **Federal Register** inviting interested parties to submit such testimony for the record. In addition, letters were sent to various state government officials concerned with transportation, shipper and carrier organizations, and other interested parties, inviting them to submit testimony.

The Commission has received over 300 such submissions to date. In order to provide ample additional opportunity for all parties to submit their views for the record, while affording sufficient time to take account of them in the Commission's findings and recommendations, this notice is given that the record will be closed as of August 1, 1982, with the exception of (1) reports generated within the Commission, (2) reports generated by those under contract to the Commission, and (3) materials requested by the Commission to augment and/or clarify existing testimony in the record.

This action does not preclude anyone from submitting additional information after August 1, 1982. Such submissions will not be made part of the record, but will be brought to the attention of Commission members and staff for their consideration to the extent that time allows.

Submitted this, the 30th day of June 1982.

Gary D. Dunbar,

Deputy Executive Director.

[FR Doc. 82–18155 Filed 7–2–82; 8:45 am]

BILLING CODE 6820–BD–M

PENSION BENEFIT GUARANTY CORPORATION

Pendency of Request for Exemption From Bond/Escrow Requirement Relating to Sale of Assets by an Employer That Contributes to a Multiemployer Plan; National Fruit Canning Co.

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of pendency of request.

SUMMARY: This notice advises interested persons that the Pension Benefit Guaranty Corporation has received a request from National Fruit Canning Company for an exemption from the bond/escrow requirement of section 4204(a)(1)(B) of the Employee Retirement Income Security Act of 1974, as amended by the Multiemployer Pension Plan Amendments Act of 1980. Section 4204(a)(1) provides that the sale of assets by an employer that contributes to a multiemployer pension plan will not constitute a complete or partial withdrawal from the plan if certain conditions are met. One of these conditions is that the purchaser post a bond or make a deposit in escrow for five plan years beginning after the sale. The PBGC is authorized to grant exemptions from this requirement. Prior to granting an exemption, the PBGC is required to give interested persons an opportunity to comment on the exemption request. The effect of this notice is to advise interested persons of this exemption request and to solicit their views on it.

DATE: Comments must be submitted on or before August 20, 1982.

ADDRESSES: All written comments (at least three copies) should be addressed to: Assistant Executive Director for Policy and Planning (140), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006. The request for an exemption and the comments received will be available for public inspection at the PBGC Public Affairs Office, Suite 7100, at the above address, between the hours of 9:00 a.m. and 4:00 p.m.

FOR FUTHER INFORMATION CONTACT: David Weingarten, Office of the Executive Director, Policy and Planning (140), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006; (202) 254–4862. [This is not a toll-free number.]

SUPPLEMENTARY INFORMATION:

The Statute

Section 4204 of the Employee Retirement Income Security Act, as amended by the Multiemployer Pension Plan Amendments Act of 1980 ("ERISA") provides that the sale of assets of an employer contributing to a multiemployer plan, in a bona fide arm's length transaction to an unrelated party, will not be considered a withdrawal from the plan if three conditions are met. These conditions, enumerated in section 4204(a)(1) (A)–(C), are that—

(A) The purchaser has an obligation to contribute to the plan for substantially the same number of contribution base units for which the seller was obligated to contribute;

(B) The purchaser obtains a bond or places an amount in escrow, for a period of five plan years after the sale, in an amount equal to the greater of the seller's average required annual contribution to the plan for the three plan years preceding the year in which the sale occurred or the seller's required annual contribution for the plan year preceding the year in which the sale occurred; and

(C) The contract of sale provides that if the purchaser withdraws from the plan within the first five plan years beginning after the sale and fails to pay any of its liability to the plan, the seller shall be secondarily liable for the liability it (the seller) would have had but for section 4204.

The bond or escrowed amount described above would be paid to the plan if the purchaser withdraws from the plan or fails to timely make any required contributions to the plan within the first five plan years beginning after the sale.

Additionaly, section 4204(b)(1) provides that if a sale of assets is covered by section 4204, the purchaser assumes by operation of law the contribution record of the seller for the plan year in which the sale occurred and the preceding four plan years.

Section 4204(c) of ERISA authorizes the Pension Benefit Guaranty Corporation ("PBGC") to grant individual or class variances or exemptions from the purchaser's bond/

escrow requirement of section 4204(a)(1)(B) and the contract-provision requirement of section 4204(a)(1)(C) if the variance would "more effectively or equitably carry out the purposes of [Title IV]." The legislative history of section 4204 indicates a Congressional intent that the sales rules be administered in a manner that assures protection of the plan with the least practicable intrusion into normal business transactions. The granting of an exemption or variance from the requirements of section 4204(a)(1)(B) or (C) does not consititute a finding by PBGC that the transaction satifies the other requirements of section 4204(a)(1).

Under section 2643.3(a) of the PBGC's regulation on procedures for variances for sales of assets (46 FR 46127, September 17, 1981), the PBGC shall approve a request for a variance or exemption if it determines that approval of the request—

(1) Would more effectively or equitably carry out the purposes of Title IV of ERISA; and

(2) Would not significantly increase the risk of financial loss to the Plan.

Section 4204(c) and section 2643.3(b) of the regulation require the PBGC to publish a notice of the pendency of a request for a variance or exemption in the **Federal Register**, and to provide interested parties with an opportunity to comment on the proposed variance or exemption.

The Request

The PBGC has received a request from National Fruit Canning Company ("National") to waive the bond/escrow requirement of section 4204(a)(1)(B) of ERISA. In the request, National represents, among other things, that:

1. On January 26, 1982, National purchased substantially all of the assets of Seabrook Foods, Inc. ("Seabrook") located at its Albany, Oregon plant, effective as of February 1, 1982.

2. Pursuant to a collective bargining agreement with Teamsters Local Union No. 670, Seabrook contributed to the Western Conference of Teamsters Pension Plan (the "Plan") on behalf of covered employees at its Albany, Oregon plant. As a result of the sale, National agreed to assume the obligation of Seabrook to contribute to the Plan.

3. The estimated amount of Seabrook's withdrawal liability, absent section 4204, is approximately $734,000.[1] The amount of the bond or escrow required under section 4204(a)(1)(B) of ERISA, absent an exemption from PBGC, would be $177,745.28, the average of the contributions required to be made by Seabrook for the three plan years preceding the year of the sale. The contract of sale provides that unless PBGC grants a waiver or variance, National will post the bond or escrow required under section 4204(a)(1)(B) of ERISA.

4. According to its audited financial statement for its fiscal year ended April 30, 1981, National had net assets of approximately $11.6 million. National has net income after taxes of $1,714,570 for its fiscal year ended April 30, 1981, $1,511,182 for its fiscal year ended April 30, 1980 and $2,107,985 for its fiscal year ended April 30, 1979 according to its audited financial statements for those years.

5. National has sent a copy of the request to the Plan and to the collective bargaining representative of the former employees of Seabrook participating in the Plan.

Comments

All interested persons are invited to submit written comments on the pending exemption to the above address, on or before August 20, 1982. All comments will be made a part of the record. Comments received, as well the application for exemption, will be available for public inspection at the address set forth above.

Issued at Washington, D.C., on the this 28th day of June 1982.

Edwin M. Jones,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 82-18131 Filed 7-1-82; 8:45 am]

BILLING CODE 7708-02-M

[1] Seabrook has been advised by the Plan that its withdrawal liability is a) $550,833.37, Seabrook's proportional share of the unamortized amount of the Plan's unfunded vested benefits as of December 31, 1979, plus b) a share of the plan's "adjusted unfunded vested benefits" as of December 31, 1981, i.e., the change in the plan's unfunded vested benefits between December 31, 1979 and December 31, 1981. The Plan has indicated that it cannot calculate the employer's withdrawal liability under (b) at this time. However, the Plan has advised PBGC of a procedure that can be used to approximate the employer's total withdrawal liability. Under this procedure, assuming that the de minimis rule in section 4209 of the Act does not apply, an employer's total withdrawal liability is the employer's share of the plan's unfunded vested benefits as if the withdrawal had occurred during 1980, plus an additional 20 percent of that amount for a 1982 withdrawal. Seabrook's estimated withdrawal liability under this procedure would be approximately $734,000 (approximately $612,000 + approximately $122,000). In any event, the Plan believes that Seabrook's total withdrawal liability should be less than $1 million.

Request for Exemption From Bond/Escrow Requirement Relating to Sale of Assets by an Employer; Tribune Co. and Its Wholly Owned Subsidiary, Chicago National League Ball Club, Inc.

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of Pendency of Request.

SUMMARY: This notice advises interested persons that the Pension Benefit Guaranty Corporation has received a request from the Tribune Company and its wholly owned subsidiary, Chicago National League Ball Club, Inc., for an exemption from the bond/escrow requirement of section 4204(a)(1)(B) of the Employee Retirement Income Security Act of 1974, as amended by the Multiemployer Pension Plan Amendments Act of 1980. Section 4204(a)(1) provides that the sale of assets by an employer that contributes to a multiemployer pension plan will not constitute a complete or partial withdrawal from the plan if certain conditions are met. One of these conditions is that the purchaser post a bond or deposit money in escrow for five plan years beginning after the sale. The PBGC is authorized to grant exemptions from this requirement. Prior to granting an exemption, the PBGC is required to give interested persons an opportunity to comment on the exemption request. The effect of this notice is to advise interested persons of this exemption request and to solicit their views on it.

DATES: Comments must be submitted on or before August 20, 1982.

ADDRESSES: All written comments (at least three copies) should be addressed to: Assistant Executive Director for Policy and Planning (140), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006. The request for an exemption and the comments received will be available for public inspection at the PBGC Public Affairs Office, Suite 7100, at the above address, between the hours of 9:00 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: James M. Graham, Office of the Executive Director, Policy and Planning (140), 2020 K Street, NW., Washington, D.C. 20006; (202) 254-4862. [This is not a toll-free number.]

SUPPLEMENTARY INFORMATION:

The Statute

Section 4204 of the Employee Retirement Income Security Act of 1974, as amended by the Multiemployer Pension Plan Amendments Act of 1980,

("ERISA") provides that a bona fide arm's-length sale of assets of an employer contributing to a multiemployer plan to an unrelated party will not be considered a withdrawal if three conditions are met. These conditions, enumerated in section 4204(a)(1)(A)–(C), are that—

(A) the purchaser has an obligation to contribute to the plan for substantially the same number of contribution base units for which the seller was obligated to contribute;

(B) the purchaser obtains a bond or places an amount in escrow, for a period of five plan years after the sale, in an amount equal to the greater of the seller's average required annual contribution to the plan for the three plan years preceding the year in which the sale occurred or the seller's required annual contribution for the plan year preceding the year in which the sale occurred; and

(C) the contract of sale provides that if the purchaser withdraws from the plan within the first five plan years beginning after the sale and fails to pay any of its liability to the plan, the seller shall be secondarily liable for the liability it (the seller) would have had but for section 4204.

The bond or escrow described above would be paid to the plan if the purchaser withdraws from the plan or fails to make any required contributions to the plan within the first five plan years beginning after the sale.

Additionally, section 4204(b)(1) provides that if a sale of assets is covered by section 4204, the purchaser assumes by operation of law the contribution record of the seller for the plan year in which the sale occurred and the preceding four plan years.

Section 4204(c) of ERISA authorizes the Pension Benefit Guaranty Corporation ("PBGC") to grant individual or class variances or exemptions from the purchaser's bond/escrow requirement of section 4204(a)(1)(B) and the sale-contract requirement of section 4204(a)(1)(C). The legislative history of section 4204 indicates a Congressional intent that the sales rules be administered in a manner that assures protection of the plan with the least practicable intrusion into normal business transactions. The granting of an exemption or variance from the requirements of section 4204(a)(1)(B) or (C) does not constitute a finding by PBGC that the transaction satisfies the other requirements of section 4204(a)(1). Further, an exemption from the sale-contract requirement of section 4204(a)(1)(C) does not constitute a waiver of the seller's secondary liability under section 4204(a)(2).

Under section 2643.3(a) of the PBGC's regulation on procedures for variances for sales of assets, (46 FR 46127 (1981)), the PBGC shall approve a request for a variance or exemption if it determines that approval of the request is warranted, in that it—

(1) would more effectively or equitably carry out the purposes of Title IV of the Act; and

(2) would not significantly increase the risk of financial loss to the plan.

Section 4204(c) of ERISA and 2643.3(b) of the regulation require the PBGC to publish a notice of the pendency of a request for a variance or exemption in the **Federal Register**, and to provide interested parties with an opportunity to comment on the proposed variance or exemption.

The Request

The PBGC has received a request from the purchaser, Tribune Company, and its wholly owned subsidiary, Chicago National League Ball Club, Inc., ("Tribune") for an exemption from the requirements of section 4204(a)(1) (B) and (C) of ERISA. In the request, the Tribune represents, among other things, that:

1. By a contract dated June 16, 1981, the Chicago National League Ball Club (the "Club") sold its assets to the Tribune. The agreement of sale was effective as of August 28, 1981.

2. The Club was a participating employer in the Major League Baseball Players Benefit Plan (the "Plan"), which is established and maintained pursuant to a collective bargaining agreement between the 26 professional major league baseball teams and the Major League Basebull Players Association.

3. The major league clubs have established the Major League's Central Fund (the "Central Fund") pursuant to the "Major League Agreement in re Major League's Central Fund." Under this Agreement, the revenues to fund the plan for all participating employers are received by the Office of the Commissioner of Baseball and are then remitted on behalf of the clubs in satisfaction of their pension liability arising under the Plan's funding agreement. In addition, other expenditures on behalf of all 26 clubs are made from the Central Fund. The revenue to fund the Plan is currently derived directly from (i) gate receipts from All-Start games, (ii) radio and television revenues from World Series, League Championship intradivision play-off and All-Star games, and (iii) certain other radio and television revenue (including foreign broadcasts) from regular and exhibition games.

4. The major league clubs are currently obligated to contribute the sum of $15,500,000 per year to cover both pension and welfare benefits; approximately $13 million of which is remitted to the pension plan for the current plan year. Each major league club is responsible for 1/26 of that amount. In 1980, the Central Fund paid $500,000 as pension contributions to the Plan on behalf of the Club.

5. The contract of sale provides that unless the PBGC grants a variance, Tribune will post the bond or escrow required under section 4204(a)(1)(B) of ERISA. The amount of the bond/escrow would be $500,000.

6. In support of the variance request, the Tribune states that "[t]he payment of the employer contributions directly to the Plan from the Central Fund deposits, and the traditional adequacy of the Central Fund deposits to meet the Fund requirements of the Plan, provide adequate assurance to the Plan and the PBGC that the employer contributions will be made when due.

7. Tribune had an average net income for calendar years 1978, 1979 and 1980 of approximately $69 million.

8. By certified mail, return receipt requested, a complete copy of this request has been sent to the Plan and the collective bargaining representative of the Club's former employees.

PBGC also notes that it has previously dealth with a request very similar to the pending request, involving the Chisox Corporation, the Chicago White Sox Baseball Club, Inc. and the Artnell Company. On September 1, 1981, PBGC granted that request for a variance from the purchaser's bond and sale-contract requirements of section 4204 (see 46 FR 44948 (Sept. 8, 1981)). Another similar request, involving the Philadelphia National League Club and The Phillies, a limited partnership, is now pending before the PBGC (see 47 FR 8440 (Feb. 26, 1982)).

Comments

All interested persons are invited to submit written comments on the pending exemption to the above address, on or before August 20, 1982. All comments will be made a part of the record. Comments received, as well as the non-confidential portions of the application for exemption, will be available for public inspection at the address set forth above.

Issued at Washington, D.C. on this 28th day of June, 1982.

Edwin M. Jones,

Executive Director, Pension Benefit Guranty Corporation.

[FR Doc. 82-18130 Filed 7-2-82; 8:45 am]

BILLING CODE 7708-01-M

EXECUTIVE OFFICE OF THE PRESIDENT

Office of Science and Technology Policy

White House Science Council (WHSC); Meeting

The White House Science Council, the purpose of which is to advise the Director, Office of Science and Technology Policy (OSTP), will meet on July 16, 1982, in Room 330, Old Executive Office Building, Washington, D.C. The meeting will begin at 9:00 a.m. Following is the proposed agenda for the meeting:

(1) Briefing of the Council, by the Assistant Directors of OSTP, on the current activities of OSTP.

(2) Briefing of the Council by OSTP personnel and personnel of other agencies on proposed, ongoing and completed panel studies.

(3) Discussion of composition of panels to conduct studies.

A portion of the meeting will be closed to the public.

The briefing on some of the current activities of OSTP necessarily will involve discussion of material that is formally classified in the interest of national defense or for foreign policy reasons. This is also true for a portion of the briefing on panel studies. As well, a portion of both of these briefings will require discussion of internal personnel procedures of the Executive Office of the President, and information the premature disclosure of which likely would significantly frustrate implementation of our agency's action. These portions of the meeting will be closed to public pursuant to 5 U.S.C. 552b(c) (1), (2), and 9(B).

A portion of the discussion of panel composition will necessitate the disclosure of information of a personal nature, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Accordingly, this portion of the meeting will also be closed to the public, pursuant to 5 U.S.C. 552b(c)(6).

The portion of the meeting open to the public will begin at 9:00 a.m. Because of security in the Old Executive Office Building, persons wishing to attend the open portion of the meeting should contact Dr. Thomas H. Johnson, Special Assistant to the Director of OSTP at (202) 456-7740, prior to 4:30 p.m. on July 15th. Dr. Johnson is also available to provide further information.

Robert D. Linder,

Executive Director, Office of Science and Technology Policy.

June 30, 1982.

[FR Doc. 18173 Filed 6-30-82; 3:03 pm]

BILLING CODE 3170-01-M

SECURITIES AND EXCHANGE COMMISSION

[SR-NSCC-82-10; Rel. No. 34-18852]

National Securities Clearing Corp.; Filing and Order Granting Accelerated Approval of Proposed Rule Change

June 28, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. § 78s(b)(1), notice is hereby given that on June 18, 1982, the National Securities Clearing Corporation ("NSCC"), 55 Water Street, New York, New York 10041, filed with the Securities and Exchange Commission the proposed rule change described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change would amend Section XIV, subsection A of NSCC's Stock Clearing Corporation ("SCC") Division Procedures under NSCC Rule 4 regarding the calculation of certain NSCC participants' minimum clearing fund contributions. NSCC has filed the proposed rule change on a temporary basis, to be effective until January 1, 1983. In substance, the proposed rule change would impose an increased clearing fund requirement on each NSCC member that (1) uses NSCC's Envelope Settlement Systems ("ESS"); and (2) carries in ESS, on the average, a daily net debit balance. In addition, in the case of a broker-dealer member the minimum clearing fund requirement shall be increased if such average daily debit balance is greater than that member's excess net capital as determined under SEC Rule 15c3-1 (17 CFR § 240.15c3-1). The proposed rule change, however, does not affect other aspects of NSCC's clearing fund requirements.

Description of the Proposed Rule Change

To determine a clearing member's clearing fund requirement, NSCC uses a formula set forth in section XIV, subsection A of SCC's procedures. That formula, as amended by the proposed rule change, would provide that:

Each Member * * * is required to contribute to the clearing fund * * * an amount equal to:

(i) 2½% of the Member's average daily settlement debits and credits other than the Member's envelope settlement systems debits and credits, plus

(ii)(a) 2½% of the Member's average daily envelope settlement systems debits and credits, or (b) 5% of the Member's average daily envelope settlement systems debits, whichever is greater, adjusted by a factor (as defined below).

The proposed rule change further provides that the ESS adjustment factor "shall be calculated as follows":

* * * * *

$$\frac{\text{average daily envelope settlement systems debits}}{\text{excess net capital}}$$

The factor calculation shall be adjusted in order to provide a minimum of one with a maximum of twenty.

For all other Members there shall be no factor adjustment until such time as the Corporation determines the appropriateness of developing a factor calculation for such Members.[1] Currently, absent the rule change, average daily ESS debits and credits are not separately treated in the formula. Instead, all average daily debits and credits, including those occurring in ESS, are aggregated and multiplied by two and one-half percent to derive the required clearing fund contribution, subject to specified minimum amounts.[2]

[1] As an illustration, under the proposed formula, assume that Broker A, with excess net capital of $60,000, has average daily ESS debits of $600,000 and average daily ESS credits of $400,000 totalling $1,000,000. Broker A, pursuant to the current formula, has contributed required collateral to NSCC's clearing fund, including $25,000 allocable to ESS. (The portion of NSCC's clearing fund contribution allocable to ESS activity is currently calculated by aggregating gross average daily ESS debits and credits and multiplying that sum by 2½ percent.) Under the new formula, the greater of [($600,000 + $400,000) × (2½ percent) or ($600,000) × (5 percent)] is multipled by a factor of $600,000/$60,000 or 10. Because the 5 percent figure ($30,000) is greater than the 2½ percent figure ($25,000) and the applicable factor is 10, Broker A's new clearing fund requirement attributable to ESS activity would be $300,000 ($30,000 × 10). Since the new requirement exceeds Broker A's current ESS portion of its clearing fund deposit, Broker A must contribute the $275,000 difference. Under the proposed rule change, the factor can never be less than one. In instances where broker-dealer NSCC members are thinly capitalized in relation to their average monthly ESS debits, the factor can be as great as, but not greater than, 20.

[2] The minimum cash contribution is either $10,000 or, if the clearing member's open account indebtedness is collateralized with letters of credit, $50,000. Those specified minimum requirements are not affected by the rule change.

Accordingly, under NSCC's current rules, an ESS participant's clearing fund requirement attributable to ESS usage would require two and one-half percent of that participant's ESS debits and ESS credits.

Discussion

In its filing, NSCC states that the purpose of the proposed rule change is to permit NSCC to protect itself more adequately against the risks created by NSCC participants' use of ESS. ESS allows NSCC participants physically to deliver securities in envelopes to each other through NSCC.[3] Each day, NSCC continuously posts to participants' NSCC money settlement accounts debits and credits corresponding to the value of securities that participants are to receive or deliver through ESS. On receipt of an envelope in proper form from a delivering participant, NSCC credits that participant's NSCC settlement account for the dollar value of those securities. At the same time, NSCC debits the receiving participant's NSCC settlement account with the same amount. Customarily, each receiving ESS participant picks up the envelopes from NSCC at least once a day. At the end of the day, the receiving member (if it has not engaged in other settlement activity offsetting the net ESS debits) is obligated to pay NSCC the value of the envelopes received and not reclaimed. Because NSCC's procedures obligate NSCC to pay delivering participants the aggregate net dollar value of securities delivered through NSCC envelopes, NSCC may be financially exposed to the extent a receiving participant fails to pay NSCC.

This potential financial exposure is substantial. NSCC processes in ESS daily about 7000 envelopes from broker-dealer members, containing securities valued at $700,000,000. Some of those NSCC broker-dealer members are engaged in a substantial stock loan business for which ESS is often used as a delivery and settlement vehicle.[4] Moreover, at times, such members' average daily ESS debits can substantially exceed their excess net capital, thus exposing NSCC and its other participants to financial liability beyond that traditionally contemplated by the clearing fund rules.[5]

The proposed rule change is a result of NSCC's reconsideration of the adequacy of its clearing fund requirements in light of NSCC's recent experience. During 1981, NSCC experienced two participant insolvencies. In June 1982, a receiver was appointed for a third participant. A fourth member in May 1982 defaulted in its ESS obligations due to cash flow problems. In focusing on the issues raised by those situations and as part of an overall review of the changing risks to which NSCC is subject, NSCC has considered the adequacy of its clearing fund requirement as it relates to current ESS usage by participants. In that regard, NSCC has found that the ESS clearing fund requirement does not realistically protect NSCC against the risks created by participants' use of that service and by participants that use ESS exclusively. In particular, NSCC has determined that it faces substantial potential for loss in ESS from participants whose average daily ESS debits exceed their average daily ESS credits and whose net debit balances significantly exceed excess net capital. Accordingly, NSCC has determined that the clearing fund requirement should be modified to compensate for these increased risks of loss.

Because NSCC's clearing fund affords basic protection to NSCC and its participants from liabilities incurred in its clearance and settlement operations, NSCC believes that its financial safety could be strained if its clearing fund requirements, in the aggregate, do not meet the financial exposure created by member activities. By increasing the ESS clearing fund requirements in proportion to the specific changes in the nature of NSCC's risks, NSCC further believes that the proposed rule change would enable NSCC to protect itself more adequately and would increase its recovery capabilities in the event of participant defaults. For those reasons, NSCC is of the view that the proposed rule change, consistent with Section 17A of the Act, promotes the prompt and accurate clearance and settlement of securities transactions, assures the safeguarding of securities and funds in the custody or control of NSCC, and protects investors and the public interest.

Interested persons are invited to submit written data, views and arguments concerning the proposed rule change on or before September 7, 1982. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR–NSCC–82–10.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

Commission's Determinations

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulation thereunder applicable to clearing agencies and, in particular, the requirements of Section 17A of the Act and the rules and regulations thereunder. The Commission also finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing. In its filing, NSCC requested that the

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[3] NSCC Rule 9 authorizes NSCC to offer, and outlines specific operating procedures of, ESS.

[4] As an alternative to bank financing of securities positions and related costs, a significant portion of NSCC member broker-dealers engage in a member-to-member stock loan business, consistent with Regulation T of the Board of Governors of the Federal Reserve System (12 CFR § 220) and SEC Rules 8c–1 and 15c3–3 (17 CFR § 240.8c–1 and 15c3–3), and use ESS as a delivery and settlement mechanism in that business. Some of those broker-dealers, however, engage almost exclusively in that business and use ESS only for delivering and settling their stock loan transactions. Such broker-dealers typically match borrowing broker-dealers with lending broker-dealers and often, in effect, use their borrowed securities inventory in stock lending activities. These broker-dealers, at times, get caught in a cash squeeze when on any given day the monies generated by their lending activities are not sufficient to cover the fees, including related marks-to-the-market, to be paid because of their stock borrowings.

[5] ESS was designed to serve primarily as a system to accomplish physical delivery and settlement of balance order securities. Recently, however, NSCC has recognized an increased in ESS volume due to increase member-to-member stock loan activity. This shift in ESS usage and the related increased in financial exposure to NSCC requires NSCC to make appropriate adjustment to its financial safeguards, which include clearing fund deposits, a lien against securities and proceeds, and general authority to require further financial assurances. For example, if an ESS participant's clearing fund deposit does not cover NSCC's financial exposure arising from that troubled participant's use of ESS and if the participant does not have liquid assets available to satisfy NSCC's call for further financial assurances, other NSCC participants' clearing fund deposits would be exposed to the excess loss on a pro-rata basis. If NSCC were to draw down clearing fund deposits on a pro-rata basis, however, NSCC could place those participants in non-compliance with the Commission's net capital requirements under SEC Rule 15c3–1 (17 CFR § 240.15c3–1). To remedy this situation, NSCC believes that its clearing fund requirements need to be restructured to accommodate the evolving financial risks.

proposed rule change be approved on an accelerated basis because of clearing fund exposure resulting from the increasing number of member insolvencies, the general condition of the securities markets, the increase of thinly-capitalized member firms using envelope services predominantly. Approval of the proposed rule change at this time will enable NSCC promptly to adjust its clearing fund deposit levels to the current extent of financial exposure that NSCC assumes as a registered clearing corporation. The Commission also believes that it is appropriate to accelerate approval because of the temporary nature of the proposed rule change. In the interim, NSCC will monitor the rule change and will report periodically to the Commission concerning the rule's operation and effect. Thus, the Commission will be able to evaluate those reports, as well as any comments received, before making any decision with regard to permanent approval of the proposed rule change. Accordingly, the Commission approves the proposed rule change effective immediately for a period terminating on January 1, 1983.[6]

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above be, and hereby is, approved until January 1, 1983.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

June 28, 1982.

[FR Doc. 82-18151 Filed 7-2-82; 8:45 am]

BILLING CODE 8010-01-M

New York Stock Exchange, Inc.; Order Approving Proposed Rule Change

[SR-NYSE-82-7; Rel. No. 18851]

June 28, 1982.

The New York Stock Exchange, Inc. ("NYSE"), Eleven Wall Street, New York New York 10005, submitted on April 12, 1982, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, to amend various NYSE rules relating to exchange members and statements of accounts to customers, including a proposal to rescind NYSE Rule 318.13 relating to insurance sales activities by member organizations (NYSE Rule 318.13).[1]

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 18644, April 14, 1982), and by publication in the **Federal Register** (47 FR 17702, April 23, 1982). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder.[2]

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-18152 Filed 7-2-82; 8:45 am]

BILLING CODE 8010-01-M

Cincinnati Stock Exchange; Application for Unlisted Trading Privileges and of Opportunity for Hearing

June 29, 1982.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of:

Texas American Bancshares, Inc.
Common Stock, $5 Par Value (File No. 7-6256)

This security is listed and registered on one or more other national securities exchanges and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before July 21, 1982 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-18207 Filed 7-2-82; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 2049]

Rhode Island; Declaration of Disaster Loan Area

Kent County and the adjacent counties of Providence and Washington in the State of Rhode Island constitute a disaster area as a result of damage caused by heavy rain and flooding which occurred on June 4 through 7, 1982. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on August 13, 1982, and for economic injury until the close of business on March 22, 1983, at the address listed below: U.S. Small Business Administraton, 40 Fountain Street, Providence, Rhode Island 02903 or other locally announced locations.

Interest rates for applicants filing for assistance under this declaration are as follows:

	Percent
Homeowners with credit available elsewhere	15⅜
Homeowners without credit available elsewhere	7⅞
Businesses with credit available elsewhere	16
Businesses without credit available elsewhere	8
Businesses (EIDL) without credit available elsewhere	8
Other (Non-profit organizations including charitable and religious organizations)	11½

It should be noted that assistance for agriculture enterprises is the primary responsibility of the Farmers Home Administration as specified in Pub. L. 96-302.

[6] On or before January 1, 1983, the Commission will revisit this Order in light of comments received and NSCC's and its participants' experience under the new clearing fund formula. At that time, and assuming that NSCC files with the Commission pursuant to Section 19(b) of the Act an appropriate proposed rule change, the Commission may disapprove or may approve conditionally or unconditionally the final proposed rule change.

[1] The Commission has previously approved all portions of the proposed rule change with the exception of that portion relating to rescission of Rule 318.13. Securities Exchange Act Release No. 18778, May 28, 1982, 47 FR 24990, June 8, 1982.

[2] The NYSE has indicated to the Commission that, pursuant to NYSE Rule 342, NYSE member organizations are required to supervise and control all business activities of their members, including insurance sales activities. Furthermore, the NYSE has indicated that the exchange staff has the responsibility for insuring that the requirements of Rule 342 are met.

Information on recent statutory changes (Pub. L. 97–35, approved August 13, 1981) is available at the above-mentioned office.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: June 22, 1982.

Donald R. Templeman,

Deputy Administrator.

[FR Doc. 82–18220 Filed 7–2–82; 8:45 am]

BILLING CODE 8025–01–M

[Declaration of Disaster Loan Area No. 2042]

Texas; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration, I find that the County of Wichita, Texas, constitutes a disaster loan area because of damage resulting from severe storms and flooding beginning on or about May 12, 1982. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on July 26, 1982, and for economic injury until February 25, 1983, at: U.S. Small Business Administration, 1100 Commerce Street, Dallas, Texas 75242 or other locally announced locations.

Interest rates for applicants filing for assistance under this declaration are as follows:

	Percent
Homeowners with credit available elsewhere	15⅜
Homeowners without credit available elsewhere	7⅞
Businesses with credit available elsewhere	16½
Businesses without credit available elsewhere	8
Businesses (EIDL) without credit available elsewhere	8
Other (Non-profit organizations including charitable and religious organizations)	11½

It should be noted that assistance for agricultural enterprises is the primary responsibility of the Farmers Home Administration as specified in Pub. L. 96–302.

Information on recent statutory changes (Pub. L. 97–35, approved August 13, 1981) is available at the above-mentioned office. (Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008.)

Dated: June 1, 1982.

Donald R. Templeman,

Deputy Administrator.

[FR Doc. 82–18218 Filed 7–2–82; 8:45 am]

BILLING CODE 8025–01–M

[Declaration of Disaster Loan Area No. 2051]

Texas; Declaration of Disaster Loan Area

Willacy County in the State of Texas constitutes a disaster area as a result of damage caused by flooding which occurred on May 22–28, 1982. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on August 26, 1982, and for economic injury until March 25, 1983, at the address below: Small Business Administration, 222 E. Van Buren, Suite 500, Harlingen, Texas 78550 or other locally announced locations.

Interest rates for applicants filing for assistance under this declaration are as follows:

	Percent
Homeowners with credit available elsewhere	15⅜
Homeowners without credit available elsewhere	7⅞
Businesses with credit available elsewhere	16½
Businesses without credit available elsewhere	8
Businesses (EIDL) without credit available elsewhere	8
Other (Non-profit organizations including charitable and religious organizations)	11½

It should be noted that assistance for agricultural enterprises is the primary responsibility of the Farmers Home Administration as specified in Pub. L. 96–302.

Information on recent statutory changes (Pub. L. 97–35, approved August 13, 1981) is available at the above mentioned office.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: June 25, 1982.

James C. Sanders,

Administrator.

[FR Doc. 82–18219 Filed 7–2–82; 8:45 am]

BILLING CODE CODE 8025–01–M

[Licensing No. 05/05–0136]

Super Market Investors, Inc.; Filing of an Application for an Exemption Under the Conflict of Interest Regulation

Notice is hereby given that Super Market Investors, Inc. (SMI), 11300 West Burleigh Street, Wauwautosa, Wisconsin 53201, a Federal Licensee under the Small Business Investment Act of 1958, as amended (the Act), has filed an application with the Small Business Administration (SBA) pursuant to § 107.1004(b) of the Regulations governing small business investment companies (13 CFR 107.1004(b) (1982)) for an exemption from the provisions of the Regulation.

The exemption, if granted, will permit SMI to provide financing in the amount of $100,000 to Mr. & Mrs. Jerold Ming to purchase and operate Rich's Food Stores, Inc. (Rich's), a food store located at 10135 W. Hampton Avenue, Milwaukee, Wisconsin 53225. Rich's is owned by Dolly Little & Rich Little, close relatives of Mr. Vincent R. Little, director of SMI.

Pursuant to paragraph (e) of the definition of "Associate of a Licensee" in § 107.3 of the SBA Regulations, Dolly & Rich Little are considered to be Associates of SMI. As such, the transaction will require an exemption from the provisions of § 107.1004(b)(5) of the Regulations.

Notice is hereby given that any interested person may, on or before July 21, 1982, submit written comments on the proposed transaction to the Acting Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Milwaukee, Wisconsin.

Dated: June 29, 1982.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Robert G. Lineberry,

Acting Deputy Associate Administrator for Investment.

[FR Doc. 82–18217 Filed 7–2–82; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF STATE

Office of the Secretary

Study Groups A and B of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that Study Groups A and B of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on July 20, 1982 at 10:00 a.m. in the Loy Henderson Conference Room of the State Department, 2201 C Street, NW., Washington, D.C. These Study Groups deal with, inter-alia, the issues of developing a U.S. position relating to international inter-active videotex services which would be proposed at upcoming meetings of CCITT Study Groups I and VIII.

The meeting will receive the report of the Videotex Technical Experts Panel and consider in a preliminary fashion the position of the United States for the

November, 1982 meeting of CCITT Study Group VIII.

Members of the general public may attend the meeting and join in the discussion subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is suggested that prior to July 20, members of the general public who plan to attend the meeting so advise Mr. Richard Howarth, Office of International Communications Policy, Department of State, Washington, D.C. 20520, telephone (202) 632–1007. All non-Government employees must use the C Street entrance to the building.

Dated: June 30, 1982.

Richard H. Howarth,

Chairman, CCITT National Committee.

[FR Doc. 82–18200 filed 7–2–82; 8:45 am]

BILLING CODE 4710–07–M

Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that Study Group A of the U.S. Organization for the Internal Telegraph and Telephone Consultative Committee (CCITT) will meet on July 28, 1982 at 10:00 a.m. in Room 856 of the Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. This Study Group deals with U.S. Government aspects of international telegram and telephone operations and tariffs.

The Study Group will discuss international telecommunications questions relating to telegraph, telex, new record services, data transmission and leased channel services in order to develop U.S. positions to be taken at upcoming international Study Group I and III meetings.

Members of the general public may attend the meeting and join in the discussion subject to the instruction of the Chairman. Admittance of public members will be limited to the seating available. Requests for further information should be directed to Earl S. Barbely, Conference Staff, Federal Communications Commission, Washington, D.C., telephone (202) 632–3214.

Dated: June 22, 1982.

Richard H. Howarth,

Chairman, U.S. CCITT National Committee.

[FR Doc. 82–18201 Filed 7–2–82; 8:45 am]

BILLING CODE 4710–07–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Trade Policy Staff Committee; Review of Product for Removal of Eligibility Under the Generalized System of Preferences

Notice is hereby given that the Trade Policy Staff Committee has accepted the petitions by the Industrial Fabrics Association International and the American Textile Manufacturers Institute requesting the removal from duty-free eligibility under the U.S. Generalized System of Preferences (GSP) as provided for in Title V of the Trade Act of 1974 (88 Stat. 2066–2071, 19 U.S.C. 2461–2565) of the following eligible article:

TSUSA [1] item No.	Article description
386.0943	Articles not specially provided for, of textile materials: Lace or net articles, whether or not ornamented, and other articles ornamented: (Of cotton; of wool). Other: (Shoe uppers). Other: Of man-made fibers.

[1] Tariff Schedule of the United States, Annotated.

While the Trade Policy Staff Committee's review will focus on the removal of the subject category from eligibility, the TPSC reserves the right to address the removal of GSP status for part of the subject category and/or limiting the withdrawal of GSP benefits to one or more countries.

Public hearings have been scheduled for 10:00 a.m. on Monday, August 9, 1982, in Room 2008, the New Executive Office Building (entrance on 17th Street between Pennsylvania and H Street N.W.). All interested parties who wish to appear at the hearings should notify the Chairman, GSP Subcommittee, Office of the United States Trade Representative, 600 17th Street, N.W., Washington, D.C. 20506 by July 26, 1982. Written briefs or statements should be received no later than close of business August 2, 1982. Post hearing briefs or statements should be received no later than close of business August 16, 1982. Rebuttal briefs or statements addressing issues raised in the post-hearing submissions must be received no later than close of business August 23.

Written Briefs—All briefs and statements should conform to the regulations codified at 15 CFR Parts 2001–2003, 2007. They should be submitted in 20 copies in English, and should contain the name and address of the party submitting the brief. Information submitted as business confidential information must contain a nonconfidential summary in twenty copies separate from the information to be handled as confidential. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information."

Public Inspection of Information—Except for business confidential information, all written materials filed in connection with this matter will be open to public inspection by appointment with the Secretary of the GSP Information Center (202/395–6971).

Frederick L. Montgomery,

Chairman, Trade Policy Staff Committee.

[FR Doc. 82–18125 Filed 7–2–82; 8:45 am]

BILLING CODE 3190–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Briefing on Cost-Benefit Analysis of Airport Crash, Fire, and Rescue Policy Alternatives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of public meeting.

SUMMARY: This notice announces a public meeting to be held concerning a cost-benefit analysis of airport crash, fire, and rescue policy alternatives.

DATE OF MEETING: August 10, 1982; 9:00 a.m.

ADDRESS: Federal Aviation Administration, Third Floor Auditorium, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Mr. Jose Roman, Jr., Safety and Compliance Division (AAS–300), Office of Airport Standards, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone (202) 426–3087.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is for the contractor, H.H. Aerospace Design Company, Inc., to present a briefing to the public on the recommendations and to obtain additional comments on the report so as to judge its merits more carefully. The analysis by H.H. Aerospace was commissioned by the FAA; however, the conclusions and recommendations have neither been endorsed nor rejected by the FAA. The reports produced in the course of the study will be addressed and are listed below:

DOT/FAA/AS/80-2, Airport Crash/Fire/Rescue (CFR) Service Cost and Benefit Analysis (VOL. I Text, VOL. II Appendices). NTIS #PB 82-220773; Paper—$30.00, Microfiche—$4.00.

DOT/FAA/AS/82-1, Airport Crash, Fire, and Rescue: Policy Alternatives Suitable for Further Analysis. NTIS #PB 82-220781; Paper—$10.50, Microfiche—$4.00.

DOT/FAA/AS/82-2, Airport Crash, Fire, and Rescue: Technical Research Program. NTIS #PB 82-220799; Paper—$7.50, Microfiche—$4.00.

DOT/FAA/AS/82-3, Airport Crash, Fire, and Rescue: Estimating the Effects of Leading Policy Alternatives. NTIS #PB 82-220807; Paper—$36.00, Microfiche—$4.00.

DOT/FAA/AS/82-4, A Cost-Benefit Analysis of Airport Crash, Fire, and Rescue Policy alternatives: Summary and Recommendations. NTIS #PB 82-220815; Paper—$10.50, Microfiche—$4.00.

Any person may purchase a copy of any or all of the reports by submitting a request to the National Technical Information Service, 5288 Port Royal Road, Springfield, VA 22161, or by calling (703) 487-4650. Make check payable to "National Technical Information Service." Prices subject to change.

Interested persons are invited to participate in the meeting by submitting data, views, or discussions as they may desire, either oral at the meeting or in writing addressed to the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

Issued in Washington, D.C., on June 29, 1982.

Leonard E. Mudd,

Director, Office of Airport Standards.

[FR Doc. 82-18121 Filed 7-1-82; 8:45 am]

BILLING CODE 4910-13-M

General Aviation/Air Carrier District Offices at Anchorage, Alaska; Consolidation

Notice is hereby given that on or about July 1, 1982, the General Aviation District Office at 1515 East 13th Avenue, Anchorage, Alaska, and the Air Carrier District Office, 5001 West International Airport Road, Anchorage, Alaska, will be consolidated. Services to the general aviation public of Anchorage, formerly provided by these offices, will be provided by the Flight Standards District Office located at 6601 South Airpark Place, Suite 216, Anchorage, Alaska 99502. This information will be reflected in the FAA Organization Statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Anchorage, Alaska on June 24, 1982.

Robert L. Faith,

Director, Alaskan Region.

[FR Doc. 82-18295 Filed 7-2-82; 8:45 am]

BILLING CODE 4910-13-M

Office of the Secretary

Reports, Forms, and Recordkeeping Requirements; Submittals to OMB, June 10-25, 1982

AGENCY: Department of Transportation (DOT), Office of the Secretary.

ACTION: Notice.

SUMMARY: This notice lists those forms, reports, and recordkeeping requirements, transmitted by the Department of Transportation, between June 10 and June 25, 1982, to the Office of Management and Budget (OMB) for its approval. This notice is published in accordance with the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

FOR FURTHER INFORMATION CONTACT:

John Windsor, John Chandler, or Annette Wilson, Information Requirements Division, M-34, Office of the Secretary of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, (202) 426-1887, or

Donald Arbuckle or Wayne Leiss, Office of Management and Budget, New Executive Office Building, Room 3228, Washington, D.C. 20503, (202) 395-7340.

SUPPLEMENTARY INFORMATION:

Background

Section 3507 of Title 44 of the United States Code, as adopted by the Paperwork Reduction Act of 1980, requires that agencies prepare a notice for publication in the **Federal Register**, listing those information collection requests submitted to the Office of Management and Budget (OMB) for approval under that Act. OMB reviews and approves agency submittals in accordance with criteria set forth in that Act. In carrying out its responsiblities, OMB also considers public comments on the proposed forms, reporting and recordkeeping requirements.

On Mondays and Thursdays, as needed, the Department of Transportation will publish in the **Federal Register** a list of those forms, reporting and recordkeeping requirements that it has submitted to OMB for review and approval under the Paperwork Reduction Act. The list will include new items imposing paperwork burdens on the public as well as revisions, renewals and reinstatements of already existing requirements. OMB approval of an information collection requirement must be renewed at least once every three years. The published list also will include the following information for each item submitted to OMB.

(1) A DOT control number.

(2) An OMB approval number if the submittal involves the renewal, reinstatement or revision of a previously approved item.

(3) The name of the DOT Operating Administration or Secretarial Office involved.

(4) The title of the information collection request.

(5) The form numbers used, if any.

(6) The frequency of required responses.

(7) The persons required to respond.

(8) A brief statement of the need for and uses to be made of the information collection.

Information Availability and Comments

Copies of the DOT information collection requests submitted to OMB may be obtained from the DOT officials listed in the "For Further Information Contact" paragraph set forth above.

Comments on the requests should be forwarded, as quickly as possible, directly to the OMB officials listed in the "For Further Information Contact" paragraph set forth above. If you anticipate submitting substantive comments, but find that more than 5 days from the date of publication is needed to prepare them, please notify the OMB officials of your intent immediately.

Items Submitted for Review by OMB

The following information collection requests were submitted to OMB between June 10 and June 25, 1982:

DOT No. 1945
OMB No. 2120-0045
By: Federal Aviation Administration (FAA)
Title: Bird Strike Incident Report
Forms: FAA Form 5200-7
Frequency: On Occasion
Respondents: Airport and Aircraft Operators

Need/Use: Federal Aviation Act of 1958, Section 311 (49 USC 1352) authorizes the collection of information relative to civil aeronautics. "Bird strike" data are collected to develop standards and monitor hazards to aviation. Data is used to help identify "bird strike" control requirements and provide in-service data on aircraft component failure.

DOT No. 1946

OMB No. 2115–0010
By: U.S. Coast Guard
Title: Recreational Boating Accident Report
Forms: CG-3865
Frequency: On Occasion
Respondents: Individual boat owners

Need/Use: This report provides information that an accident has occurred with basic information about the accident. This information may lead to further investigation by Coast Guard investigating officers, or local or state law enforcement agencies. A statistical data base is created to publish the annual report required by 46 USC 1486.

DOT No. 1947
OMB No. 2115–0003 and 2115–0004 combined
By: U.S. Coast Guard
Title: Report of Marine Accident, Injury or Death with Barge Addendum
Forms: CG-2692 and CG-2692A
Frequency: As Required
Respondents: Commercial vessel owners, agents or persons in charge of vessels or facilities

Need/Use: This information is needed to inform the Coast Guard that a vessel or personnel accident has occurred. This information is then used by the Coast Guard to initiate an investigation as required by 46 USC 239. Submission fulfills the public reporting requirements of 33 USC 361 and 43 USC 1348.

DOT No. 1948
OMB No. 2125–0016
By: Federal Highway Administration
Title: Driver's Log
Forms: None
Frequency: Daily
Respondents: 727,000

Need/Use: Provides a record of a driver's duty status in order to determine if the driver has remaining eligible hours for dispatch. Monitors the driver's activities to prevent fatigued driver's from operating commercial motor vehicles on the Nation's highways. The primary regulatory tool for use by both Federal and State enforcement personnel and motor carriers to determine compliance with the Federal Motor Carrier Safety Regulations.

DOT No. 1949
OMB No. 2115–0025
By: U.S. Coast Guard
Title: Oil Record Book for Non-Tankers
Forms: CG-4602
Frequency: On Occasion
Respondents: Operators of ships (non-tankers) greater than 500 gross tons

Need/Use: The Oil Record Book is permanent notation of specific operations involving transfer, loading, pumping, discharge of oil or cleaning of tanks. Purpose is to monitor volume, location and date of accidental or operational pollution of the sea with oil.

DOT No. 1951
OMB No. (New Item)
Title: Manufacturers Data Report
Forms: None
Frequency: Nonrecurring
Respondents: Manufacturers and owners of portable tanks

Need/Use: This requirement is used by manufacturers to verify for purchasers and the Materials Transportation Bureau that the portable tanks have been constructed in accordance with the safety specifications set forth in the regulations. Owners of portable tanks use this information to verify to shippers that their portable tanks are constructed to DOT specifications for portable tanks.

Issued in Washington, D.C. on June 29, 1982.

Karen S. Lee,
Deputy Assistant Secretary for Administration.

[FR Doc. 82–18223 Filed 7–2–82; 8:45 am]
BILLING CODE 4910–62–M

VETERANS' ADMINISTRATION

Privacy Act of 1974; Amendment of Systems Notices; Revised Systems of Records

Notice is hereby given that the VA (Veterans Administration) is considering changing four systems of records entitled, "Veterans and Beneficiaries Guardianship Records-VA" (37VA27), "Veterans and Armed Forces Personnel U.S. Government In-Force Life Insurance Records-VA" (36VA00), "Veterans, Beneficiaries and Attorneys U.S. Government Insurance Award Records-VA" (46VA00), and "Veterans Mortgage Life Insurance-VA" (53VA00), respectively set forth on pages 49746, 49745, 49752, and 49756 of the **Federal Register** of December 2, 1977. These four systems are being completely revised as part of an overall agency effort to administratively update its Privacy Act systems of records. The notices of the system of records are being rewritten in a clearer, more concise, manner in order to better identify to the public the types of individuals covered by the systems of records, the types of records being maintained by the VA, and the types of routine use disclosures currently being made from the systems. The routine use statements are being separated and/or rewritten in order to be more concise and to conform with the requirements of the VA confidentiality statutes. Also, for the purpose of simplifying usage, the sequence of listing the routine use statements is being changed.

In VA system of records 37VA27, current routine use numbers 8 and 13 are being deleted. In the revised system notice proposed routine use numbers 13, 14, and 15 are being added. Routine use number 13 concerns the release of information relating to the adjudication of incompetency of a VA beneficiary to a lender or prospective lender extending credit or proposing to extend credit on behalf of a veteran in order for the VA to protect incompent veterans from entering into unsound financial transactions which might deplete the resources of the veteran and to protect the interests of the Government giving credit assistance to a veteran. Routine use numbers 14 and 15 concern the release of information pursuant to a subpoena from a Federal, State or municipal grand jury; a Federal, State or minicipal court or a party in litigation; a Federal agency or party to an administrative proceeding being conducted by a Federal agency; or to a State or municipal administrative agency functioning in a quasi-judicial capacity or a party to a proceeding being conducted by such agency, in order for the VA to respond to and comply with the issuance of the subpoena.

In VA systems of records 36VA00 current routine use numbers 7, 15, and 23 are being deleted. In the revised system notice proposed routine use numbers 2, 3, 4, 5, 18, 21, 22, 24 and 25 are being added. Routine use numbers, 2, 3, and 4 concern the release of information to a Federal, State or local agency when the information is required to make a decision on the hiring, transfer or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance or continuance of a license, grant or other benefit. Routine use number 5 concerns the release of information to a Federal agency in order to obtain information relevant to the issuance of a benefit under title 38 U.S.C. Routine use number 18 concerns the release of information to a Federal agency, or its contractor, for the purpose of conducting government research necessary to accomplish a statutory purpose of that agency. Routine use number 21 concerns the release of information to any third party, except consumer reporting agencies, in connection with any proceeding for the collection of an amount owed to the U.S. by virtue of a person's participation in any benefit program administered by the VA. Routine use number 22 concerns the release of identifying information and any information concerning the

veteran's indebtedness to the U.S. by virtue of the person's participation in a benefits program administered by the VA, to a consumer reporting agency for purposes of assisting in the collection of such indebtedness, provided that the provisions of 38 U.S.C. 3301(g)(4) have been met. Routine use numbers 24 and 25 concern the release of information pursuant to a subpoena from a Federal, State or municipal grand jury; a Federal, State or municipal court or a party in litigation; a Federal agency or party to an administrative proceeding being conducted by a Federal agency; or to a State or municipal administrative agency functioning in a quasi-judicial capacity or a party to a proceeding being conducted by such agency, in order for the VA to respond to and comply with the issuance of the subpoena.

In VA system of records 46VA00, current routine use numbers 1 and 6 are being deleted. In the revised system notice proposed routine use numbers 2, 3, 4, 8, 9, 10 and 11 are being added. Routine use numbers 2 and 3 concern the release of information to a Federal, State or local agency when the information is required to make a decision on the hiring, transfer or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance or continuance of a license, grant or other benefit. Routine use number 4 concerns the release of information to a Federal agency in order to obtain information relevant to the issuance of a benefit under title 38 U.S.C. Routine use number 8 concerns the release of information to any third party, except consumer reporting agencies, in connection with any proceeding for the collection of an amount owed to the U.S. by virtue of a person's participation in any benefit program administered by the VA. Routine use number 9 concerns the release of identifying information and any information concerning the veteran's indebtedness to the U.S. by virtue of the person's participation in a benefits program administered by the VA, to a consumer reporting agency for purposes of assisting in the collection of such indebtedness, provided that the provisions of 38 U.S.C. 3301(g)(4) have been met. Routine use numbers 10 and 11 concern the release of information pursuant to a subpoena from a Federal, State or municipal grand jury; a Federal, State or municipal court or a party in litigation; a Federal agency or party to an administrative proceeding being conducted by a Federal agency; or to a State or municipal administrative agency functioning in a quasi-judicial capacity or a party to a proceeding being conducted by such agency, in order for the VA to respond to and comply with the issuance of the subpoena.

In VA system of records 53VA00, current routine use numbers 3, 4, and 6 are being deleted. In the revised system notice proposed routine use number 6 is being added. Routine use number 6 concerns the release of information to an attorney acting under a declaration of representation, a VA-approved claims agent, an insurance agent, a trust officer, or to employees or members of an accredited service organization, or to the Red Cross so that these individuals or organizations can aid veterans in the preparation, presentation, or prosecution of claims under the laws administered by the VA.

For purposes of these VA systems of records, the subsequent definitional terms or concepts are used as follows:

A. *Veteran.* A person who served in the active military, naval or air service, and who was discharged or released therefrom under conditions other than dishonorable and whose name and address and other information is maintained by the VA by virtue of the administration of veterans benefits under title 38, United States Code. For purposes of these system notices (unless specifically stated otherwise in the "Categories of individuals covered by this system" section of a system of records) the term "veteran" will also include the dependents of a veteran and any other individual who has been granted veteran status by virtue of a specific statutory authority. The name, address and other information regarding a veteran is protected by 38 U.S.C. 3301 and 4132 in addition to the Privacy Act. Accordingly, any disclosures of information concerning a veteran made from these Privacy Act systems of records under a routine use or other Privacy Act authority shall be consistent with the provisions of 38 U.S.C. 3301 and 4132.

B. *Claimant.* Any individual making a claim for a benefit under title 38, United States Code, e.g., veteran, nonveteran life insurance beneficiaries.

C. *Record.* Any item, collection or grouping of information about an individual that is maintained by the agency. The term "record" may be used with regard to as little as one descriptive item about an individual.

D. *Information vs. Data.* "Information" is individually identifiable (e.g., record includes an individual's name or address or other identifying information) whereas "data" is not individually identifiable.

E. *Subsidiary Records.* Subsidiary records contain information which is part of a more comprehensive, published VA system of records. Subsidiary records may be physically located separate and apart from the rest of the system of records. Any subsidiary records are maintained for the same general purposes as a published system of records and, therefore, are considered to be part of that published system of records. (OMB Circular A–108)

F. *Disclosures Made "At the Request of the Veteran".* In a few routine use notices, for purposes of section 3301 of title 38, United States Code, the VA has identified situations when the disclosure of a veteran's name and address by the VA to a third party is being made "at the request of the veteran." In these instances, an express or implied consent to disclosure a veteran's name or address may be inferred by the VA when a veteran has submitted a claim for VA benefits, inquired into benefits provided by the VA or has sought assistance from the VA in obtaining any other benefits (e.g., employment, State or local agency benefits programs) to which the veteran might be entitled and referral of the name and address of the veteran by the VA to a third party will reasonably be required for the VA to act on the request of the veteran for assistance.

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed systems of records to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420. All relevant material received before August 5, 1982 will be considered. All written comments will be available for public inspection only at the above address between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays) until August 16, 1982. Any person visiting the Veterans Administration Central Office for the purpose of inspecting any comments will be received by the Central Office Veterans Services Unit in room 132.

If no public comment is received during the 30-day review period allowed for public comment or unless otherwise published in the **Federal Register** by the Veterans Administration, the revised systems of records are effective June 29, 1982.

Dated: June 29, 1982.

Robert P. Nimmo,

Administrator.

Notice of System of Records

1. The system identified as 37VA27, "Veterans and Beneficiaries Guardianship Records—VA", appearing at 42 FR 49746 is revised as follows:

37VA27

SYSTEM NAME:

VA Supervised Fiduciary and Beneficiary Records—VA.

SYSTEM LOCATION:

Records are maintained at VA regional offices. These records are generally maintained by the regional office activity having jurisdiction over the area in which the VA beneficiary resides and at the Philadelphia Data Processing Center. Address locations of VA field stations and the Data Processing Center are listed in VA Appendix 1 at the end of this document.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The following categories of individuals are covered by this system: (1) A VA beneficiary (i.e., a veteran or a non-veteran adult who receives VA monetary benefits, lacks the mental capacity to manage his or her own financial affairs regarding disbursement of funds without limitation and is either rated incompetent by the VA or adjudged to be under a legal disability by a court of competent jurisdiction; or a child who has not reached majority under State law who receives VA monetary benefits); (2) a VA-supervised fidicuary (i.e., (a) a VA Federal fiduciary: a person or entity appointed by the VA to serve as payee of VA monetary benefits for an incompetent VA beneficiary (to include legal custodians, spouse payees, superintendents of Indian reservations and custodians-in-fact); and (b) a person or legal entity appointed by a State or foreign court to supervise the person and/or estate of a VA beneficiary adjudged to be under a legal disability (the statutory title of a court-appointed fiduciary may vary from State-to-State)); (3) a chief officer of a hospital treatment, domiciliary, institutional or nursing home care facility wherein a veteran, rated incompetent by the VA, is receiving care and who has contracted to use the veteran's VA funds in a specified manner; and (4) a supervised direct-payee beneficiary (i.e., an incompetent adult who receives VA monetary benefits directly while under the immediate supervision of the VA).

CATEGORIES OF RECORDS IN THE SYSTEM:

The PGF (Principal Guardianship Folder) is the major record in this system. The PGF may include: (1) Field examination reports (i.e., VA Forms 27–4716a or 27–3190, Field Examination Request and Report, which contains a VA beneficiary's name, address, social security number, VA file number and an assessment of the VA beneficiary's ability to handle VA and non-VA funds, ability to function with his or her family, economic and social adjustment data, and information regarding activities, name and address of a VA-supervised fiduciary); (2) correspondence from and to the VA beneficiary, a VA-supervised fiduciary, and other interested third parties; (3) medical records (i.e., medical and social work service reports generated in VA, State, local and private medical treatment facilities and private physicians' offices indicating the medical history of the VA beneficiary including diagnosis, treatment and nature of physical or mental disability); (4) financial records (e.g., accountings of a VA beneficiary's expenses, amount of monthly benefits received, amounts claimed for commissions by the VA-supervised fiduciary, certificates of balance from financial institutions, and withdrawal agreements between the VA, financial institutions and the VA-supervised fiduciary); (5) court documents (e.g., petitions, court orders, and depositions); and (6) contractual agreements to serve as a VA Federal fiduciary. Prior to the formal establishment of a PGF or where there is no local PGF at the field station, the above listed records or information may be maintained in files denominated "veterans' files" and/or "correspondence files."

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 38, United States Code, Chapter 3, section 210(c); title 38, United States Code, Chapter 55.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. The record of an individual who is covered by this system may be disclosed to a member of Congress or staff person acting for the member when the member or staff person requests the record on behalf of and at the request of that individual.

2. Any information in this system, except for the name and address of a veteran, which is relevant to a suspected violation or reasonably imminent violation of law, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, may be disclosed to a Federal, State, local or foreign agency charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

3. The name and address of a veteran, which is relevant to a suspected violation or reasonably imminent violation of law, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, may be disclosed to a Federal agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, regulation, rule or order issued pursuant thereto, in response to its official request.

4. The name and address of a veteran, which is relevant to a suspected violation or reasonably imminent violation of law concerning public health or safety, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, may be disclosed to any foreign, State or local governmental agency or instrumentality charged under applicable law with the protection of the public health or safety if a qualified representative of such organization, agency or instrumentality has made a written request that such name and address be provided for a purpose authorized by law.

5. The name and address of a veteran may be disclosed to any nonprofit organization if the release is directly connected with the conduct of programs and the utilization of benefits under title 38 (such disclosures include computerized lists of names and addresses).

6. Any information in this system, including name, address, social security number, VA file number, medical records, financial records and field examination reports of a VA beneficiary, and the name, address and information regarding the activities of a VA-supervised fiduciary or beneficiary may be disclosed at the request of the VA beneficiary or fiduciary to a Federal, State or local agency in order for the VA to obtain information relevant to a VA decision concerning the payment and usage of funds payable by the VA on behalf of a beneficiary, or to enable the VA to assist a beneficiary or VA-supervised fiduciary in obtaining the maximum amount of benefits for the VA

beneficiary from a Federal, State, or local agency.

7. The name and address of a VA beneficiary, VA rating of incompetency, and the field examination report may be disclosed to a Federal agency, upon its official request, in order for that agency, upon its official request, in order for that agency to make decisions on such matters as competency and dependency in connection with eligibility for that agency's benefits. This information may also be disclosed to a State or local agency if the information pertains to a VA beneficiary who is not a veteran, or if the name and address of the veteran is provided beforehand.

8. Any information in this system, including medical records, financial records, field examination reports, correspondence and court documents may be disclosed in the course of presenting evidence to a court, magistrate or administrative tribunal in matters of guardianship, inquests and commitments; and to probation and parole officers in connection with court required duties.

9. Any information in this system may be disclosed to a VA or court-appointed fiduciary in order for that fiduciary to perform his or her duties, provided this information will only be released when the disclosure is for the benefit of the beneficiary. Any information in this system may also be disclosed to a proposed fiduciary in order for the VA to consider a fiduciary for a beneficiary.

10. Any information in this system including medical records, correspondence records, financial records, field examination reports and court documents may be disclosed to an attorney employed by the beneficiary, or to a spouse, relative, next friend or to a guardian ad litem representing the interests of the beneficiary, provided the name and address of the beneficiary is given beforehand and the disclosure is for the benefit of the beneficiary.

11. Any information in this system may be disclosed to the Department of Justice and to U.S. Attorneys in defense or prosecution of litigation involving the United States and to Federal agencies upon their official request in connection with review of administrative tort claims filed under the Federal Tort Claims Act, 28 U.S.C. 2672.

12. Any information in this system including available identifying information regarding the debtor, such as the name of the debtor, last known address of the debtor, name of the debtor's spouse, social security account number, VA insurance number, VA file number, place of birth and date of birth of debtor, name and address of debtor's employer or firm and dates of employment, may be disclosed to other Federal agencies, State probate courts, State drivers license bureaus, State automobile title and license bureaus and the General Accounting Office in order to obtain current address, locator and credit report assistance in the collection of unpaid financial obligations owed the United States. The purpose is consistent with the Federal Claims Collection Act of 1966 and 38 U.S.C. 3301(b)(6).

13. Any information in this system relating to the adjudication of incompetency of a VA beneficiary either by a court of competent jurisdiction or by the VA may be disclosed to a lender or prospective lender participating in the VA Loan Guaranty Program who is extending credit or proposing to extend credit on behalf of a veteran in order for the VA to protect incompetent veterans from entering into unsound financial transactions which might deplete the resources of the veteran and to protect the interests of the Government giving credit assistance to a veteran.

14. Any information in this system may be disclosed to a Federal grand jury, a Federal court or a party in litigation, or a Federal agency or party to an administrative proceeding being conducted by a Federal agency, in order for the VA to respond to and comply with the issuance of a Federal subpoena.

15. Any information in this system may be disclosd to a State or municipal grand jury, a State or municipal court or a party in litigation, or to a State or municipal administrative agency functioning in a quasi-judicial capacity or a party to a proceeding being conducted by such agency, in order for the VA to respond to and comply with the issuance of a State or municipal subpoena; provided, that any disclosure of claimant information made under this routine use must comply with the provisions of 38 CFR 1.511.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The PGF, veterans files and correspondence files are maintained on paper documents in case folders, automated storage media (e.g., magnetic tape, computer lists and punch cards) and on file cards. Information on VA-supervised fiduciaries and beneficiaries is maintained on paper documents in the PGF and on file cards.

RETRIEVABILITY:

Paper documents and automated storage media are indexed by name and file number of the VA beneficiary. File cards containing information on VA-supervised fiduciaries are indexed by name of fiduciary.

SAFEGUARDS:

The individual case folders, computer lists and file cards are generally kept in steel file cabinets when not in use. The cabinets are located in areas which are locked after work hours. Access to these records is restricted to authorized VA personnel on a "need to know" basis. Magnetic tape, when not in use, is maintained under lock and key in areas accessed only by authorized VA personnel on a "need to know" basis.

RETENTION AND DISPOSAL:

Paper documents, computer lists, punch cards and file cards are destroyed anywhere from 60 days after receipt to 2 years after VA supervision has ceased, depending on the type of record or document. The PGF is destroyed 2 years after the case becomes inactive. Information contained on magnetic tape is automatically purged 2 years after the case becomes inactive. A record is determined inactive when it comes under the provisions of the Veterans Services Division General Operations Manual, M27–1, part 3, section 1, chapter 8, paragraphs 8.23–8.42.

SYSTEM MANAGER AND ADDRESS:

Director, Veterans Assistance Service (27), VA Central Office, Washington, DC 20420.

NOTIFICATION PROCEDURE:

Any individual who wishes to determine whether a record is being maintained in this system under his or her name or other personal identifier, or wants to determine the contents of such records should submit a written request or apply in person to the nearest VA regional office or center. Addresses for VA regional offices and centers may be found in VA Appendix 1 at the end of this document. All inquiries must reasonably identify the system of records involved, e.g., guardianship file. Inquiries should include the individual's full name, VA file number and return address. If the VA file number is not available, then as much of the following information as possible should be forwarded: full name, branch of service, dates of service, service numbers, social security number, and date of birth.

RECORD ACCESS PROCEDURES:

Individuals seeking information regarding access to and contesting of VA records in this system may write, call or visit the nearest VA regional office.

CONTESTING RECORD PROCEDURES:

(See Record access procedures above.)

RECORD SOURCE CATEGORIES:

The VA beneficiary, the VA beneficiary's dependents, VA-supervised fiduciaries, field examiners, estate analysts, third parties, other Federal, State and local agencies, and VA records.

2. The system identified as 36VA00, "Veterans and Armed Forces Personnel U.S. Government In-Force Life Insurance Records-VA", appearing at 42FR49745 is revised as follows:

36VA00

SYSTEM NAME:

Veterans and Armed Forces Personnel United States Government Life Insurance Records-VA.

SYSTEM LOCATION:

Records are located at the VA Regional Office and Insurance Centers and the Data Processing Centers (DPC) in Philadelphia, Pennsylvania, and St. Paul, Minnesota. Address locations are listed in VA Appendix I at the end of this document.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Veterans (not including dependents) who have been issued life insurance under one of the following: Title 38, United States Code, Chapter 19, Government Life Insurance programs; U.S. Government Life Insurance and National Service Life Insurance (includes Reopened Insurance under section 725, Service Disabled Veterans Insurance under section 722, and Veterans Special Life Insurance under section 723).

CATEGORIES OF RECORDS IN THE SYSTEM:

Life insurance records (or information contained in records) may include: (1) applications for insurance (applications may contain the name and address of the veteran applicant, date of birth, social security number, military service number and dates of service, VA file number, plan of insurance, disability rating, medical information regarding disability, method of payment, amount of insurance requested); (2) beneficiary and option designation information (e.g., names and addresses of principal and contingent beneficiaries, share to each and option of payment, designated estates and trustee); (3) insurance contract information (e.g., authorization of allotment payment, authorization for deduction from VA benefit payments; authorization for deduction from employee payroll; paid dividend information); (4) cash value and policy loan and lien information; (5) a listing of lapsed actions; (6) records of premium payments; (7) reinstatement information; (8) premium status and retired status of policy; (9) total disability life insurance applications (these applications include medical history of insured); (10) court-martial orders; (11) copies of personal papers of insured (e.g., birth certificate, marriage license, naturalization papers); (12) correspondence to and from the veteran; and (13) employment information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 38, United States Code, Chapter 3, section 210(c), and Chapter 19.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. The record of an individual who is covered by this system may be disclosed to a member of Congress or staff person acting for the member when the member or staff person requests the record on behalf of and at the request of that individual.

2. Any information in this system may be disclosed to a Federal agency, upon its official request, to the extent that it is relevant and necessary to that agency's decision regarding: the hiring, retention or transfer of an employee; the issuance of a security clearance, the letting of a contract, or the issuance or continuance of a license, grant or other benefit given by that agency. However, in accordance with an agreement with the U.S. Postal Service, disclosures to the U.S. Postal Service for decisions concerning the employment of veterans will only be made with the veteran's prior written consent.

3. Any information in this system may be disclosed to a State or local agency, upon its official request, to the extent that it is relevant and necessary to that agency's decision on: the hiring, transfer or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance or continuance of a license, grant or other benefit by that agency; provided, that if the information pertains to a veteran, the name and/or address of the veteran will not be disclosed unless the name and address is provided first by the requesting State or local agency.

4. Any information in this system may be disclosed to a Federal, State or local agency maintaining civil or criminal violation records, or other pertinent information such as prior employment history, prior Federal employment background investigations, and personal or educational background at the request of the veteran in order for the VA to obtain information relevant to the hiring, transfer or retention of an employee, the letting of a contract, the granting of a security clearance, or the issuance of a grant or other benefit.

5. Any information in this system may be disclosed to a Federal agency, except for the name and address of a veteran, in order for the VA to obtain information relevant to the issuance of a benefit under title 38 U.S.C. The name and address of a veteran may be disclosed to a Federal agency under this routine use if they are required by the Federal agency to respond to the VA inquiry.

6. Any information in this system, except for the name and address of a veteran, which is relevant to a suspected violation or reasonably imminent violation of law, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, may be disclosed to a Federal, State, local or foreign agency charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

7. The name and address of a veteran, which is relevant to a suspected violation or reasonably imminent violation of law, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, may be disclosed to a Federal agency charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statue, regulation, rule or order issued pursuant thereto, in response to its official request.

8. The name and address of a veteran, which is relevant to a suspected violation or reasonably imminent violation of law concerning public health or safety, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or other issued pursuant thereto, may be disclosed to any foreign, State or local governmental agency or instrumentality charged under applicable law with the protection of the public health or safety if a qualified representative of such organization, agency or instrumentality has made a wirtten request that such name and address be provided for a purpose authorized by law.

9. Except for beneficiary and option designations, any information in this

sytem including the name and address of a veteran may be discosed to any nonprofit organization if the release is directly connected with the conduct of programs and the utilization of benefits under title 38 (such disclosures include computerized lists of names and addresses).

10. Except for medical information and beneficiary and option designations, insurance contract information (e.g., name, address, status of the account, dividends paid, cash value, and policy loans) may be disclosed at the request of a veteran to an attorney acting under a declaration of representation, a VA-approved claims agent, an insurance agency, a trust officer, or to employees or members of an accredited service organization, or the to Red Cross so that these individuals or organzations can aid veterans in the preparation, presentation, prosecution of claims under the laws administered by the VA. The name and address of a veteran will not, however, be disclosed to these individuals under this routine use if the veteran has ot requested the assistance of an accredited service organization, claims agent, trust officer, the Red Cross or an attorney.

11. The name and address of an insured veteran and the amount of payment may be disclosed to the Treasury Department, upon its official request, in order for the Treasury Department to make payment of dividends, policy loans, cash surrenders, maturing endowments and insurance refunds.

12. The name and address of an insured veteran, date and amount of payments made to the VA including specific status of each policy (e.g., premiums paid in, dividends paid out, cash and loan values) may be disclosed to the Internal Revenue Service (IRS), upon its official request, in order for the IRS to collect tax liens by withholding insurance payments to satisfy unpaid taxes. This purpose is consistent with title 26, United States Code, section 7602.

13. Any information in this sytem may be disclosed to the Department of Justice, upon its official request, in defense or prosecution of litigation involving the United States Government.

14. The name and address of an insured veteran, the discharge date from the military, and medical information concerning grounds for total disability of an insured veteran may be disclosed to the Office of Serviceman's Group Life Insurance (OSGLI) at the request of the veteran in order to aid OSGLI in the verification of a discharge date, the issuance and maintenance of insurance policies to veterans and retired reservists participating in the Veterans Group Life Insurance and Serviceman's Group Life Insurance Program and to pay death benefits on these claims.

15. The name, address and other identifying information such as a social security number or a military service number may be disclosed to the Department of Defense (Army, Air Force, Navy, Marine Corps); the Department of Transportation (Coast Guard); the U.S. Public Health Service, Commissioned Officers Corps; and the Department of Commerce, NOAA (National Oceanic and Atmospheric Administration); upon their official request, for use in order for these departments to establish and maintain allotments from active and retired service pay for VA insurance premiums and loan repayments.

16. The face amount and cash and/or loan value of an insurance policy, verification of an existing insurance policy, and the name and address of an insured veteran may be disclosed at the request of the veteran to a Federal, State or local agency, in order for these agencies to assist veterans applying for Medicaid, Medicare, nursing home admittance or welfare benefits to the extent that the information is relevant and necessary to the agency's decision regarding these benefits.

17. The name and address of a veteran and military service information (e.g., dates of service, branch of service) may be disclosed to the Armed Forces Institute of Pathology (AFIP), upon its official request, in order for the AFIP to conduct research for specified official purposes.

18. The name(s) and address(es) of a veteran may be disclosed to another Federal agency or to a contractor of that agency, at the written request of the head of that agency or designee of the head of that agency for the purpose of conducting government research necessary to accomplish a statutory purpose of that agency.

19. Any information in this system including the nature and amount of a financial obligation may be disclosed to a debtor's employing agency or commanding officer, upon its official request, in order to assist the Veterans Administration (VA) in the collection of unpaid financial obligations owed the VA so that the debtor-employee may be counseled by his or her Federal employer or commanding officer. This purpose is consistent with 5 U.S.C. 5514, 4 CFR 102.5, and section 206 of Executive Order 11222 of May 8, 1965 (30 CFR 6469).

20. Any information in this system including available identifying data regarding the debtor, such as the name of the debtor, last known address of the debtor, name of the debtor's spouse, social security account number of the debtor, VA insurance number, VA loan number, VA file number, place of birth and date of birth of the debtor, name and address of the debtor's employer or firm and dates of employment, may be disclosed to other Federal agencies, State probate courts, State drivers license bureaus, and State automobile title and license bureaus in order to obtain current address, locator and credit report assistance in the collection of unpaid financial obligations owed the United States. This purpose is consistent with the Federal Claims Collection Act of 1966 (Pub. L. No. 89–508, 31 U.S.C. 951–953) and 4 CFR Parts 101–105 and with 38 U.S.C. 3301(b)(6).

21. Any information concerning the veteran's indebtedness to the United States by virtue of a person's participation in a benefits program administered by the VA, including personal information obtained from other Federal agencies through computer matching programs, may be disclosed to any third party, except consumer reporting agencies, in connection with any proceeding for the collection of an amount owed to the United States by virtue of a person's participation in any benefit program administered by the Veterans Administration. Purposes of these disclosures may be to (a) assist the VA in collection of title 38 benefit overpayments, overdue indebtedness, and/or costs of services provided individuals not entitled to such services, and (b) initiate legal actions for prosecuting individuals who willfully or fraudulently obtain title 38 benefits without entitlement. This disclosure is consistent with 38 U.S.C. 3301(b)(6).

22. The name and address of a veteran, other information as is reasonably necessary to identify such veteran, including personal information obtained from other Federal agencies through computer matching programs, and any information concerning the veteran's indebtedness to the United States by virtue of the person's participation in a benefits program administered by the VA may be disclosed to a consumer reporting agency for purposes of assisting in the collection of such indebtedness, provided that the provisions of 38 U.S.C. 3301(g)(4) have been met.

23. Any information in this system such as notice of renewal, reinstatement, premium due, lapse actions, miscellaneous insurance instructions, disposition of dividends, policy loans and transfer of records may be disclosed to VA Federal fiduciaries

of incompetent veterans in order to advise the fiduciaries of current actions to be taken in connection with ownership of U.S. Government life insurance policies and to enable them to properly perform their duties as fiduciaries.

24. Any information in this system may be disclosed to a Federal grand jury, a Federal court or a party in litigation, or a Federal agency or party to an administrative proceeding being conducted by a Federal agency, in order for the VA to respond to and comply with the issuance of a Federal subpoena.

25. Any information in this system may be disclosed to a State or municipal grand jury, a State or municipal court or a party in litigation, or to a State or municipal administrative agency functioning in a quasi-judicial capacity or a party to a proceeding being conducted by such agency, in order for the VA to respond to and comply with the issuance of a State or municipal subpoena; provided, that any disclosure of claimant information made under this routine use must comply with the provisions of 38 CFR 1.511.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on magnetic tape, paper documents including manual accounting cards, index cards, computer lists, punched cards, and microfilm, microfiche, and disks.

RETRIEVABILITY:

All manual and automated insurance records are retrievable by the insurance file number, using name, social security number, VA file number, and date of birth as additional identifying information. The index cards are filed in alphabetical order.

SAFEGUARDS:

1. Physical Security: (a) All tape records are stored in locked fire protected libraries when not in use. Tape records for the previous three-day operating cycle are sent to storage at the VA Records Depository for use in the event of a major catastrophe. Computer programs are stored at the same location as well as manual operating instructions and various manually prepared records. Insurance folders are stored in open shelf filing. A sprinkler system is located above the files. Microfilm reels are retained in a locked fireproof vault, with humidity controls. Access to the file and microfilm storage areas are restricted to authorized personnel on a "need to know" basis. Instructions have been released on the confidentiality of Beneficiary and Option selections, and this information cannot be released to anyone other than the insured. Other information is released only to individuals who have a right to know.

(b) Employee file records and file records of public figures or otherwise sensitive files are stored in separate locked files. Strict control measures are enforced to ensure that disclosure is limited to a "need to know" basis. Access to data telecommunications terminals is by authorization controlled by the site security officer. The security officer is assigned responsibility for privacy-security measures, especially for review of violations logs, informational logs and control of password and badge distribution.

(c) Access to the VA data processing centers is restricted to center employees, custodial personnel and Federal Protective Service personnel. Access to computer rooms is restricted to authorized operational personnel through electronic locking devices. All other persons gaining access to computer rooms are escorted.

2. System security: (a) At the VA Regional Office and Insurance Centers, the terminal equipment has key locks, magnetic badge readers and audible alarms. Electronic keyboard locks are activated on security errors.

(b) At the Data Processing Centers, identification of magnetic tape and disks containing data is rigidly enforced using labeling techniques. Access to programs is controlled at three levels: programming, auditing, and operations.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with disposition authorization approved by the Archivist of the United States.

SYSTEM MANAGER AND ADDRESS:

Director (00), VA Regional Office and Insurance Center, 5000 Wissahickon Avenue, Philadelphia, Pennsylvania 19101.

NOTIFICATION PROCEDURE:

Any individual who wishes to determine whether a record is being maintained in this system under his or her name or other personal identifier, or wants to determine the contents of such records should submit a written request or apply in person to the VA Regional Office and Insurance Center at Philadelphia, Pennsylvania, or at St. Paul, Minnesota, where the insurance records are maintained. The inquirer should provide full name of veteran, insurance file number and date of birth. If a file number is not available, the social security number, srvice number and/or location of insurance records will aid VA personnel in locating the official insurance records. Address locations are listed in VA Appendix 1 at the end of this document.

RECORDS ACCESS PROCEDURES:

Individuals desiring access to, and contesting of, VA records should write to the VA Regional Office and Insurance Center at Philadelphia, Pennsylvania, or St. Paul, Minnesota.

CONTESTING RECORD PROCEDURES:

(See Records access procedures above.)

RECORD SOURCE CATEGORIES:

The veteran or someone acting on the behalf of the veteran; other Federal agencies, State and local agencies, VA records; VA and private physicians, VA and private medical facilities, accredited service organization representatives, VA-claims agents, and the Red Cross, VA Federal fiduciaries; financial institutions, beneficiaries; the Retail Credit Corporation, commercial insurance companies, undertakers and the general public.

3. The system identified as 46VA00, "Veterans, Beneficiaries and Attorneys U.S. Government Insurance Award Records-VA", appearing at 42FR49752 is revised as follows:

46VA00

SYSTEM NAME:

Veterans, Beneficiaries and Attorneys United States Government Insurance Award Records-VA.

SYSTEM LOCATION:

Records are maintained at the VA Data Processing Centers and VA Regional Office and Insurance Centers, in Philadelphia, Pennsylvania, and St. Paul, Minnesota. Some pre-1968 records pertaining to beneficiaries of deceased veterans may be maintained in regional offices. Address locations are listed in VA Appendix 1 at the end of this document.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The following categories of individuals are covered by this system: (1) Veterans (not including dependents) drawing VA disability insurance payments; (2) beneficiaries of VA insurance drawing insurance proceeds; (3) attorneys drawing fees for aiding settlement of VA insurance cases; and (4) veterans (not including dependents) drawing proceeds on matured VA

insurance contracts (e.g., endowment policies).

CATEGORIES OF RECORDS:

The life insurance records (or information contained in records) may include: (1) the name and address of the veteran and beneficiary; (2) VA file number; (3) social security number; (4) type of VA insurance; (5) payment amounts; (6) payment vouchers; (7) claims records for disability payments; (8) claim records for death claim payment; (9) beneficiary signature cards; (10) returned check information; (11) records of sums held as credit for veterans for disability payment; (12) records of unpaid insurance proceeds; (13) indebtedness to be withheld from insurance proceeds; (14) records of checks withheld from delivery to certain foreign countries; (15) index of payees; (16) correspondence to and from the payee; and (17) employment information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 38, United States Code, Chapter 3, Section 210(c); Title 38, United States Code, Chapter 19.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

1. The record of an individual who is covered by this system may be disclosed to a member of Congress or staff person acting for the member when the member or staff person requests the record on behalf of and at the request of that individual.

2. Any information in this system may be disclosed to a Federal agency, upon its official request, to the extent that it is relevant and necessary to that agency's decision regarding: the hiring, retention or transfer of an employee; the issuance of a security clearance, the letting of a contract, or the issuance or continuance of a license, grant or other benefit given by that agency. However, in accordance with an agreement with the U.S. Postal Service, disclosures to the U.S. Postal Service for decisions concerning the employment of veterans will only be made with the veteran's prior written consent.

3. Any information in this system may be disclosed to a State or local agency, upon its official request, to the extent that it is relevant and necessary to that agency's decision on: the hiring, transfer or retention of an employee, the issuance or continuance of a license, grant or other benefit by that agency: PROVIDED, that if the information pertains to a veteran, the name and address of the veteran will not be disclosed unless the name and address is provided first by the requesting State or local agency.

4. Any information in this system may be disclosed to a Federal agency, except for the name and address of a veteran, in order for the VA to obtain information relevant to the issuance of a benefit under title 38 U.S.C. The name and address of a veteran may be disclosed to a Federal agency under this routine use if they are required by the Federal agency to respond to the VA inquiry.

5. The name and address of a veteran, beneficiary or an attorney and the amount of payment may be disclosed to the Treasury Department, in order for the Treasury Department to issue checks to the veteran, beneficiary or attorneys and estates of deceased veterans and beneficiaries.

6. Any information in this system, including the nature and amount of a financial obligation, may be disclosed as a routine use in order to assist the Veterans Administration in the collection of unpaid financial obligations owed the VA, to a debtor's employing agency or commanding officer so that the debtor-employee may be counseled by his or her Federal employer or commanding officer. This purpose is consistent with 5 U.S.C. 5514, 4 CFR 102.5, and section 206 of Executive Order 11222 of May 8, 1965 (30 CFR 6469) and 38 U.S.C. 3301(b)(6).

7. Any information in this system, including available identifying data regarding the debtor, such as name of debtor, last known address of debtor, name of debtor's spouse, social security account number of debtor, VA insurance number, VA loan number, VA file number, place of birth and date of birth of debtor, name and address of debtor's employer or firm and dates of employment, may be disclosed to other Federal agencies, State probate courts, State drivers license bureaus, and State automobile title and license bureaus as a routine use in order to obtain current address, locator and credit report assistance in the collection of unpaid financial obligations owed the United States. This purpose is consistent with the Federal Claims Collection Act of 1966 (Pub. L. No. 89–508, 31 United States Code, 951–953) and 4 CFR, Parts 101–105 and 38 U.S.C. 3301(b)(6).

8. Any information concerning the veteran's indebtedness to the United States by virtue of a person's participation in a benefits program administered by the VA, including personal information obtained from other Federal agencies through computer matching programs, may be disclosed to any third party, except consumer reporting agencies, in connection with any proceeding for the collection of an amount owed to the United States by virtue of a person's participation in any benefit program administered by the Veterans Administration. Purposes of these disclosures may be to (a) assist the VA in collection of title 38 benefit overpayments, overdue indebtedness, and or costs of services provided individuals not entitled to such services, and (b) initiate legal actions for prosecuting individuals who willfully or fraudulently obtain title 38 benefits without entitlement. This disclosure is consistent with 38 U.S.C. 3301(b)(6).

9. The name and address of a veteran, other information as is reasonably necessary to identify such veteran, including personal information obtained from other Federal agencies through computer matching programs, and any information concerning the veteran's indebtedness to the United States by virtue of the person's participation in a benefits program administered by the VA may be disclosed to a consumer reporting agency for purposes of assisting in the collection of such indebtedness, provided that the provisions of 38 U.S.C. 3301(g)(4) have been met.

10. Any information in this system may be disclosed to a Federal grand jury, a Federal court or a party in litigation, or a Federal agency or party to an administrative proceeding being conducted by a Federal agency, in order for the VA to respond to and comply with the issuance of a Federal subpoena.

11. Any information in this system may be disclosed to a State or municipal grand jury, a State or municipal court or a party in litigation, or to a State or municipal administrative agency functioning in a quasi-judicial capacity or a party to a proceeding being conducted by such agency, in order for the VA to respond to and comply with the issuance of a State or municipal subpoena; provided, that any disclosure of claimant information made under this routine use must comply with the provisions of 38 CFR 1.511.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on magnetic tape, microfilm, disks, index cards, and paper documents in file folders.

RETRIEVABILITY:

All insurance awards records are retrievable by the insurance file number. The index cards are filed in alphabetical order.

SAFEGUARDS:

All magnetic tape records are stored in a locked fireproof vault when not in use. These magnetic tape records are sent to storage at the VA Records Depository for use in the event of a major catastrophe. Computer programs are stored in the same location along with manual operating instructions and microfilms of various manually prepared records. Insurance folders are stored in open shelf filing and five-drawer filing cabinets. Admission to the file area is restricted to authorized personnel only. Microfilm reels are retained in the locked fireproof vault with humidity controls. Access to the microfilm storage is restricted to authorized personnel only. Information from this system is released only to those persons on a "need to know" basis.

RETENTION AND DISPOSAL:

Since insurance programs are in force for many decades, most insurance records are retained for long periods of time. Insurance folders and certain paper documents (such as premium accounting cards) are generally retained indefinitely. Manual folders at the VA Regional Office and Insurance Centers St. Paul and Philadelphia which have been inactive for 36 months or more and retired to the appropriate Federal Archives and Records Center. Automated records are generally retained indefinitely.

SYSTEM MANAGER AND ADDRESS:

Director (00), VA Regional Office and Insurance Center, 5000 Wissahickon Avenue, Philadelphia, Pennsylvania 19101.

NOTIFICATION PROCEDURE:

Any individual who wishes to determine whether a record is being maintained in this system under his or her name or other personal identifier, or wants to determine the contents of such record should submit a written request, visit or apply in person to the VA Regional Office and Insurance Center, Philadelphia, Pennsylvania, or to the VA Regional Office and Insurance Center, St. Paul, Minnesota, where the insurance records are maintained. The inquirer should provide full name of veteran, insurance file number, VA file number, payee name and number, if known. If insurance file number is not available, social security number, service number and location of insurance records will aid VA personnel in locating the official insurance records. Address locations are listed in VA Appendix 1 at the end of this document.

RECORD ACCESS PROCEDURES:

Individuals desiring access to and contesting of VA records should write to the VA Regional Office and Insurance Center at Philadelphia, Pennsylvania or St. Paul, Minnesota.

CONTESTING RECORD PROCEDURES:

(See Record access procedures above.)

RECORD SOURCE CATEGORIES:

Information in the records is obtained from veterans, beneficiaries, attorneys, financial institutions and executors of estates, undertakers, other Federal agencies, VA medical facilities and civilian hospitals, and VA records.

4. The system identified as 53VA00, "Veterans Mortgage Life Insurance-VA", appearing at 43 FR 49756 is revised as follows:

53VA00

SYSTEM NAME:

Veterans Mortgage Life Insurance-VA

SYSTEM LOCATION:

Records (i.e., application, VA special grant cards and correspondence) are maintained at the VA Regional Office and Insurance Center, St. Paul, Minnesota, and the Data Processing Center, Hines, Illinois; records of premium and interest payments and records on death cases are maintained at the Bankers Life Insurance Company of Nebraska, Cotner and O Streets, Lincoln, Nebraska 68501. Address locations of VA facilities are listed at VA Appendix 1 at the end of this document.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Veterans (not including dependents) who have been granted a specially adapted housing grant under title 38, United States Code, Chapter 21.

CATEGORIES OF RECORDS:

Records (or information contained in records) include: (1) Applications for veterans mortgage life insurance (applications contain the following information: veteran's name, address, social security number, VA file number, date of birth, address of mortgaged property, name and address of mortgagor, mortgage account number, rate of interest, original amount of mortgage, and current amount of mortgage, monthly payment amount, mortgage payment period); (2) VA Special Grant Cards (cards contain name, address, dates of military service, branch of service, method of separation, whether veteran has VMLI (Veterans Mortgage Life Insurance), name and address of lender, legal description and property address and improvements to such properties, date applied for disability compensation, date initial application submitted, and grant information, amount of grant approved or whether the grant was canceled); (3) payment premium records; (4) interest payment records; and (5) correspondence to and from the veteran.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 38, United States Code, Chapter 3, section 210(c)(1); Title 38, United States Code, Chapter 21.

ROUTINE USE OF RECORDS INCLUDING CATEGORIES OF USES AND THE PURPOSES OF SUCH USES:

1. The record of an individual who is covered by this system may be disclosed to a member of Congress or staff person acting for the member when the member or staff person requests the record on behalf of and at the request of that individual.

2. Any information in this system, except for the name and address of a veteran, which is relevant to a suspected violation or reasonably imminent violation of law, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, may be disclosed to a Federal, State, local or foreign agency charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

3. The name and address of a veteran, which is relevant to a suspected violation or reasonably imminent violation of law, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, may be disclosed to a Federal agency charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statute, regulation, rule or order issued pursuant thereto, in response to its official request.

4. The name and address of a veteran, which is relevant to a suspected violation or reasonably imminent violation of law concerning public health or safety, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulations, rule or order issued pursuant thereto, may be disclosed to any foreign, State or local governmental

agency or instrumentality charged under applicable law with the protection of the public health or safety if a qualified representative of such organization, agency or instrumentality has made a written request that such name and address be provided for a purpose authorized by law.

5. The name and other identifying information and the amount of monthly premium payments to be deducted from VA benefits or to be paid by the veteran for a veteran's mortgage life insurance policy may be disclosed at the request of the veteran to the Bankers Life Insurance Company of Nebraska, Lincoln, Nebraska, in order to assist Bankers Life Insurance Company in ascertaining and crediting the correct monthly payments for an insured veteran.

6. Except for medical information, insurance contract information (e.g., name, address, and status of the account), any information in this system may be disclosed at the request of a veteran to an attorney acting under a declaration of representation, a VA-approved claims agent, an insurance agent, a trust officer, or to employees or members of an accredited service organization, or to the Red Cross so that these individuals or organizations can aid veterans in the preparation, presentation, or prosecution of claims under the laws administered by the VA. The name and address of a veteran will not, however, be disclosed to these individuals under this routine use if the veteran has not requested the assistance of an accredited service organization, claims agent, trust officer, the Red Cross or an attorney.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on paper documents in manual account folders.

RETRIEVABILITY:

All mortgage life insurance records are maintained by VA file number, date of birth and name as additional identifying data.

SAFEGUARDS:

All manual records at the VA Regional Office and Insurance Center are maintained in steel file cabinets and access to the files is limited to authorized personnel only. Information in these records is restricted to those authorized persons on a "need to know" basis.

RETENTION AND DISPOSAL:

Inactive mortgage life insurance records are placed in a closed file and destroyed one year after closing. A record is determined inactive when any one of the following events occur: mortgage paid in full, veteran's 70th birthday, termination of the veteran's ownership of the property securing the loan, payment of premiums discontinued by veteran, entire contract or agreement discontinued, or failure to timely submit required statement.

SYSTEM MANAGER AND ADDRESS:

Director (00), VA Regional Office and Insurance Center, 5000 Wissahickon Avenue, Philadelphia, Pennsylvania 19101.

NOTIFICATION PROCEDURE:

Any individual who wishes to determine whether a record is being maintained in this system under his or her name or other personal identifier, or wants to determine the contents of such record should submit a written request to the VA Regional Office and Insurance Center, St. Paul, Minnesota. The address for the VA Regional Office and Insurance Center may be found at Appendix 1 at the end of this document. The inquirer should provide the veteran's name, VA file number and social security number and reasonably identify the benefit or system of records involved, i.e., Veterans Mortgage Life Insurance Records. If this information is not available, information concerning the lending institution, mortgage number of name and address of veteran involved should be furnished.

RECORD ACCESS PROCEDURE:

Individuals desiring access to, and contesting of VA records should write to the VA Regional Office and Insurance Center, St. Paul, Minnesota.

CONTESTING RECORD PROCEDURES:

(See Record access procedures above.)

RECORD SOURCE CATEGORIES:

Records are obtained from the veteran, lending institutions holding a veteran's mortgage, VA Loan Guaranty records, VA records, contractors remodeling or enlarging or adding construction to existing homes, relatives and other interested persons.

[FR Doc. 82-18166 Filed 7-2-82. 8 45 am]
BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 129
Tuesday, July 6, 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

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 2 p.m., Thursday, July 1, 1982.

PLACE: 2033 K Street, NW., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Judicial Session.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6334.

[S-978-82 Filed 7-1-82; 9:42 am]

BILLING CODE 6351-01-M

2

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 28525, Wednesday, June 30, 1982.

PLACE: Board room, sixth floor, 1700 G Street NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The following items have been withdrawn from the Bank Board meeting scheduled Thursday, July 1, 1982.

Net Worth Amendment
Liquidity Amendments

[No. 46, July 1, 1982]

[S-979-82 Filed 7-1-82; 10:35 am]

BILLING CODE 6720-01-M

3

NATIONAL TRANSPORTATION SAFETY BOARD

[NM-82-16]

TIME AND DATE: 9 a.m., Tuesday, July, 13, 1982

PLACE: NTBS Board Room, National Transportation Safety Board, 800 Independence Ave., S.W., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Aircraft Accident Report:* Pilgrim Airlines Flight 458, deHavilland DHC-6-100, N137PM, near Providence, Rhode Island, February 21, 1982.
2. *Recommendation* to the Federal Aviation Adminstration regarding safety cards, crew briefings to passengers, accessibility to fire extinguishers stowage of carryon baggage, public address systems, and surveillance of Part 135 operators.
3. *Aircraft Accident Report:* Midair Collision, USAF F-111D; Building Contractors, Inc., Cessna TU-206G, Clovis, Now Mexico, February 6, 1980, and Recommendations to the Federal Aviation Administration.
4. *Aircraft Accident Report:* Lufkin Industries, Inc., Beechcraft King Air BE-200, N456L, near Parker, Colorado, March 27, 1980.
5. *Recommendation* to the Federal Aviation Administration regarding exit conspicuity and operability on airplanes certificated under FAR 23 and Special FAR 23.
6 *Recommendation* to the Federal Aviation Administration regarding light airplane certification requirements and procedures for prolonged climbs in icing conditions.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming, (202) 382-6525.

June 30, 1982.

[S-980-82 Filed 7-1-82; 2:08 pm]

BILLING CODE 4910-58-M

federal register

Tuesday
July 6, 1982

Part II

Federal Trade Commission

Semiannual Regulatory Agenda

FEDERAL TRADE COMMISSION

16 CFR Ch. I

Semiannual Regulatory Agenda

AGENCY: Federal Trade Commission.

ACTION: Semiannual Regulatory Agenda.

SUMMARY: The following agenda of Commission proceedings is published to comply with the Federal Trade Commission Improvements Act of 1980, Public Law 96–252 and the Regulatory Flexibility Act, Public Law 96–354. Each item reflects the Bureau of Consumer Protection's assessment of events that it expects will occur in the listed proceedings sometime during the coming year. No Commission determination on the need for or the substance of a trade regulation rule or any other procedural option should be inferred from inclusions.

Several of the items concern proceedings that potentially may affect a substantial number of small businesses as that term is used in the Regulatory Flexibility Act. Such proceedings are indicated in this agenda by the term "Regulatory Flexibility" immediately below the title for the proceeding. Whether any such proceeding will result in a rule which is likely to have a significant economic impact on such entities depends upon final Commission determinations on the need for or on the substance of a trade regulation rule.

The views expressed in these entries are those of the FTC staff, based upon information now available. These views should not be regarded as a final staff position, nor should they be attributed to the Commission itself. The Commission will address the issues presented when it considers each staff proposal.

Each agenda item is based on projected timing of future Commission action. Discovery of new information, changes in circumstances or in the law may alter the projected dates.

FOR FURTHER INFORMATION CONTACT: Sylvia J. Miller, Associate Director for Operations, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 523–3921.

Food Advertising

(39 FR 39842, Nov. 11, 1974; 40 FR 23086, May 28, 1975; 41 FR 8980, March 2, 1976)

The Rule

The rule would promote accuracy in food advertising claims by standardizing certain terms and requiring disclosure of material information in the following areas: natural food claims; energy and weight control claims; and fat, fatty acid, and cholesterol claims. Foods could be advertised as natural, if such foods contain no artificial or synthetic ingredients and are not more than minimally processed. If a food has been more than minimally processed, it could nonetheless be advertised as natural, if either the processed ingredients or the processes themselves are disclosed. Additionally, natural foods could not be advertised as inherently superior simply because they are natural.

Advertisements making energy claims would have to disclose that the claims mean that the food provides calories. Weight control claims would have to disclose the number of calories in a serving of the advertised food (unless the food meets FDA standards for a "low calorie" food).

Finally, the rule would deal with two types of fatty-acid and cholesterol claims; content claims, which simply state the content (*e.g.*, no cholesterol), and health-related claims which refer to heart or artery disease. As to content claims about cholesterol or fatty acids, the rule would require disclosure of either the amounts of the other dietary constituents thought to be related to heart and artery disease or, in broadcast media, a disclosure that the advertised food contains these other components and the label may be consulted for precise information.

As to health related claims, the rule would prohibit certain claims that are unsubstantiated or false. All remaining claims in this area may be made, so long as the advertisement discloses the existence of a scientific controversy concerning the relationship between fat and cholesterol in the diet and the risk of heart or artery disease.

The staff is presently writing a statement of basis and purpose and related documents.

Objectives

The rule is designed to ensure that consumers have accurate and reliable information on nutrition quality by preventing deception in food advertising. The "natural food" section is intended to remedy the deceptive use of the claim that a food is "natural". The energy section would prevent consumers from being misled into believing that something other than the caloric content of the food provides energy. Weight control claims would trigger a disclosure to consumers that would permit them to choose foods based on accurate information. Fatty acid and cholesterol claims would be limited to prevent deceptive claims relating to heart or artery disease. Advertisers would be prevented from deceptively overstating the health benefits of particular foods.

Legal Authority

Federal Trade Commission Act, §§ 5, 12, 15 and 18, 15 U.S.C. §§ 45, 52, 55 and 57(a).

Timing

Final Commission Action—July, 1982.

Responsible Person

Melvin H. Orlans Division of Advertising Practices Bureau of Consumer Protection Federal Trade Commission Washington, D.C. 20580 (202) 724–1529

Amendment To Trade Regulation Rule Concerning Preservation of Consumers' Claims and Defense, ("Holder-in-Due-Course Rule"), 16 CFR Part 433

(40 FR 53506, November 18, 1975)

Regulatory Flexibility

The Amendment

The original rule, which took effect in May of 1976, requires sellers to ensure that credit contracts used in consumer installment sales and purchase money loans (loans made to finance a purchase from a seller with whom the lender has a working relationship directed at consumer sales) contain a provision which makes any holder of the contract subject to all legal claims and defenses related to the sale transaction which the buyer may have against the seller.

The amendment would extend to creditors who make purchase money loans or purchase retail installment contracts the obligation to ensure that credit contracts contain the required provision. The amendment also would make a number of technical revisions in the rule, including:

1. The definition of "purchase money loan" and certain associated terms would be clarified but the underlying meaning would not be changed.

2. The language of the required contract provision would be changed to make it more readable and to make explicit the idea that the provision only preserves claims and defenses related to the sale financed by the creditor contract. The legal meaning of the contract provision would not be changed.

3. Lenders would be permitted to add to the required contract provision a specified clause which frees them from liability for claims and defenses where a consumer tells them that loan proceeds will be spent at a seller with which they are affiliated, but actually spends the proceeds at a different, unaffiliated, seller.

4. The amendment would add a provision indicating that businesses violate the rule only if the violative actions are engaged in with actual or implied knowledge that they are prohibited by the rule.

5. The minimum size of type in which the required contract provision would have to be printed would be reduced, in order to lessen the amount of space the provision would take up on contract forms.

6. In credit contracts required by law to be in Spanish, a Spanish version of the required contract provision would have to be used.

The staff is presently preparing a statement of basis and purpose and related documents for submission to the Commission.

Objectives

The underlying objective of the amendment is the same as that of the original rule—to ensure that a purchaser's duty to pay is not separated from sellers' duty to perform as promised when consumer sales are financed by third party creditors or purchase money lenders.

The extension of compliance obligations to creditors is intended to encompass within the rule all parties to the practices covered by the rule. It should also enhance enforcement of the rule because in many transactions covered by the rule creditors play an important role in determining the content of contracts. The technical changes made in the rule by the amendment should make the rule easier for consumers and businesses to work with and understand.

Legal Authority

Federal Trade Commission Act §§ 5 and 18, 15 U.S.C. §§ 45 and 57(a).

Timing

Final Commission Action—September, 1982

Responsible Person

David Williams, Division of Credit Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 724–1100

Funeral Industry Practices

(40 FR 39901, August 24, 1975)

Regulatory Flexibility

On January 22, 1981, the Commission republished for public comment a revised version of its proposed trade regulation rule to govern funeral industry practices. The rule had been substantially modified from the rule originally proposed in 1975 and had been further revised from the version tentatively approved in substance by the Commission in 1979. The rule was republished to comply with Section 19 of the FTC Improvements Act of 1980. Section 19 placed certain limits on the Commission's authority to regulate the funeral industry and required that any revised rule complying with these limits be published for public comment before the Commission made a final determination on whether or not to adopt the rule.

On July 17, 1981, after receiving and considering public comments and staff recommendations on the proposal, the Commission voted to approve a version of the proposed rule for purposes of transmittal to the Office of Management and Budget for review of its recordkeeping requirement. The rule so approved has the following major substantive features:

1. Price disclosures—The rule would require that consumers be provided with itemized price information (a general price list, casket price list, and outer burial container price list, or a combination of these lists) in the funeral home upon beginning discussions about particular services or merchandise. It would further require that itemized price information be available to consumers over the telephone upon request and that they be given a written statement listing charges for the services and merchandise they select at completion of their arrangements conference.

2. Misrepresentations—It would be a violation of the rule to misstate legal or cemetery requirements. Specific misrepresentations prohibited would be claims that embalming is required by law in all cases, that a casket is required by law for direct cremations, or that an outer burial container is required by law to surround the casket in the grave when such is not the case. Other representations prohibitions would be claims that funeral goods or services can preserve the body for extended periods of time and claims that cash advance items (items obtained from a third party) are provided at cost when they are not. The rule would also require funeral providers to make certain written disclosures to inform consumers about their options in deciding whether or not to purchase embalming or other funeral goods and services.

3. Other Unfair or Deceptive Practices—The rule would prohibit funeral providers from conditioning the sale of goods or services upon the purchase of other goods or services, would further prohibit them from requiring caskets for direct cremations, and would require that unfinished wood boxes or alternative containers be made available to customers desiring to arrange direct cremation.

The staff is presently writing a statement of basis and purpose and related documents.

Objectives

The proposed funeral rule is intended to stimulate competition in the funeral industry and thereby reduce possible economic injury to funeral purchasers. Injury may result from inadequate access to price and other information needed in shopping for and purchasing those items which best meet a funeral purchaser's individual needs at the best price available. The rule is also intended to reduce the extent to which funeral providers may (1) misrepresent the utility of and need for certain goods and services, (2) provide and then bill for services without asking for or receiving permission to provide them and (3) require consumers to purchase combinations of goods which may include items they do not want.

Legal Authority

Federal Trade Commission Act §§ 5 and 18, 15 U.S.C. 45 and 57(a), as limited by the Federal Trade Commission Improvements Act of 1980, P.L. 96–252, 94 Stat. 374, § 19.

Timing

Final Commission Action—September, 1982.

Responsible Person

Robert A. M. Schick, Division of Service Industry Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 523–3885

Amendment to Care Labeling of Textile Wearing Apparel Rule, 16 CFR Part 423

(41 FR 3747, January 26, 1976)

Regulatory Flexibility

The Proposed Amendment

An existing rule, effective since July, 1972, requires that all consumers' wearing apparel and piece goods used to make wearing apparel contain a "Care Label" which informs consumers about proper procedures for such things as cleaning, drying, and ironing.

The amendments that were proposed would extend the rule to cover all textile products including carpets and rugs, upholstered furniture, yarns and linens. The amendments would also require a more complete statement of the care procedure, the use of standardized care terminology and the establishment of

basis of accuracy for each care procedure prescribed in a label.

The proposed amendments were approved in substance by the Commission on December 17, 1980. On January 5, 1981, the Commission published in the **Federal Register** a notice soliciting technical comment on the language of the rule, to determine whether its provisions adequately and clearly convey the Commission's intentions. The staff is presently summarizing the comments received and preparing a statement of basis and purpose and related documents for final Commission review.

Objective

The rule and its amendment seek to inform consumers what care procedures should be used to make certain that the utility and appearance of purchased textile products will not be impaired. In addition, the information thus made available would permit an informed choice among competing products.

Legal Authority

Federal Trade Commission Act §§ 5 and 18, 15 U.S.C. §§ 45 and 57(a).

Timing

Final Commission Action—July, 1982.

Responsible Person

Earl Johnson, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 724–1362

Proprietary Vocational and Home Study Schools

(39 FR 29385, August 15, 1974); Final Rule published (43 FR 60796, December 28, 1978); set aside and remanded by Court of Appeals in *Katharine Gibbs (School), Inc.* v. *FTC*, 612 F. 2d 658 (2nd Cir. 1979); Staff Recommendation published (46 FR 35668, July 10, 1981)

Regulatory Flexibility

The Rule

The rule as originally issued required Proprietary Vocational and Home Study Schools to provide pro rata refund to students who withdraw from their courses; to provide information to prospective students concerning the schools' graduation and placement records and to provide an initial fourteen day cooling-off period in which students can cancel their enrollment contracts and receive full refunds. The Court of Appeals expressed disagreement with the breadth of the pro rata refunds requirement and the manner in which the rule required disclosure of placement and earnings information. The Court also found the rule to be procedurally deficient for not specifying the unfair or deceptive trade practices the rule seeks to prevent.

On July 10, 1981, the Commission published the staff's recommended revised draft of the rule for sixty days of discussion and comment by interested parties. The staff is presently preparing additional recommendations for the Commission.

Objectives

The rule's objectives are to create economic incentives for schools to avoid deceptive sales practices, to prevent deception by requiring schools to provide material information to prospective students, and to provide students with contractual remedies which they can use to protect themselves when necessary.

Legal Authority

Federal Trade Commission Act Sections 5 and 18, 15 U.S.C. 45 and 57(a).

Timing

Commission consideration of staff recommendations to respond to Court of Appeal order of remand—January, 1983.

Responsible Person

Walter Gross, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 523–3860

Hearing Aids

(40 FR 26646, June 24, 1975)

Regulatory Flexibility

The Proposed Rule

The proposed regulation currently under consideration would afford hearing aid purchasers a right to cancel the transaction within 30 days of purchase subject only to reasonable service charges. In addition, the proposal would prohibit advertising claims that a hearing aid will halt or retard hearing loss or that it will restore normal hearing.

The staff is analyzing the rulemaking record for further consideration by the Commission.

Objectives

The purpose of this proposal is to prevent deceptive and unfair sales practices in the sale of hearing aids and to give consumers contractual remedies against the risk that the device will provide no significant benefit to the user.

Legal Authority

Federal Trade Commission Act, §§ 5, 12, 15 and 18, 15 U.S.C. §§ 45, 55 and 57(a).

Timing

Commission Consideration of Staff Analysis—December, 1982.

Responsible Person

Marc Winerman, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 724–1497

Protein Supplements

(40 FR 41144, September 5, 1975)

Regulatory Flexibility

The Proposed Rule

The proposed rule addresses the advertising and labeling of protein supplements in three ways. First, there are provisions designed to inform consumers of certain health hazards. Thus, for example, a labeling disclosure would be a required warning against use for infants. Second, the rule would prohibit certain false or deceptive claims, such as the claim that use of a protein supplement can counteract or delay the signs of aging. Third, the rule as presently proposed would require a general disclosure in the advertising and labeling of these products to the effect that most Americans receive all the protein they need from the food they eat. Public comments on the staff and presiding officer's reports are now being analyzed by the staff.

Objectives

The proposed rule was developed to limit misrepresentations in advertising and labeling and to provide information that some of these products may be inappropriate or hazardous for certain uses (e.g., for infants). The rule was also proposed to remedy misrepresentations about the need for dietary protein supplements to the typical consumer diet.

Legal Authority

Federal Trade Commission Act, §§ 5, 12, and 18, 15 U.S.C. §§ 45, 52 and 57(a).

Timing

Final Staff Recommendations to the Commission—February, 1983.

Oral Presentation before Commission, if appropriate—March, 1983.

Commission Consideration—March, 1983.

Responsible Person

Harrison Sheppard, San Francisco Regional Office, Federal Trade Commission, 450 Golden Gate Avenue, San Francisco, CA 94102, (415) 556–1270

Mobile Home Sales and Service

(40 FR 28334, May 29, 1975)

Regulatory Flexibility

The Proposed Rule

The staff has recommended a trade regulation rule concerning warranty practices in the mobile home industry. This recommended rule contains substantial modifications and deletions from the originally proposed rule. It would set 30 day time limits within which the warrantor must complete warranty repairs and require manufacturers or their service agents to perform pre-occupancy inspection of the home. It would also require that manufacturers who offer written warranties on mobile homes maintain recordkeeping systems and disseminate a consumer questionnaire to monitor the adequacy of factory and dealer repairs. The recommended rule also would require that manufacturers enter into written service agreements with dealers and others who perform warranty repairs which specify who is responsible for making the repairs. Under the rule, written warranties must include specific time deadlines for service; set up and transportation damage cannot be excluded from coverage; and repairs cannot be contingent on return of the home to the factory or return of a registration card.

The recommended rule seeks to set performance standards for warranty service and service systems, but the appropriate degree of flexibility for each rule provision remains to be resolved. A possible alternative to specific time deadlines for warranty repairs would allow individual manufacturers and dealers to set their own deadlines, so long as they were disclosed in their warranties. The recommended rule sets out eight issues that must be addressed in the written service agreement between the manufacturer and dealer. If specific service deadlines and related requirements are retained in any final rule that is promulgated, they may obviate the need for the written agreement to include some of the terms that essentially track obligations the recommended rule would impose on manufacturers.

Consideration will also be given to the need for a preoccupancy inspection by the warrantor or its agent and whether responsibility for set up and transportation damage should rest on the manufacturer.

Finally, the recommended rule requires manufacturers to monitor the effectiveness of factory and dealer warranty repairs by maintaining service records and disseminating consumer questionnaires. An alternative may be to have manufacturers select their own monitoring devices, rather than require the use of a questionnaire.

Objectives

Most mobile home manufacturers offer a one year written warranty to cover defects in the materials and workmanship of the home. This warranty obligates them to repair defects, yet the rulemaking record indicates that many do not do so in an adequate or timely manner. The purpose of the recommended rule is to create incentives for warrantors to fulfill their warranty obligations by providing services or repairs within a reasonable period of time.

Legal Authority

Federal Trade Commission Act, §§ 5 and 18, 15 U.S.C. §§ 45 and 57(a).

Timing

Final Staff recommendations to Commission—September, 1982.

Oral Presentation before Commission—November, 1982.

Commission consideration—December, 1982.

Responsible Person

Eloise Gore or Allen Hile, Division of Marketing Practices, Bureau of Consumer Protection, Washington, D.C. 20580, (202) 523–3500

Credit Practices

(40 FR 16347, April 11, 1975)

Regulatory Flexibility

The Proposed Rule

The rule addresses the use in consumer credit transactions of a variety of contractual and other collection remedies. Remedies addressed by the rule include:

1. Confession of judgement—The debtor signs a form which authorizes the creditor to obtain a court judgement against him or her without notice to the debtor or an opportunity to be heard. The rule would prohibit the use of confessions of judgement.

2. Waivers of state property exemptions—The debtor waives the right, granted by state law, to keep certain minimal property if a court judgement is obtained against him or her. The rule would prohibit the use of such waivers.

3. Wage assignments—The debtor authorizes the creditor to seize a portion of his or her wages without first obtaining a court judgement. The rule would prohibit the use of wage assignments unless they are revocable.

4. Blanket security interest in household goods—These security interests give the creditor the right to take all of the debtor's household goods in the event of default. The rule would prohibit the use of security interests in household goods except to secure credit used to finance the purchase of such goods.

5. Cross-collateral security interests—These security interests allow a merchant to take all goods that a consumer has purchased from that merchant over an extended period of time, in the event of the consumer's failure to pay for a single purchase. The rule would prohibit cross-collateral security interests unless collateral is released from the security agreement as the consumer pays for it, in the order it was purchased.

6. Deficiencies—Following the repossession and sale of collateral, the creditor can sue the debtor for a deficiency, i.e., the difference between the price obtained by the creditor for the product and the amount the consumer owes. Sales of repossessed collateral may result in large deficiencies still owing to the creditor. The rule would prohibit collection of deficiencies unless the debtor is credited with the fair market retail value of the collateral.

7. Attorney's fee clauses—These clauses require the debtor to pay the creditor's attorney's fees in the event that legal action to collect a debt becomes necessary. In some instances, attorney's fees assessed under these clauses may be larger than actual court costs or the cost of actual service provided. The rule would prohibit attorney's fees clauses in consumer credit contracts.

8. Late charges—are penalty fees that the creditor assesses when the debtor fails to pay an installment on time. Sometimes these charges are "pyramided", i.e., a creditor allocates payments in such a way that a single late or missed payment may result in the debtor being assessed a late fee on all subsequent installments. The rule would prohibit pyramiding of late charges.

9. Third party contracts—The record indicates that some creditors make contacts for debt collection purposes with third parties, such as relatives, neighbors, or the debtor's employer. Such contacts may tend to invade privacy and may harm a debtor's employment relationship and lead to job loss. The rule would require creditors to agree in credit contracts not to engage in third party contacts except to locate debtors or to verify debtor assets.

10. Cosigners—Creditors sometimes have the debtor obtain one or more

cosigners who agree to pay the debt if the principal debtor defaults. The evidence shows that cosigners may not understand that the obligation they undertake is substantial. The rule would require creditors to give cosigners a notice informing them of their obligation, along with copies of documents relating to the debt. Creditors would also have to notify cosigners of serious delinquency on the part of the principal before collecting from a cosigner. When a person is solicited to be a cosigner after an account is in default, the potential cosigner would have to be given a 3-day cooling off period to evaluate his or her obligation.

A variety of alternatives to the staff's recommended rule are under consideration. These include: substituting a "loser pays" approach to attorney's fees clauses in place of the proposed ban on such clauses; limiting the proposed prohibition against third party contacts to contacts with employers; eliminating proposed protections for cosigners which go beyond disclosure of the obligations they are undertaking; elimination of the proposed prohibition on blanket security interests in household goods; deletion of the proposed cross-collateralization provision from the rule; and modification of the deficiency balances section of the rule to permit creditors to calculate deficiencies based on either the wholesale or retail value of the collateral, as determined by an actual sale.

The Commission will consider all of these alternatives, as well as others suggested by participants in the proceeding, and will decide what form of rule, if any, it should ultimately promulgate.

Objectives

When debtors default, they become subject to a variety of legal remedies that creditors use to collect money. Many creditor remedies are appropriate collection devices. Certain others, however, may inflict substantial injury on debtors which is disproportionate to the economic value of the remedy. The proposed rule would restrict some of these remedies in cases where their use causes serious harm to debtors which is substantially greater than the resulting economic benefit to creditors from the availability of the collection remedy.

Legal Authority

Federal Trade Commission Act §§ 5 and 18, 15 U.S.C. §§ 45 and 57(a).

Timing

Final staff recommendations to Commission—July, 1982.
Oral presentation before Commission—October, 1982.
Commission Consideration—November, 1982.

Responsible Person

David Williams, Division of Credit Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, D. C. 20580, (202) 724–1100

Antacid Advertising

(41 FR 14534–25, April 6, 1976)

The Proposal

The Commission did not propose a rule at the outset of this proceeding. Rather than making a specific proposal, the Commission focused the proceeding on whether, and in what form, warnings required by the Food and Drug Administration ("FDA") in the labeling of non-prescription antacids should also appear in the advertising for such products. The proceeding has explored and considered various alternatives, including no warnings whatsoever, a general warning (which refers generally to the existence of risk and directs consumers to the label), various specific warnings (which specifically disclose the existence of particular risks), and various combinations of general and specific warnings. A decision by the staff on the final form of a recommended rule has not yet been made.

Objectives

Any rule in this area would be designed to prevent deceptive advertising claims for over-the-counter antacid products. In particular, a rule would be aimed at preventing the deceptive implication that antacid products are safe and can be taken by anyone without any adverse effects.

Legal Authority

Federal Trade Commission Act, §§ 5, 12, 15 and 18, 15 U.S.C. §§ 45, 52, 55 and 57(a).

Timing

Publication of Staff Report—January, 1983.
Public Comment on Presiding Officer and Staff Reports—No less than 60 days following publication of staff report.

Responsible Person

Joel Brewer, Division of Advertising Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580,(202) 724–1530,

Health Spas

(40 FR 34615; August 18, 1975)

Regulatory Flexibility

The Proposed Rule

The proposed rule would require that health spa membership contracts include provisions which would grant consumers the right to cancel and receive a full refund without penalty, during a three-day cooling-off period. If the contract is with a seller whose facilities are not yet fully operational, the proposed rule would provide that the consumer's right of cancellation may be exercised within ten days after receipt of notice that the spa facilities are fully operational and available. Following the expiration of the cooling-off period, the proposed rule would require that the health spa contract afford the consumer an additional right to cancel at any time prior to the contract's expiration. In this instance, however, the seller would be allowed to retain a cancellation fee not in excess of 5% and a pro rata portion of the contract price based on the period of time the facilities were available to, or used by, the consumer. The balance of the contract price would have to be refunded to the consumer within ten business days after cancellation of the contract.

Other provisions of the proposed rule prescribe the manner and form of giving the consumer notice of his cancellation right, prohibit the use of long-term contracts, and prohibit the receipt of more than 5% of the contract price from consumers if a spa is not fully operational and available for use.

The staff is presently completing its analysis of the rulemaking record and its report.

Objectives

The Rule's objectives are to create economic incentives for health spas to avoid unfair or deceptive sales practices and to provide consumers with contractual remedies which they can use to protect themselves when necessary.

Legal Authority

Federal Trade Commission Act, §§ 5 and 18, 15 U.S.C. §§ 45 and 57(a).

Timing

Publication of Staff Report—February, 1983.
Public Comment on Presiding Officer and Staff Reports—No less than 60 days following publication of staff report.

Responsible Person

John Crowley, Federal Trade Commission, New York Regional

Office, 26 Federal Plaza, New York, NY 10278, (212) 264–1213

Standards and Certification

(43 FR 57269, December 7, 1978)

Regulatory Flexibility

The rule that was proposed in 1978 would require standards developers to provide notice of their standards-setting proceedings to representatives of all interests that are likely to be affected and to assure all interested persons fair opportunity to participate in the proceeding. Further, it would require the establishment of challenge and appeal mechanisms to resolve complaints about deceptive or unduly restrictive standards. Certifiers covered by it would be responsible for the truthfulness of their certifications, and would be obligated to take action to stop misuse of their seals of approval by producers.

This rulemaking is affected by the Federal Trade Commission Improvements Act of 1980, Public Law 96–252. More specifically, the Commission's authority to issue the Standards and Certification rule with respect to "unfair or deceptive acts or practices" under § 18 of the FTC Act has been removed. The 1980 Act leaves unaffected whatever authority the FTC might have under any other provision of the Act to issue a rule with respect to "unfair methods of competition." The Commission has determined that the most efficient way to decide what Commission action, if any, is necessary in this area is to complete the analysis of the rulemaking record gathered to date.

In addition to an FTC rule addressed to unfair methods of competition, there are a variety of possible Commission actions under consideration. Industry guides or statements of enforcement policy could be issued and these could be enforced on a case-by case basis. Also under review are other government activities which affect the area to determine whether their impact on competitive and consumer problems would reduce the need for FTC action. One such activity is implementation of OMB Circular A–119, Federal Participation in the Development and Use of Voluntary Standards.

Objectives

Activity in this area is intended to reduce the incidence and severity of injuries to competition and consumers that may result from private standards development and product certification activities. Some 20,000 product standards have been set by trade associations, technical and professional societies, product testing laboratories, and other private sector groups. They are relied on by consumers, building code officials, Federal and State agencies, and others for regulatory and procurement purposes. Generally, these standards provide significant benefits, such as lowering the cost of communications between buyers and sellers; improving the transfer of technology; encouraging efficiencies in design, production, and inventory; and assuring such things as the safety, fitness, and energy efficiency of products. However, substantial injury to competition and consumers can occur if standards development or certification activities block the use of superior or lower cost technology, prevent businesses from competing in profitable industries, establish inadequate or inappropriate product safety levels, inflate product prices, or deceive consumers about the quality of products.

Legal Authority

Federal Trade Commission Act, §§ 5 and 6(g), 15 U.S.C. §§ 45 and 46(g); Federal Trade Commission Improvements Act, P.L. 96–252, 94 Stat. 374, § 7.

Timing

Publish Staff Report—November, 1982.

Presiding Officer's Report—60 days after Staff Report.

Post-Record Comments—60 days after Presiding Officer's Report.

Responsible Person

Robert J. Schroeder, Division of Service Industry Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 523–3935

Amendment to Eyeglasses Rule and Eyeglasses II

(16 CFR Part 456)

Regulatory Flexibility

The Proposal

The staff has written a report recommending proposed amendments to the Eyeglasses Rule (16 CFR Part 456) concerning release of eyeglass and contact lens prescriptions following the dispensing of the goods, and new trade regulation rule provisions which would remove state-imposed restrictions on (1) lay or corporate employment of optometrists and opticians, (2) locations of practice, (3) branch offices and (4) use of trade names. The Commission has made no determination on the findings and recommendations of the staff; hence, no formal rulemaking has been initiated.

The Commission has issued an Advance Notice of Proposed Rulemaking (ANPR) (45 FR 79823–831, Dec. 22, 1980) requesting public comment on the staff's analysis and recommendations and on alternative courses of action which the Commission might take. The ANPR comment period closed on February 2, 1981. The Commission staff reviewed and analyzed the comments which were received and forwarded its recommendations to the Director, Bureau of Consumer Protection. Based upon the comments and staff recommendations, the Commission will decide what action is appropriate.

In addition to the staff recommendations, the Commission is considering alternative courses of action. One of the alternatives is the publication of a Commission report along with a model State law for review by the States. Such a model statute might, for example, permit optometrists and opticians to practice in commercial settings but at the same time ensure protection of quality of care by including minimum standards for eye examinations and equipment and the protection of the doctor-patient relationship.

Another alternative would be the issuance of a voluntary guide, including some or all of the provisions recommended by the Commission's staff for a rulemaking. A guide could define, for example, the kinds of private restrictions on commercial practice that the Commission believed unjustifiably inhibited competition among eye care providers or consumer access to alternative, low cost eye care goods and services. Such guides could be followed up by case enforcement.

Objectives

The objective of the Commission's investigation is to reduce public and private restraints which increase consumer prices and limit accessibility to vision care but which do not appear necessary to protect the public health and safety. The principal question the Commission is exploring is the impact of the restrictions noted above on the price, quality and availability of vision care. The investigation has sought, through the development of statistically valid market research, to determine whether higher prices result from these restrictions and, if so, whether off-setting consumer benefits also result from these restrictions.

Legal Authority

Federal Trade Commission Act, §§ 5 and 18, 15 U.S.C. §§ 45 and 57(a).

Timing

Commission decision on appropriate action—November, 1982.

Responsible Person

Christine Latsey, Division of Service Industry Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 523–3426

Amendment to Labeling and Advertising of Home Insulation Rule, 16 CFR Part 460

(42 FR 59678, 1977)

The Amendment

The Commission's home insulation trade regulation rule became effective on September 29, 1980. The rule requires manufacturers of insulation products sold for residential use to test their products to determine insulating ability ("R-value"), and to disclose R-values and related information on product labels and on fact sheets to be made available to consumers by retailers. It requires disclosure of R-values and related information by insulation installers and new home sellers. It requires advertisers to have a reasonable basis for energy savings claims they make about specific insulation products, and to disclose specific additional information in advertisements or other promotional materials when they make energy savings claims about an insulation product or refer to the product's thickness, R-value or price.

The Commission has announced its intention to reopen the rulemaking proceeding to consider whether it should amend the rule's disclosure requirements insofar as they apply to television advertising. (See ANPR, 46 FR 47237 (Sept. 25, 1981).) The Commission has temporarily delayed the effective date of those disclosure requirements pending completion of these amendment proceedings.

In addition, the Commission may lift the temporary stay of the requirement to test insulation and its representative thickness. The staff is currently preparing final recommendations to the Commission with respect to this issue.

Objectives

The objective of the reopening with respect to television advertisements is to explore less burdensome alternatives to the disclosure requirements promulgated in August, 1979. The objective of the representative thickness requirement is to ensure that the R-values disclosed are as accurate as possible.

Legal Authority

Federal Trade Commission Act, §§ 5 and 18, 15 U.S.C. §§ 45 and 57(a).

Timing

Final Commission Consideration with respect to Lifting Stay on Representative Thickness—June, 1982.

Commission Consideration with respect to Television Advertising—December, 1982.

Responsible Person

Kent Howerton, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 724–1515

Modifications to Rule Regarding Pre-Sale Availability of Written Warranty Terms, 16 CFR Part 702

Regulatory Flexibility

Modifications Being Considered

The current Pre-Sale Availability Rule requires that retailers of consumer products costing more than $15 make warranty texts available to consumers prior to purchase by placing the warranty text in one or a combination of four specified locations: 1) on the product, 2) in a binder, 3) on the package, or 4) on a sign. Manufacturers are required to provide retailers with materials sufficient to meet their obligations.

The Rule modifications currently under consideration would lessen the requirements for retailers of consumer products. Among the options under consideration is one that would provide two options for making warranties available to consumers prior to purchase: 1) displaying the warranty text(s), and/or 2) displaying a sign indicating the availability of warranties to customers and providing the warranty text(s) upon customer request. In addition, we are considering raising the threshold for coverage by the Rule. Additionally, we have considered creating a mechanism in the Rule to adjust this threshold amount to reflect the inflation rate. Modification to manufacturers' compliance options are also under consideration, including a requirement that manufacturers affix the warranty text to all warranted consumer products or supply retailers with tags or labels containing the warranty text for them to affix to all displayed products.

Objectives

The Magnuson-Moss Warranty Act (15 U.S.C. 2302(b)(1)(A)) requires that the Federal Trade Commission promulgate a rule to require that the terms of written warranties for consumer products be made available to consumers prior to purchase. The Rule modifications currently being considered are intended to achieve this Congressional objective more effectively by making the Rule requirements more flexible and thus lessening the costs and burdens of compliance while still ensuring consumers access to warranties prior to purchase.

The Commission is examining the costs, benefits, and overall effects of the Rule to ascertain which modifications would be most efficient and effective. Two large-scale surveys are being conducted to examine consumer experience with warranties and to measure the effect of the current Rule on manufacturers and retailers. The Commission believes the results of these surveys will provide valuable additional information to assist it in formulating amendments to the Rule. The survey results will not be available until late this year. The Commission will formally consider this issue in January, 1983, after staff has completed its analysis of the survey data.

Legal Authority

Magnuson-Moss Warranty—Federal Trade Commission Improvements Act, 15 U.S.C. 2302(b)(1)(A) and 2309(a).

Timing

Commission consideration of proposed rulemaking to modify the Pre-Sale Availability Rule—January, 1983.

Responsible Person

Eloise Gore, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 523–3500

Used Motor Vehicles

(41 FR 1089, January 6, 1976)

Regulatory Flexibility

The Rule

The rule would have required dealers to post a window form on used cars sold to consumers which disclosed, in plain language, information concerning warranty coverage offered (if any), the meaning of an "As Is" sale (in which no express warranties are offered and buyers lose the additional protection of implied warranties created by state law), and other important information. The form would have also informed consumers that oral promises are difficult to enforce and would have provided space for the dealer to disclose certain specific mechanical condition defects know to him.

The rule would not have required dealers to offer any warranties on used cars sold, but it would have required that dealers who chose to offer written warranties disclose the basic scope and terms of the warranty coverage provided. Dealers would not have been require to inspect vehicles under the rule, but dealers who were aware of certain specific defects in the car at the time of sale would have been required to disclose their existence.

The rule and accompanying Statement of Basis and Purpose and Regulatory Analysis were published in the **Federal Register** on August 14, 1981. The promulgation date for the rule was August 18, 1981. The Commission submitted the rule to Congress for review under the provisions of the FTC Improvements Act of 1980 on September 9, 1981. Because the required 90 legislative day review period did not expire before Congress adjourned in 1981, the Commission resubmitted the rule on January 28, 1982 for another 90 day review period. The rule was considered by Congress and was vetoed on May 26, 1982. The Commission has taken the rule under consideration in accordance with Section 21(c) of the FTC Improvements Act of 1980, 15 U.S.C. § 57a–1(c) (Supp. IV 1980). Consumers Union has filed a lawsuit challenging the constitutionality of the legislative veto of this rule and is seeking a court order that the Rule become effective. *Consumers Union of U.S., Inc. and Public Citizen, Inc.* v. *FTC et al.*, No. 82–1512 (D. D.C.).

Objectives

The rule was designed to define and prevent deceptive practices in the sale of used cars by dealers that may result in substantial consumer injury. These deceptive practices include oral misrepresentations by dealers about warranty coverage (e.g., misrepresentation that a warranty is offered or of the terms of a warranty, failures to disclose the meaning of warranties and warranty disclaimers prior to sale) and oral misrepresentations about the mechanical condition of used cars (e.g., false claims about condition, failures to disclose known defects, claims about condition made without a reasonable basis).

Legal Authority

Federal Trade Commission Act, §§ 5, and 18, 15 U.S.C. §§ 45 and 57(a).

Magnuson-Moss Warranty Act § 109(b), 15 U.S.C. § 2309(b).

Timing

Under consideration by the Commission following disapproval of the Rule by Congress.

Responsible Person

Susan M. Liss, Division of Marketing Practices, Bureau of Consumer Protection, Washington, D.C. 20580, (202) 523–1670.

By direction of the Commission.

Carol M. Thomas,

Secretary.

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Tuesday
July 6, 1982

Part III

Department of Health and Human Services

Office of the Secretary

Block Grant Programs; Final Rules

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

45 CFR Parts 16, 74, and 96

Block Grant Programs

AGENCY: Office of the Secretary, HHS.

ACTION: Final rules.

SUMMARY: These rules implement seven block grant programs established by the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35). The block grants replace a large number of programs now administered by the Federal Government, transfer primary responsibility for their administration to the States, and confer substantial discretion on the States as to use of the block grant funds.

DATES: These rules are effective July 6, 1982.

FOR FURTHER INFORMATION CONTACT:

The following individuals can provide additional information on the block grants indicated:

Community services: Sandra Lichty, Director, Office of State and Project Assistance, Office of Community Services, 1200 19th Street, N.W., Washington, D.C. 20506, (202) 254–5590.

Preventive health and health services: For technical assistance: Tom G. Ortiz, Assistant to the Director for Field Activities, Centers for Disease Control, 1600 Clifton Road, N.E., Atlanta, Georgia 30333, (404) 329–3850.

For fiscal and grants management assistance: Leo A. Sanders, Chief, Grants Management Branch, Centers for Disease Control, 255 E. Paces Ferry Road, N.W., Room 107A, Atlanta, Georgia 30305, (404) 262–6576.

Alcohol and drug abuse and mental health services: Richard A. Millstein, Associate Administrator for Program Planning and Coordination, Alcohol, Drug Abuse and Mental Health Administration, 5600 Fishers Lane, Room 13–C–05, Rockville, Maryland 20857, (301) 443–4564.

Maternal and child health services and primary care: James Corrigan, Associate Director, Bureau of Community Health Services, 5600 Fishers Lane, Room 7–05, Rockville, Maryland 20857, (301) 443–2380.

Social services: Michio Suzuki, Deputy Director, Office of Program Coordination and Review, Office of Human Development Services, 200 Independence Avenue, S.W., Room 306E, Washington, D.C. 20201, (202) 245–7027.

Low-income home energy assistance: Norman Thompson, Director, Office of Energy Assistance, Transpoint Building, 2100 2nd Street, SW., Washington, D.C. 20201, (202) 245–2051.

SUPPLEMENTARY INFORMATION: The Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35) ("the Act") established seven block grant programs to be administered by the Secretary of Health and Human Services:

(1) The community services block grant was established by sections 671–683 of the Act, 42 U.S.C. 9901–12, and replaced the following programs that were administered by the Community Services Administration under the Economic Opportunity Act of 1964:

Community Action/Local Initiatives
Senior Opportunities and Services
Community Food and Nutrition

(2) Section 901 of the Act amended the Public Health Service Act by adding a new Title XIX, which contains three block grants. The preventive health and health services block grant established by section 901, 42 U.S.C. 300w–300w–8, replaces the following categorical grant programs:

Rodent Control
Fluoridation
High Blood Pressure
Health Incentive
Home Health Services and Training
Emergency Medical Services
Risk Reduction/Health Education
Rape Crisis

(3) The second block grant established by section 901 is the alcohol and drug abuse and mental health services block grant, 42 U.S.C. 300x–300x–9, which replaces the following programs:

Alcoholism State Formula Grants
Alcohol Abuse and Alcoholism Project Grants and Contracts
Special Grants for Uniform Alcoholism Intoxication and Treatment Act
Drug Abuse State Formula Grants
Drug Abuse Project Grants and Contracts
Mental Health Services

(4) The third block grant established by section 901 is the primary care block grant, 42 U.S.C. 300y–300y–10, which replaced the following programs:

Community Health Centers
Primary Care Research and Demonstrations

(5) Section 2192 of the Act amended Title V of the Social Security Act, 42 U.S.C. 701–09, to establish a maternal and child health services block grant. This block grant replaces the following programs:

Maternal and Child Health
Crippled Children's Services
SSI Disabled Children
Hemophilia
Sudden Infant Death Syndrome
Lead-Based Paint Poisoning Prevention
Genetic Diseases
Adolescent Pregnancy

(6) Section 2352 of the Act amended Title XX of the Social Security Act, 42 U.S.C. 1397–1397f, to establish a social services block grant.

(7) A low-income home energy assistance program is authorized by sections 2601–2611 of the Act, 42 U.S.C. 8621–29, to replace the Home Energy Assistance Act of 1980.

The Secretary has determined that the Department should implement the block grant programs in a manner that is fully consistent with the congressional intent to enlarge the States' ability to control use of the funds involved. Accordingly, to the extent possible, we will not burden the States' administration of the programs with definitions of permissible and prohibited activities, procedural rules, paperwork and recordkeeping requirements, or other regulatory provisions. The States will, for the most part, be subject only to the statutory requirements, and the Department will carry out its functions with due regard for the limited nature of the role that Congress has assigned to us.

Interim final regulations to implement the block grants were published in the **Federal Register** on October 1, 1981 (46 FR 48582), and a 60-day comment period was provided. Based on our evaluation of the comments received and on initial implementation of the block grants, the regulations, revised as appropriate, are now being made final. The provisions of the regulations are discussed below, together with the comments that were received.

Transition to State Operation

Timing of Transition

States became eligible to receive funds under six of the seven block grants beginning October 1, 1981. The exception is the primary care block grant, which does not become effective until October 1, 1982.

Of the six block grants that became operative in fiscal year 1982, four are subject to transition provisions that permit a State to initiate operation under the block grants on October 1, 1981, or at the beginning of any subsequent quarter (January 1, April 1, or July 1, 1982). The four block grant programs subject to these transition provisions are community services, preventive health and health services, alcohol and drug abuse and mental health services, and maternal and child

health services. During the period that a State is not obtaining funds under the block grants, the Department will administer the existing programs. The transition period is fiscal year 1982 only; the Department has no authority to award grants under the existing programs replaced by these four block grants after September 30, 1982.

A State must assume operation of a block grant in its entirety. A State may not assume control over only a portion of the block grant while requesting the Department to operate some of the programs that Congress has replaced with that block grant.

The social services and low-income home energy assistance block grants are not subject to the transition provisions in section 1743 of the Act because they do not come within the provisions of section 1741(b) of the Act. That section limits application of the transition provisions to funds that previously went to local governments or other eligible entities and in the future will go directly to the States. Since the social services and low-income home energy assistance funds previously went directly to the States, no transition is provided for. The two programs became effective on October 1, 1981. The regulations have been revised to state explicitly in § 96.110 that these two programs are not subject to the transition provisions.

Section 682(b) of the Act required States to notify the Department prior to October 1, 1981, if they did not intend to seek community services block grant funds for the quarter beginning October 1 but instead desired the Secretary to operate the programs. Similar notice is required 30 days prior to the beginning of each subsequent quarter. If a State does not notify the Department as to whether it desires to obtain block grant funds or to have the Department administer the programs during the quarter, we will consider the State to have requested the Department to operate the programs. There is no indication in the Act or its legislative history that Congress intended the programs to terminate if a State failed to notify the Secretary as to its desires, and the Department will therefore continue to operate the programs until otherwise advised by the State or until the end of fiscal year 1982.

A comment suggested that States should be allowed a one-year transition period for the social services and low-income home energy assistance block grants. Such a transition is, however, not permissible. The Act repealed the Home Energy Assistance Act of 1980 and revised Title XX of the Social Security Act, relating to social services, as of October 1, 1981. As noted above, the social services and low-income home energy assistance block grants are not subject to the transition provision in section 1743 of the Act, which is the only authority under which the Department could continue to operate the repealed programs.

In light of our determination that section 1741 does not apply to the social services and low-income home energy assistance programs, several States asked whether the programs were also exempt from the requirements of sections 1742, 1744, and 1745 in Title XVII of the Act, which relate to reports and public hearings, access to records by the Comptroller General, and State audits. Similar inquiries were received with respect to the primary care block grant. We conclude that sections 1741, 1742, 1743, and 1745 do not apply to the social services and low-income home energy assistance programs since, as explained above, they are not covered by the definition in section 1741. Section 1744 (access to records by the Comptroller General) applies by its terms to all grant programs established or provided for by the Act and thus applies to the social services and low-income home energy assistance programs. None of the provisions in Title XVII applies to the primary care and maternal and child health services block grants because of the exemptions in section 1932 of the Public Health Service Act and section 2194(d) of the Omnibus Budget Reconciliation Act, respectively. A new § 96.16 has been added to the regulations to clarify the applicability of these various provisions.

A consumer group suggested that States that do not apply for block funds should be required to publish a public notice to that effect. We decline, however, to exceed the statutory requirements by regulating the application process unnecessarily. Since public notice is required when a State is developing its block grant applications, the absence of such notice indicates that the State has not yet applied for the block grants.

A comment suggested that, to facilitate planning for expenditure of block grant funds, the Department should identify, by States, all categorical grantees whose programs will be included in a block grant. Upon request, we are providing such information to the States on an informal basis. The individuals listed at the beginning of this preamble, or regional offices of the Department, can identify the categorical grantees in each State and provide information regarding their status for any State that desires such information.

Policies During Continued Federal Operation

With respect to the four block grants subject to the transition provisions, the Department will operate the programs replaced by each block grant generally in accordance with past policies until a State qualifies for the block grant. Renewal grants may be made to current grantees as their grants expire during the course of fiscal year 1982. If such grants are made, they will ordinarily cover the same period of the grantee's operation as has been the practice (but not to exceed one year), although the amount of the grant will normally be reduced because of the reduced funds available. In some cases, awards will be made for less than the ordinary period where we receive State assurances of continued support for grantees funded by the Department under transition provisions after States assume responsibility for administering the program.

A comment suggested that the Department adopt a flexible renewal schedule for categorical grantees during the transition period to allow transfer to the States of the maximum amount of funds possible. Rather than renewing categorical grants for a full year, the comment suggested that a categorical grant be renewed only until the date that the State in which the grantee is located has indicated that it will assume control of the block. We are not adopting this suggestion because a general policy of shortened renewal periods would be inconsistent with congressional intent, as expressed in the Conference Report, that the Department should continue to operate the categorical programs in accordance with previous policies. (H.R. Rep. No. 97–208, 97th Cong., 1st Sess. 923 (1981).) We note, however, that under section 2194(b)(2)(A) of the Act any grant or contract entered into by the Department pursuant to the authority of Title V of the Social Security Act (consolidated health programs for maternal and child health) may be terminated by the State upon three months' notice.

The 60-day consultation and State review process set forth in Office of Management and Budget Circular A–95 (41 FR 2052) will continue to be used for the Department's administration of transition period grants. Also, all awards will be made from fiscal year 1982 funds. Thus, even though a grantee may in the third quarter of fiscal year 1982 be awarded sufficient funds for one year's operation, such funds would not reduce the allotment of fiscal year 1983 funds available to the State. The

Department will remain responsible for monitoring and auditing all awards made by it even after the State has begun receiving funds under the block grant involved.

Current regulations governing the programs replaced by the block grants, including regulations published by the Community Services Administration in the **Federal Register** on August 31, 1981 (46 FR 43690), as corrected on September 3, 1981 (46 FR 44189), will remain in effect for the transition period pursuant to § 96.111 of the regulations. Federal requirements with respect to some of these programs were reduced on October 1, 1981 (46 FR 48593).

Application Process

Required Submissions

The Act requires a State to make an annual submission to the Secretary with respect to each block grant prior to receiving funds. The Secretary is not prescribing any particular format for the submission or elaborating its contents beyond what is specified in the Act. Each State should simply insure that its submission satisfies the statutory requirements.

Comments objected to the fact that the regulations do not require detailed and uniform submissions. The comments suggested that a wide range of information should be required of the States for each block grant, such as a comprehensive State spending plan. Other suggestions for required submissions included an affirmative action plan for filling any jobs generated by the block grant programs, eligibility requirements and fee schedules for clients, descriptions and "linkages" with other block grant and human service programs, and reports of actual services delivered to clients.

We have not prescribed any additional requirements in response to these comments. The block grant statutes themselves establish the contents of the State submissions. For all but one of the block grants, the submission consists of an application containing specified assurances and (for the community services and low-income home energy assistance block grants) a plan describing how the State will carry out the assurances or (for the health-related block grants) a description of the intended uses of the funds. The social services block grant requires only a report on intended uses of the funds. We do not believe that any need for additional material in the applications has been demonstrated.

In submitting their applications, a number of States asked whether the certifications required by the Act to be made by a State's chief executive officer could be made by an official administering the program. We conclude that the chief executive officer of each State must personally make the certifications required by the community services, primary care, preventive health and health services, alcohol and drug abuse and mental health services, and low-income home energy assistance block grant statutes, and the regulations have been revised accordingly. We believe that Congress, in referring expressly to the chief executive officer, intended to require personal assurances, since some of the assurances (such as cooperation with Federal investigations) could involve a number of State agencies. The regulations also allow the certification to be made by an individual authorized to do so by the chief executive officer. Such authorization must include power to make all the required assurances and not simply authority to administer the program. The submissions required by the social services and maternal and child health services block grants may be made by any official authorized under State law to make such submissions on behalf of the State, since the statutes do not refer to any particular official.

A State requested that the Department establish definite application criteria to preclude arbitrary evaluation of the submissions by Federal officials. We do not believe that evaluation criteria are necessary. Since States by statute have wide discretion in their use of the funds, the Department will review the submissions only to determine that they are complete and in accordance with statutory requirements for applications. Funds will be made available to any State filing a complete submission.

Several States asked whether the requirements of OMB Circular A–95 for gubernatorial review of state plans or a project notification and review process by State and areawide clearinghouses would apply to the block grants. OMB has not made the block grant programs subject to Circular A–95 for State administration. If a State wishes to follow the circular, it may do so voluntarily.

Section 1742(a) of the Act requires the States to prepare an annual report on the proposed use of block grant funds containing specified information. We interpret this section as identifying information that a State is to include in the plan required to be submitted with respect to the community services block grant and in the description of the intended uses of funds required with respect to the preventive health and health services and alcohol and drug abuse and mental health services block grants. A service organization noted that the specific application requirements of section 1742 were not carried forward into the regulations. Section 96.10 of the regulations refers to but does not repeat the requirements of section 1742. This approach is consistent with the general format of the regulations, in which we have not set forth statutory provisions verbatim.

Public Participation

The Act requires the States to submit the various plans and descriptions of intended uses of block grant funds for public comment. The manner in which a State obtains public comment is at the State's discretion so long as statutory requirements are met. Opportunity for public comment must be offered before the plan or description will be considered complete.

In addition to these general public participation requirements, the Act also requires the States to conduct public hearings on the proposed use and distribution of funds under the community services, preventive health and health services, alcohol and drug abuse and mental health services, primary care, and low-income home energy assistance block grants. The hearings must be conducted by the State legislature, except that the hearings with respect to the low-income home energy assistance block grant may be conducted by any unit of the State government. The manner in which these hearings are conducted is in the State's discretion. No hearings are required for a State to receive its first year's allotments. Although section 1742(c) of the Act establishes a general requirement for public hearings during the first year for block grants, that provision is superseded by the specific provisions elsewhere in the Act, as is reflected in § 96.16 of the regulations. Thus the first year is exempted from the hearing requirement for the preventive health and health services, alcohol and drug abuse and mental health services, and primary care block grants by sections 1905(b), 1915(b), and 1927(b) of the Public Health Service Act, respectively; and for the community services block grant and low income home energy assistance program by sections 675(b) and 2605(a)(2) of the Omnibus Budget Reconciliation Act, respectively. This interpretation was upheld (with respect to the community services block grant) by the court in *South Eastern Human Development Corporation v. Schweiker*, No. 81–3072 (D.S.D. Jan. 18, 1982).

Comments criticized exemption of the social services, primary care, and

maternal and child health services block grants from the public hearing requirements of section 1742(c) of the Act. These exemptions were created by the Act, however, not by the Department's regulations. Section 2194(d) of the Act expressly exempts the maternal and child health services block grant from the provisions of Title XVII, including section 1742. Section 1932 of the Public Health Service Act exempts the primary care block grant program from Title XVII. Section 1742 does not apply to the social services block grant because, as noted above, section 1741(b) limits its application to funds that previously went to local governments or other eligible entities and in the future will go directly to the States. Both the social services and maternal and child health services programs have requirements for public participation, even though a hearing as such need not be conducted. Contrary to the comments' suggestion, States are required to hold public hearings on the proposed use and distribution of primary care block grant funds after the first year of administering the program.

Consumer groups were concerned that deferral of mandatory hearing requirements until the second year of the program would enable States to establish spending patterns unfavorable to the groups' constituents. It is the Act, however, not the Department's regulations, that exempts the first year from the hearing requirement. Again, however, it should be noted that the broader requirements in the various block grant statutes for public participation apply even during the first year. See section 675(d)(2), Pub. L. 97–35 (community services); section 1905(d), PHS Act (preventive health); section 1915(d), PHS Act (alcohol and drug abuse); section 1927(d)(2), PHS Act (primary care); section 505, Soc. Sec. Act (maternal and child health); section 2004, Soc. Sec. Act (social services); section 2605(c)(2), Pub. L. 97–35 (energy assistance).

There were several requests in comments for additional regulation of the State hearing process, including requiring that the hearings be conducted by a neutral third party, and requiring that representatives of consumer organizations and minority groups participate in the hearings. We have not adopted these suggestions, since we believe that Congress intended to let the States decide the form of the hearings and other types of public participation.

Funding Information

Allotments to States

The Department will determine the amount of funds to be allotted as block grants to each State in accordance with the formulas established in the Act. The Office of Management and Budget (OMB) has authority to apportion to the Department through the course of a year the appropriation for the block grants, as provided by the Anti-Deficiency Act (31 U.S.C. 665). The regulations state that the Department will assign allotments to the States consistent with OMB's apportionment of funds.

Commenters were concerned that the OMB apportionment would not allow for seasonal variations in payment under the programs. They stated that the regulation constituted an illegal expansion of OMB's deferral authority and authorized impoundment of funds by OMB. We note that the information in the interim final regulations regarding the apportionment process was provided to explain how OMB routinely regulates appropriations for grant programs pursuant to its authority under the Anti-Deficiency Act. It does not represent a change from past OMB practice. Moreover, when funding is provided under a short-term continuing resolution as it has been this year, block grants, like other Federal funds, are subject to conservative spending limits so as to preserve options to establish final appropriations amounts. The OMB apportionment process takes varying program needs into account consistent with the time period and funding level of any governing continuing resolution. The seasonally varying demands upon the low-income home energy assistance program will be considered by OMB when funds are apportioned.

If a State did not assume operation of a block grant on October 1, 1981, but instead qualifies for the block grant at the beginning of a subsequent quarter, the amount of its allotment for fiscal year 1982 will be reduced by the amount of funds already committed in the State by the Department. In addition, administrative expenses for operation of the community services block grant will be charged against the allotment pursuant to section 682(d) of the Act.

Several State agencies asked that the Department define transition administrative expenses with respect to the community services block grant, and explain how those expenses would be deducted from their allotments. The regulations provide that the total administrative expenses incurred by the Department in administering the community services categorical programs before the block grant is taken over by a State will be deducted from the States' allotments in proportion to the amount of funds distributed in each State prior to the State's assuming operation of the program. The administrative costs include the expense of personnel and supplies used by the Office of Community Services in making grant awards under the categorical programs administered by the Department. These expenses, up to five percent of the State's allotment, will be charged against the State's allotment only for States which choose not to administer the community services block grant in fiscal year 1982.

With respect to several of the block grants, the Act provides that allotments for which States do not qualify, or portions of allotments that are returned to the Department, are to be redistributed pro rata to the qualifying States. Except for the low-income home energy assistance program, funds subject to reallotment will be reallocated on September 1, of each year. Funds reallocated under the low-income home energy assistance program, are included in the total funds available for allotment to States for the succeeding fiscal year.

A State that has not applied for block grant funds asked what would happen to any unawarded categorical funds upon expiration of the Department's authority to operate programs replaced by the blocks. The Act does not allow the Department discretion as to expenditure of these funds. If a State has not qualified for block grant funds during FY 1982, its allotment will be awarded by the Department to grantees under the limited transition authority and any remaining funds will revert to the Treasury.

The size of the State allotments under several of the block grants is determined by reference to amounts awarded by the Department under replaced programs in specified base years. In ascertaining these amounts under the preventive health and health services, alcohol and drug abuse and mental health services, and maternal and child health services block grants, the Department distinguished funds for nonservice projects that provided assistance on a national basis (for example, information clearinghouses). These amounts were pro-rated among all the States rather than assigned as a windfall to the individual States within which the grantees or contractors happened to have been located. Similarly, funds for projects of a regional nature (for example, technical assistance) were distributed to the States whose

programs benefited from them. Detailed information on allotment amounts has been distributed to the States.

Payments to States

Payments will be made through electronic funds transfer to those States capable of receiving funds in that manner. Letters of credit will be used in other cases. The procedures followed will be the same as with payments under other Departmental grants.

Under Federal law, the question of when a grantee may draw funds from the Treasury is a different matter from the issue of when the grant award is made. Thus, although the Department may award a State its entire annual allotment on the first day of a fiscal year, the State may not immediately withdraw the entire amount from the Treasury. Rather, the timing and amount of payments are governed by the Intergovernmental Cooperation Act, 42 U.S.C. 4213, which provides in essence that the Federal government must schedule the transfer of funds consistent with program purposes and Treasury regulations, and that States must minimize the time elapsing between acquisition of Federal funds and disbursement of those funds by the State.

Use of Allotments

The permissible uses of the allotments to the States are clearly set forth in the Act. The Act establishes differing requirements, however, with respect to the time period in which the funds may be used. Limits upon obligation in the Act refer to the time within which a State must commit the funds to a statutorily acceptable purpose. Limits upon expenditure in the Act require the State to disburse the funds within a prescribed time. Obligation of funds precedes expenditure. Therefore, funds must be obligated and disbursed within the expenditure period.

The maternal and child health services block grant authorizes the States to obligate and to expend the funds under its allotment in a two-year period—the fiscal year in which the funds are awarded and in the following fiscal year. Three of the block grants allow the States two years to obligate funds but are silent as to expenditure (preventive health and health services, alcohol and drug abuse and mental health services, and primary care). In those cases, any applicable State law relating to expenditure of State funds would apply. If there is no State law, no restriction on time of expenditure would apply. Two block grants permit two years to expend funds but do not expressly address the permissible period for obligation of funds (community services and social services). We interpret these provisions as allowing a two-year period for the obligation (as well as disbursement) of funds. The low-income home energy assistance block grant allows up to 25 percent of the funds to be held available for the following fiscal year, which we believe establishes a two-year limit on the permissible period of obligation. In the case of the primary care and low-income home energy assistance block grants, the Act also establishes special conditions for use of funds after the first year.

A State agency objected to imposition of any time limits upon the use of allotments. Several States requested uniform time frames for obligation and expenditure of block grant funds coordinated with the July 1 fiscal year wherever possible. Both of these suggestions are beyond our authority to adopt, as these limits upon expenditure and obligation are established by the Act, not by the regulations. Similarly, appropriations are contingent upon congressional budget action, which is not correlated with the July 1 fiscal year.

Another State noted that section 1925(a)(2) of the Act allows carryover of primary care block grant funds to a second year if the Secretary determines that the State fulfilled the funding requirements for community health centers and that there is "good cause" for funds remaining unobligated. The State requested a definition of "good cause." We have therefore revised the regulations to provide that good cause exists if planned obligations could not be carried out because of a bona fide reason, or if the State determines that program objectives would be better served by deferring obligation of the funds to the following year.

Transferability of Funds

The Act permits States to transfer limited amounts of allotted funds from certain block grants to other specified block grant programs. The programs that include transfer provisions are the low-income home energy assistance, social services, community services, preventive health and health services, and alcohol and drug abuse and mental health services block grants. The statutory provisions governing the social services and low-income home energy assistance programs specify that funds transferred from other blocks shall be treated as if they are granted under the recipient programs. The Act does not contain explicit provisions regarding use of transferred funds under the other block grants. We received numerous requests for information concerning, for example, the permissible uses of funds transferred into blocks, applicability of "earmarking" requirements under the alcohol and drug abuse and mental health services block grant to transferred funds, and the continued relevance of fiscal requirements in the transferor program.

These questions must be resolved by reference to the specific statutory language involved in each case to determine whether spending limitations apply to all money expended under a block grant program or, instead, only to funds in the allotment under the program. Rather than issue regulations regarding transfers, we have decided to leave resolution of these questions to each State in the first instance. We are aware that this policy may result in interpretations of the transfer provisions (among other provisions) that vary from State to State. As with other State decisions concerning the use of block grant funds, however, we will accept a State's interpretation of statutory requirements pertaining to transferred funds unless it is clearly erroneous. The regulations do interpret the unusual language of the transferability provision in the social services block grant (section 2002(d) of the Social Security Act). We believe that this provision allows a State to transfer funds to the preventive health and health services, alcohol and drug abuse and mental health services, primary care, maternal and child health services, and low-income home energy assistance block grants. In addition, social services block grant funds may be transferred to support health services, health promotion and disease prevention activities, and low-income home energy assistance under other Federal block grants, including block grants administered by other Federal Departments.

State and Federal Oversight

Applicable Financial Standards

A basic purpose of the block grant legislation is to simplify State grant administration and minimize Federal involvement by placing far greater reliance on State government. For this reason, we have declined to issue comprehensive, voluntary "guidelines," as requested by several consumer groups since these could easily be misinterpreted as establishing standards against which State conduct would later be judged. Also, the block grants will be exempted from the usual Departmental grant administration requirements found in 45 CFR Part 74. (Part 74 is based on OMB Circulars A–102, "Uniform

Administrative Requirements for Grants to State and Local Governments" and A–87, "Cost Principles".) Because a Federal requirement for use of the Part 74 rules would be inappropriate for block grants, we are establishing a fiscal and administrative standard providing maximum discretion to the States and placing full reliance on State law and procedures. Under this standard, a State need not look to Part 74 for such matters as property or procurement standards, or what is an allowable or unallowable cost. Rather, the State's laws and procedures covering the administration and expenditure of its own funds will govern. (This standard applies to administration of the block grant funds and is not intended to require States to follow the same legislative appropriations process for block grant funds as they do for their own revenues.) Any expenditures in violation of the State's own laws and procedures would be unauthorized and subject to disallowance.

Several service organizations questioned the legality of "waiving" the requirements of Part 74. They noted that the Act does not specifically waive the requirements, and stated that amendment of the OMB Circulars or direct application to OMB for an exemption was required. Our decision not to apply Part 74 to the block grants was, however, explicitly approved by OMB in a letter to the Secretary and therefore is fully authorized.

Several comments objected to the inapplicability of Part 74 on substantive grounds, expressing the view that the exemption would result in widely varying and inequitable treatment of subrecipients by the States. One group claimed that failure to apply the cost principles in OMB Circular A–122 would allow States to restrict reimbursement for administrative costs unreasonably, restrict advance payments to grantee agencies, interfere with grantee title to property acquired under the grant, and lessen the "flow-through" of funds to localities by centralizing disbursement at the State level. We do not believe that these comments have demonstrated that OMB Circular A–122 should be mandatory. The block grant programs were intended by Congress to relieve States of Federal administrative burdens, and that objective would not be accomplished if States must follow special Federal rules in connection with the block grants that differ from the rules that apply to expenditures of their own funds. A State may, of course, adopt the principles of the OMB Circulars for expenditure for all of its funds, if it wishes to do so. Such action, however, is not required. Moreover, we have no evidence supporting the assertion that States may be unfair to subrecipients and every reason to believe that States will be sensitive to and supportive of their concerns. For example, some States have indicated to us that they intend to establish their own dispute resolution mechanisms to deal fairly with complaints by local grantee. Should the States act in a manner that violates the Act, the Department will promptly consider complaints as provided in the regulations.

A number of community health centers expressed the concern that their real property and equipment, acquired according to 45 CFR Part 74, would be appropriated by the States. State assumption of a block grant does not, however, give a State rights to grantee property acquired under a previous Federal grant. The existing rules in Part 74 will continue to goven the use and dispositon of real property and equipment acquired under HHS categorical grants. Title to such property rest with the grantee, subject to certain "pay-back" or reversionary rights of the Federal government.

We received inquiries regarding the use of block grant funds to match other Federal funds, since Part 74, which we have not made applicable to the block grant programs, prohibits the use of Federal funds to meet matching requirements in connection with other Federal grants. The maternal and child health services, preventive health and health services, alcohol and drug abuse and mental health services, and primary care block grant statutes explicitly prohibit the use of those funds to match any other Federal grants. The community services, social services and low-income home energy assistance block grant programs do not contain an express prohibition against use of those funds for matching, and therefore they may be used to satisfy matching requirements if otherwise authorized. However, most programs that require matching funds (e.g., Medicaid or the primary care block grant) require that the matching funds come from non-Federal sources. Block grant funds may not be used in such cases because they are Federal funds. (By contrast, general revenue sharing funds are, by statute, available to match other Federal funds (31 U.S.C. 1221).) The question whether community services, social services, and low-income home energy assistance block grant funds may be used to match other Federal funds must be answered by reference to the conditions imposed by the particular grant to be matched. Should a State wish to use funds from these three programs for matching, it must determine if the grant program requiring matching funds permits the grantee to use Federal funds for that purpose. In the unlikely event that the statute permits the grantee to use Federal funds, block grant funds may be used as matching funds as long as they are used in a manner consistent with the statutory prohibitions and assurances required by the block grant statutes.

Administrative Costs

We received many requests for a detailed definition of "administrative costs." States were concerned that the Act's 10 percent limitations on administrative costs for certain block grants (or 5 percent limitation in the case of the administrative costs at the State level under the community services block grant) would not be sufficient to cover the cost of providing services under the block grant programs. We decline to restrict the States with a definition of this term. In the final analysis, the State must determine which expenses constitute administrative costs chargeable to grant funds on a case-by-case basis, subject to review on the same basis as other State interpretations of the block grant statutes. This decision will be based upon the intrinsic nature of each program and the standard accounting procedures followed by each State. As a general matter, administrative costs are all the costs of program administration, whether they would be considered direct or indirect costs under categorical grants. There is some indication that Congress intended that States use non-Federal funds to administer block grant programs where necessary. For example, section 2605(b)(9)(B) of the Act expressly requires that States use non-Federal funds for planning and administering the low-income home energy assistance program where a State's costs for those activities exceed 10 percent of the State's allotment. The same condition applies to administrative expenditures under the preventive health and health services and the alcohol and drug abuse and mental health services block grants by virtue of sections 1904(d) and 1914(d) of the Public Health Service Act. The consistent imposition of limits upon administrative expenditures under the various block grants is indicative of congressional intent that States devote a very high percentage of their block grant funds to direct payments or services.

Other comments inquired about administrative cost limits under the maternal and child health services block grant, which has no statutory limitation.

We note that the Congressional Conference Committee deleted a 15 percent limitation that had been included in the bill, although the Conference Committee did state that "the conferees do not intend that States spend that amount or more on administrative and other nonservice expenditures." (H.R. Rep. No. 97–208, 87th Cong., 1st Sess. 790 (1981).) We interpret this statement to be advisory but, in view of the change in the bill's provisions, not mandatory.

Audits

Under the Act, States are primarily responsible for conducting audits of the use of block grant funds. The Act also confers certain responsibilities on the Comptroller General with respect to evaluating the propriety of State expenditures and on the Secretary with respect to investigations into the use of funds. In fulfilling its responsibilities under the Act and other Federal statutes, the Department will rely on State audits if the audits have been conducted in accordance with the Comptroller General's standards for audits of governmental organizations, programs, activities, and functions. Any additional auditing by the Department would build upon the State's work.

The specific requirements pertaining to audits are set forth in the provisions of the Act pertaining to the individual block grants. An exception is the audit requirement applicable to the community services block grant. Although section 675(c)(9) indicates that an annual audit is required, that provision is overridden by section 1745(b), which permits audits every two years. Section 96.91 of the regulations provides that a State may modify the certification required by section 675(c)(9) so as to reflect the provisons of section 1745(b).

The Department received numerous comments on audit procedures. Comments from consumer groups requested, for example, that the audit be conducted by an entity totally independent of any State control, and that the public have access to audit results. The comments argued that uniformity was the only way to ensure State accountability, prevent fraud and waste, and conduct effective national planning. Comments also suggested including specific items in the audit reports. For example, a utility company suggested that States submit data concerning the percentage of low-income home energy assistance funds applied to fuel and utility bills.

We are rejecting these suggestions insofar as they exceed statutory requirements, because we are committed to allowing States maximum flexibility in accordance with the statutory provisions establishing the States as the primary auditors of their own expenditures. Substantial checks on the legality of State expenditures are present in the form of the requirement in the regulations for fiscal accountability and the provisions for Federal audits. Contrary to the implication of the comments, the State audit reports are publicly available. Also, the independence of the State audit is assured by the statutory requirement with respect to each of the block grants that the audit be conducted by an agency that is independent of the program being audited. Although data on use of low-income home energy assistance funds need not be part of the audit, as requested by the comments, some information on the use of low-income home energy assistance funds is already required by the Act and the regulations to be reported by the States.

An organization of public administrators suggested that one audit of all block grant monies, rather than individual audits of each block grant program, was sufficient. The group recommended that States have the option of performing a single comprehensive audit. We agree that if the State can provide the information required by each audit, the format of the audit report is not important.

Recordkeeping

Section 96.30 of the regulations requires that States keep records sufficient to permit the preparation of reports required by statute and to permit the tracing of funds to a level of expenditure adequate to insure that funds have not been spent unlawfully. In addition, as explained below, a report is required with respect to use of funds under the low-income home energy assistance program. Except for these provisions, the Secretary is not prescribing any data collection requirements and is not prescribing the format or content of any information that the Act requires the State to collect.

We received many requests to impose standard recordkeeping criteria and formats upon the States. Although we will of course continue to review the operation of the block grant programs to insure that we have enough information to carry out congressional intent, at this time we do not believe that the need for any additional Federal recordkeeping requirements has been demonstrated, and therefore we are not adopting any. If they find it useful to do so, States may work together to develop recordkeeping standards for their own use.

Enforcement

The Act requires States to comply with their assurances and the statutory provisions and provides for repayment of improperly expended funds and for withholding of funds in certain circumstances. The block grant programs are intended to confer great discretion on the States, which by statute are the primary auditors of their own expenditures. The fundamental check on a State's use of block funds is the State's accountability to its citizens, which is implemented by public disclosure within the State of information concerning use of the funds. Accordingly, when an issue arises as to whether a State has complied with its assurances and the statutory provisions, the regulations provide that the Department will ordinarily defer to the State's interpretation of its assurances and the statutory provisions. Unless the interpretation is clearly erroneous, State action based on that interpretation will not be challenged by the Department. The Department's position is not intended to preclude contrary action by the independent State audit agency in fulfillment of its statutory responsibilities. The Department will provide copies of complaints to the State's auditors for their consideration. Since the auditors might review the State's action without deference to the State's interpretation they may subsequently reach a conclusion different from that of the Department.

If a State expends block grant funds contrary to its plan or a description of intended uses of the funds, such action would require the repayment of those funds only if the expenditure violated the State's assurances or the statutory provisions. Expenditures that do not conform to the plan or description prepared by the State but do comply with the State's assurances and the statutory provisions are improper only because they differ from information submitted as part of the plan or description. Where a State complies with the statute and its assurances, repayment is not provided for by the Act. A State's failure to file a revised plan reflecting changed spending could lead to the withholding of funds until the revision is made.

Several comments on the enforcement provisions in the regulations objected to the absence of criteria to determine when the Department will conduct an investigation of a complaint against a State, and to the deference to a State's interpretations of its assurances and of the block grant statutes. Advocates for human service organizations and

minority groups claimed that these policies vest too much discretion in the accused wrongdoer and create a "conflict of interest" by allowing the State to judge whether it has violated its own rules.

We have not included specific criteria in the regulations about investigations, since the nature of complaints is expected to vary widely and preclude any uniform approach to resolving them. The deference to State interpretation opposed by the comments is an appropriate corollary to the respective roles of the Department and the States under the block grant statutes. With respect to all the block grants, the States are the primary auditors of their own expenditures. Several of the block grants expressly prohibit the Secretary from prescribing the manner of a State's compliance with its assurances. Under this statutory regime, we believe it is clear that deference to State interpretations is required.

Comments also suggested that the regulations should provide for an expedited investigation and response. Section 96.50(d) of the regulations allows the Department up to six months, if needed, to respond to a complaint against a State. Unless an expedited procedure is created, the comments contended that a terminated subgrantee or beneficiary group could suffer irreparable harm during the investigation. We note, however, that the six-month period is the maximum amount of time allowed for the Department's initial response to a complaint. If a complaint can be resolved more quickly, we will do so. The six-month period was chosen because six months is a realistic estimate of the time that may be necessary for an adequate investigation. Moreover, filing a complaint with the Department is not a prerequisite to instituting a lawsuit against a State if the State has acted unlawfully. Thus, a grantee suffering irreparable injury as a result of unlawful State action could act directly without awaiting the outcome of a Departmental investigation.

A State found two statements in the preamble to the interim final regulations to be contradictory. The Department stated that it would not challenge a State action based upon the State's interpretation of its assurances and statutory requirements unless the interpretation was clearly erroneous, but the Department reserved the right to "build upon" State audit agency findings when conducting its own investigations. The writer noted that the State audit agency might reach a conclusion different from that of the Department. The State suggested that § 96.30 of the regulations should be clarified as to the consequences of audit agency findings and the process for resolving differences between those findings and the Department's conclusions.

We do not believe that the preamble statements referred to in the comment are inconsistent. The question of the scope of a Federal audit is an entirely separate issue from the deference to be afforded to State interpretations. The statement that Federal audits will build upon properly conducted State audits reflects our intention not to duplicate State work, but rather to limit Federal audits to answering questions that the State audit did not resolve. Section 96.30 of the regulations has been revised to clarify the Department's position. Resolution of differences between State findings and the Department's conclusions will take place through the disallowance or withholding process, if the Department chooses to institute such a proceeding.

Hearings and Sanctions

The Act provides with respect to all of the block grants that a State must repay any funds that are determined to have been spent improperly. Under several of the block grant statutes a hearing before the Department is required before repayment may be ordered. The Department will provide a hearing before ordering repayment even where it is not required by statute, and a hearing procedure is provided in the regulations. Decisions resulting from the hearing may be appealed to the Department's Grant Appeals Board. New regulations governing the Department's grant appeals process (42 CFR Part 16) were published in the **Federal Register** on August 31, 1981 (46 FR 43816).

If a State refuses to repay funds as ordered, the Department may recover them by offsetting the amount against future block grant payments. The Act provides a State with another opportunity for a hearing under several of the block grants before an offset can be made. For those block grants, the repayment hearing procedures will also be used for offset questions. Further appeal, however, which would likely be dilatory, will not be allowed.

We have provided for a comparatively informal hearing procedure rather than a formal hearing before an administrative law judge. There is no evidence that Congress intended the required hearings to be trial-type, on-the-record hearings, and the Secretary has concluded that such a procedure would frequently be less efficient than the procedure adopted. The flexible procedure adopted is designed to resolve questions in a fair and expeditious manner.

In appropriate circumstances the Act requires the Secretary, on his own initiative or after investigation of a complaint, to withhold funds under the block grants until the Secretary has reasonable assurance that a State that has violated statutory provisions or the certifications in its application will not repeat such actions. The hearing procedure established for repayment and offset issues will also be used prior to withholding funds. Any appeals of decisions to withhold funds would be handled by the Secretary or, at his discretion, the Grant Appeals Board. The Board would typically be used to hear appeals when the question underlying the proposed withholding involved disallowed expenditures and the like. The Secretary will retain authority to make the final decision on any withholding.

These provisions regarding penalties against States that expended funds unlawfully were criticized in comments as being too lenient. A comment noted that there was no provision for withholding payments pending resolution of a complaint, and no penalty was imposed upon wrongdoers save repayment of the illegally expended monies. The requirement that States give a reasonable assurance that the violation will not recur was criticized as being vague and unenforceable. We cannot, however, modify the regulations in response to these comments. The allowable sanctions for illegal expenditures by States are set forth in the Act and reflected in the regulations. We do not have the authority to impose more severe penalties against a State.

We received several requests for alteration of the hearing procedure. Denial of status as a party to the complainant in the hearing and appeal was criticized as unfair. The comments asserted that, since the complainant was the injured party, his participation in the hearing was necessary to assure that all of the pertinent facts are brought before the presiding officer. We have concluded that it is unnecessary and inappropriate for complainants to be granted the status of parties at hearings. Under the Act, hearings are held only when the Department has made a preliminary determination that a State has unlawfully expended funds. Under such circumstances, it would be redundant and potentially counterproductive for a complainant to be presenting a case parallel to the Department's. The Department, where appropriate to strengthen its case, will

utilize witnesses and information of the complainant, but the Department will be solely responsible for presentation of the case against the State.

One comment suggested that the prohibition on discovery in § 96.65 of the regulations was unnecessarily inflexible. The comment recommended adding criteria for discovery in appropriate cases. Because of the informal nature of the hearing and the statutory obligation of the State to comply with Federal investigations, we do not believe that it is necessary to permit discovery. The Department will have compiled the evidence supporting its position through investigation, and a State would have no apparent need for discovery against the Department, since the facts relating to the challenged practice would be within the State's knowledge.

Instead of allowing the presiding officer the discretion to decide whether to transcribe the hearing, it was suggested that all hearings should be transcribed at Government expense and copies provided to the State. We have not adopted this suggestion because some hearings may be so limited in scope as not to warrant transcription. We expect, however, that any hearing involving substantial issues will be transcribed at Federal expense.

Another comment suggested that the Secretary specify qualifications for the presiding officer to guarantee that the individual is both qualified and neutral. We do not believe that this change is necessary. The Secretary has the authority to appoint many adjudicative officers, including the head of the Grant Appeals Board, without reference to criteria set forth in regulations. The Secretary is mindful to the need for an impartial, competent presiding officer and will exercise his discretion accordingly.

A professional organization suggested amending § 96.66(a) to allow the presiding officer or the Secretary to close the hearing to the public when there was a risk of disclosing confidential medical information. The reference in the regulations to information the disclosure of which might constitute an unwarranted invasion of privacy was intended to cover confidential medical information, and the regulations have been clarified accordingly.

Special Provisions

Nondiscrimination

The Act contains specific provisions prohibiting discrimination with respect to all of the block grants except the social services block grant. Congress has made clear that States and their grantees have the responsibility to prohibit discrimination on the basis of race, color, national origin, age, and handicap. In addition, several of the block grants require that religious and sex discrimination be prohibited as well. The Secretary interprets existing laws against discrimination in Federally assisted programs as applying to the social services block grant.

Several comments requested a statement in the regulations that 45 CFR Parts 80 (prohibiting discrimination on the basis of race, creed, or national origin), 81 (providing a hearing procedure for claims under Part 80), 84 (prohibiting discrimination based upon handicap), and 90 (prohibiting age discrimination) apply to State administration of the block grant programs. The commenters were particularly concerned that the hearing and enforcement provisions of the block grant regulations might appear to supersede the requirements of 45 CFR Part 81. Several organizations offered specific antidiscrimination provisions for inclusion in the block grant regulations.

The complaint and hearing provisions in the block grant regulations were not intended to apply to discrimination issues and the regulations have been clarified accordingly. The provisions of 45 CFR Part 80, 81, 84, and 90 apply by their terms to all programs receiving Federal financial assistance, however, and it is unnecessary to make them applicable to the block grant programs by specific reference to them in the block grant regulations. No additional regulations are being issued at this time, although regulations implementing novel aspects of the block grant nondiscrimination provisions are being developed and will be published in the future.

Waivers

Several States requested clarification of the scope of the provision in § 96.15 of the regulations explaining where to apply for waiver of the requirements applicable to the block grant programs. Each block grant statute specifies those provisions that may be waived. For example, the Secretary may waive the prohibition against the use of community services, primary care, maternal and child health services, social services and alcohol and drug abuse and mental health services block grant funds for construction if the facts of a particular case justify the exemption. Unless there is express statutory language allowing the Secretary to waive a provision, no waiver of the requirements of the block grant statutes is permitted. The Secretary has delegated his waiver authority to the heads of the Operating Divisions responsible for administering the block grants.

Direct Funding of Indian Tribes and Tribal Organizations

Five of the block grant programs permit the Secretary to provide grant funds directly to Indian tribes and tribal organizations that request such funds. The block grants involved are community services, preventive health and health services, alcohol and drug abuse and mental health services, primary care, and low-income home energy assistance. With respect to each of these block grants, the Act provides that direct funding is available if (1) the Indian tribe or tribal organization requests funds, and (2) the Secretary determines that the tribal members would be better served by direct Federal funding than by funding through the States.

The Act's provisions on direct funding were intended to continue the long-standing government-to-government relationship between the United States and the tribes. The provisions also implement a self-determination policy for Indian tribes and seek to overcome jurisdictional problems between some States and their resident tribes regarding the provision of services.

By regulation, the Secretary has determined that members of Indian tribes and tribal organizations would be better served by direct Federal funding than by funding through the States in every instance that the Indian tribe or tribal organization requests direct funding. The tribes and tribal organizations are closer to their members than the State governments and are better able to ascertain their needs and to implement solutions. Our experience in the last five years has demonstrated that the performance of Indian tribal grantees is comparable to that of other grantees. A tribe or tribal organization may conclude that it is better served through the State government. The Secretary encourages Indian tribes and tribal organizations to work with the States and determine whether they might benefit from arrangements that could be developed. If a tribe concludes that it would be better served by Federal funding, however, and therefore applies for a direct grant, the Secretary will concur with that assessment and will provide funds directly to the tribe or tribal organization.

Eligibility

The minimum conditions that an Indian tribe or tribal organization must meet to qualify for direct funding are defined in the Act and vary among the block grants. A number of issues relating to eligibility are dealt with in the regulations or were raised in comments on the interim final regulations.

One set of questions involved standards of eligibility under the low-income home energy assistance program and the community services block grant, since the Act does not clearly define the class of potentially eligible tribes and tribal organizations for these two block grants. No definition whatever of an eligible Indian tribe or tribal organization is contained in the Act for the low-income home energy assistance program. Definitions similar to those established by statute for the other block grants were therefore included in the interim final regulations for this program. Under section 674(c)(5) of the community services block grant statute, the Secretary has the discretion to award direct funding to an Indian tribe that has been recognized as such by a State, or that is "considered by the Secretary of the Interior to be an Indian tribe or Indian organization for any purpose." During the initial administration of this program, questions were raised about the eligibility of urban Indian organizations and tribes that have limited rights under arrangements with the Interior Department. In response, the Secretary of Health and Human Services has determined that his discretion regarding direct funding should be exercised only with respect to State recognized tribes and those tribes included on the list of Federally recognized tribes published by the Secretary of the Interior in accordance with Department of Interior regulations at 25 CFR Part 54. In addition, the Secretary will provide direct funding to the Alaska Native villages and the regional and village corporations established pursuant to the Alaska Native Claims Settlement Act (45 U.S.C. 1601). We have amended § 96.44 of the regulations to apply the definition of "Indian tribe" and "tribal organization" found in the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) to the community services block grant. This standard is consistent with the Secretary's intention to make direct funding available only where appropriate to continue a government-to-government relationship. It clarifies that direct funding is not available for urban Indian groups and other entities with respect to which a government-to-government relationship does not exist.

One comment asked that we establish special rules for participation by Alaska Native villages in the block grant programs. The commenter was concerned that the unique configuration of the Alaska Native population, which resides in over two hundred widely scattered Native villages, would hinder program administration by the State. The writer predicted problems in coordinating services to Native and non-Native populations and to non-profit regional corporations and Alaska Native villages. We have concluded that the block grant programs can be successfully operated by the State of Alaska without excluding Alaska Native villages from the opportunity to apply for direct funding. The villages and the regional corporations are included in the definition of "Indian tribe" in the Indian Self-Determination and Education Assistance Act used to determine eligibility for the various block grant programs. Their government-to-government relationship with the United States is recognized by the Alaska Native Claims Settlement Act and by their participation in Indian Self-Determination and Education Assistance Act programs. We understand that the regional corporations provide many health and social services for their member villages and we expect that many will continue to do so with respect to the block grant programs. Administration of Alaska Native funds largely by the regional corporations should substantially reduce problems of coordination. However, where a village does not want the regional corporation to administer its allotment of block grant funds, that decision should be left to the village. The comment noted that coordination of services to the Native and non-Native populations would be enhanced if either a tribal organization or the State served all of the residents of designated geographic areas. In our view, the statutes do not preclude contracts or cooperative arrangements between State and Native organizations for area-wide services. We decline, however, to specify the arrangements to be entered into between the State of Alaska and its Native population.

A tribal organization stated that § 96.44(b) of the regulations appears to restrict eligibility for the community service block grant to State recognized tribes. That is not correct. In keeping with our policy of not repeating clear statutory language in the regulations, the regulations only clarify the meaning of State recognition. Federally recognized tribes are also eligible to apply for the block grant, as provided by section 674(c)(5) of the Act.

Some comments related to State recognition of tribes. A few tribal commenters opposed the concept of State recognition, arguing that tribal recognition is exclusively a Federal function under the Constitution. The comments also noted that many States have no formal policy or procedure for recognizing a tribe and argued that the structure of the block grant programs creates an incentive against State recognition, since funds for directly funded tribes would reduce a State's allotment. The provisions for funding State-recognized tribes are, however, created by the Act with respect to two of the block grant programs and they are therefore retained in the final regulations.

The interim final rules included a requirement that an Indian tribe would be considered to be a State recognized tribe only if the State in which the Indians reside had expressly determined that they were an Indian tribe in accordance with State procedures for making such determinations. This provision was intended to make clear, for example, that State actions incidentally referring to a group as a tribe do not constitute State recognition for the purpose of receiving block grant funds. Similarly, incorporation of a tribal organization under the laws of a State would not by itself constitute State recognition of the group as a tribal organization. This requirement raised questions, however, in a few States that do not have formal procedures for State recognition but nevertheless have longstanding relationships with Indian tribes. We have therefore clarified the final regulations to provide that verification by the State's chief executive officer that a tribe is recognized by that State will constitute evidence of State recognition.

The definition of "tribal organization" in the Indian Self-Determination and Education Assistance Act adopted by the Act and by these regulations requires that such an organization must be "controlled, sanctioned, or chartered" by the governing body of an Indian tribe. Tribes and Indian organizations asked that we specify the form of tribal support for a tribal organization. Comments asked for details concerning the duration, terms and format of tribal resolutions. We decline, however, to impose requirements concerning the form of the sanction or resolution. We are not requiring that tribes and tribal organizations follow the same

procedures as those used by the Bureau of Indian Affairs and Indian Health Service to qualify for grants and contracts under the Indian Self-Determination and Education Assistance Act (25 CFR 272.14 and 272.16 and 42 CFR 36.104, respectively). Instead, we will defer to procedures developed by tribes and tribal organizations with respect to tribal representation.

Some tribes objected to their exclusion from eligibility for the maternal and child health services and social services block grants, stating that since they were eligible for five of the block grant programs, they should not be excluded from the other two programs. This restriction is imposed by the statute, however, not by the Department's regulations, and therefore cannot be changed.

The interim final regulations provided that in fiscal year 1982, tribal eligibility for block grant funds is contingent upon qualification for the block by the State in which the tribe or tribal organization is located. Comments from tribes claimed that linkage of their direct funding to State qualification for a block was contrary to the congressional intention that independent funding be provided to tribes. They stated that the unique relationship between the Federal government and the Indian tribes, recognized by numerous treaties and statutes, requires substantial direct funding for Indians regardless of whether their State of residence is participating in the block grant programs. We have reviewed our position in light of these comments and in recognition of the disadvantages to tribes in States that chose not to administer block grant programs this year, and have revised the regulations to allow direct funding of eligible Indian tribes and tribal organizations for the remainder of this fiscal year even if the State is not operating the block grant involved.

Several tribes contended that the eligibility limitations imposed under the preventive health and health services and the alcohol and drug abuse and mental health services block grants by §§ 96.45(b) and 96.46(b) of the regulations make participation practically impossible for most tribes and tribal organizations. The Act limits the amount of the allotment to any particular Indian tribe or tribal organization based upon the amount of funds awarded to that tribe or organization in 1980 (alcohol and drug abuse and mental health services) or 1981 (preventive health and health services) under predecessor programs. The cited regulations interpret those provisions as referring only to direct grants and not to tribal grantees that received funds under formula or Statewide grants, nor to subgrantees that received funds from any program replaced by the block grants or transferred to the Indian Health Service. We believe, however, that the regulations properly interpret the Act and that Congress intended that only a narrow group of Indian tribes and tribal organizations should be eligible for funding under these two block grants.

Funding Level

Many tribes objected to the funding distribution schemes in the low-income home energy assistance and community services block grants, which are based on population data. They asserted that Indians are traditionally underrepresented in United States census data and they suggested, therefore, that tribal health and population statistics, rather than the ratio of Indian to non-Indian individuals or households in a State, should form the basis for a tribe's allotment. In lieu of using tribal census data, several tribes requested imposition of a minimum funding set-aside, equivalent to the proportion of funds they received under the categorical programs replaced by the block grants.

We do not have the authority to alter the fund distribution systems set forth at sections 674(c) and 2604(d) of the Act, which are based on population living at statutorily defined poverty levels. We have used the most reliable population data available, primarily "The Population and Housing Census 1980 Advance Report," "The Tribe List and Extract," prepared by the Census Bureau for the Office of Revenue Sharing, and supplemental data from the Census Bureau. Where census date were not available, we used population estimates from the Bureau of Indian Affairs and in one instance from a State Indian Commission. Finally, where no independent data were available, we used the tribes' own estimates of their population. In computing the poverty levels, we adjusted the 1980 population figures based on data from the 1970 census. We will revise these figures with poverty level data from the 1980 census as soon as they are available. We encourage States and tribes to negotiate different, mutually satisfactory shares of tribal and State funds if they have any more accurate data.

State-Tribal Relationships

The preamble to the interim final regulations stated that "The fact that a tribe or tribal organization is receiving direct Federal funds does not, however, disqualify its members from receiving services from the State." This sentence was confusing to some commenters who raised various questions regarding access to and eligiblity for services, duplicate funding, and responsibility for specific services. For example, some comments took the position that if the Federal government made a grant to a tribe, the State was not required to provide any service to tribal members. Other comments interpreted the statement in the preamble as mandating duplicate payments or services for Indian individuals. Finally, comments asked for clarification of the respective responsibilities of States and tribes for service delivery under these programs.

The preamble statement was intended to reaffirm the Department's policy that an Indian individual may not be excluded from access to Federally funded facilities simply because the Indian's tribe may have access to similar services. This policy ensures that Indian people are not treated differently from other residents of a State based on their status as Indians. At the same time, we do not intend to require duplicate cash payments or other tangible benefits to Indians by making them eligible for services under programs operated both by a State and a tribe. A new § 96.42(f) has been added to the regulations to clarify this issue. States are not required to confer eligibility for tangible benefits on Indian people in the service population of a tribe that has received an allotment of block grant funds. Thus, for example, States are not required to provide cash payments or weatherization assistance to Indians included in the service population of a tribe receiving funds under the low-income home energy assistance program. The regulation does prohibit a State from denying Indians access to intangible benefits. This is intended to cover benefits that are not subject to abuse by individuals seeking duplicate services; examples of intangible benefits include counseling or a course of treatment at health facility.

These questions underscore the importance of State and tribal cooperation and planning in the use of the block grant funds. In this way duplication can be avoided, administrative costs kept to a minimum, and maximum use made of funds.

Both States and tribes raised questions about coordination of funding. A State suggested that it should be notified of each application or award to a tribe or tribal organization so that it can adjust its expenditure plans. A tribal organization requested

notification of State requests for block grant funds, noting that § 96.43(c) of the regulations requires submission of tribal requests for block grant funds within 75 days of a State request. The comment claimed that without direct notification from the Federal government it would be practically impossible for the tribes to know whether to apply for funds.

We will continue to provide information to both the tribes and the States on an informal basis. When the Secretary notified the tribes of the availability of direct funding in September 1981, he included in his letter the names and addresses of contact people for each block grant. In addition, there are officials in each of the ten regional offices of the Department and in the Office of Community Services in Washington, D.C. who are ready to provide information to tribes and the States.

Administration

The regulations provide that Indian tribes and tribal organizations receiving direct funding have the same rights and obligations as States, unless otherwise provided or unless a State's rights and obligations have no relevance to an Indian tribe or tribal organization. Thus, for example, a tribe or tribal organization must submit an application containing the same information as that required from the States, except that the regulations permit the deletion of certain certifications that we have concluded are not appropriate for tribes and tribal organizations.

In this final rule we are permitting further modification of the certifications required under the community services block grant. New § 96.44(d) permits a tribe or tribal organization to certify that it will provide at least one of the services or activities required under the community services block grant. As presently drafted, the regulations appear to require Indian tribes receiving direct funding to expend funds for all of the purposes specified in section 675(c)(1). We believe it is appropriate to give additional flexibility to the tribes and tribal organizations in view of the size of the tribal service population, the scope of the program activities, and the limited size of the tribal allotments.

There were several comments regarding administration of the block grants by Indian tribes. The tribes opposed flat-rate limitations on administrative costs, and suggested negotiation of a satisfactory indirect cost rate based upon the needs of each tribe. Two tribes asked that audit expense be chargeable to the direct services portion of grant funds. We do not believe, however, that Indian tribes and tribal organizations should be permitted to spend less of their block grant funds for direct services than States. The congressional intention that the vast majority of block grant funds be spent for direct services is clear from the strict percentage limitations imposed by statute upon administrative costs. Therefore, we will not establish different rules on administrative cost limitations for tribes and tribal organizations than are established by statute for the States.

We received requests from tribes and tribal organizations to clarify the roles of each with respect to the application process. The block grant programs that permit direct Indian participation permit tribes and tribal organizations to request and to apply for block grant funds. (The exception is the low-income home energy assistance program, which requires that Indian tribes request funds but allows tribal organizations to apply on behalf of requesting tribes.) We expect that tribes and tribal organizations will coordinate their requests and applications in a manner that prevents duplication of effort and takes advantage of the flexibility allowed by the Act. However, the Act does not require that we dictate the details of the request and application procedure, and we will leave these details to the discretion of the Indian people.

Under section 2604(d)(3) of the Act, a tribal government may request direct funding for an "other entity," neither a tribe nor a tribal organization, to provide energy assistance to those tribal members that the tribe cannot serve. Several comments asked for guidance regarding selection of other entities. In making case-by-case determinations of whether an "other entity" should serve an Indian population, the Secretary will consider these factors: The ability of the other entity to provide low-income home energy assistance, existing tribal-State agreements as to the size and location of the population to be served, and the relevant history of State services to this population. The regulations have been revised accordingly by adding § 96.48(e).

Provisions Relating to Particular Block Grants

Community Services Block Grant

Under the community services block grant, 90 percent of the funds allotted to a State for fiscal year 1982 must be used to make grants to "eligible entities," as defined in the statute, or to organizations serving seasonal or migrant farmworkers. Different requirements apply beginning in fiscal year 1983.

The definition of "eligible entity" has been revised by section 17 of the Older Americans Act Amendments of 1981 (Pub. L. 97–115; December 29, 1981). The Amendments added a new sentence to section 673(1) of the Act as follows:

> "The term eligible entity includes any limited purpose agency designated under title II of the Economic Opportunity Act of 1964 for fiscal year 1981 which served the general purposes of a community action agency under title II of such Act, and any grantee which received financial assistance under section 221 or 222(a)(4) of the Economic Opportunity Act of 1964 in fiscal year 1981."

Title II of the Economic Opportunity Act (42 U.S.C. 2808) allowed the funding of agencies other than community action agencies for special projects, or in areas where there was no designated community action agency. Section 222(a)(4) of the Economic Opportunity Act (42 U.S.C. 2809(a)(4)) established the Rural Housing Development and Rehabilitation Program.

Even though the definition of eligible entity has been thus expanded, at least two territories eligible for allotments do not have any eligible entities within their jurisdictions. We believe that Congress required that the bulk of 1982 funds be awarded to eligible entities so as to assure an orderly transition to State administration. That rationale is not applicable in those jurisdictions that do not have any eligible entities. Accordingly, we are revising the regulations by adding a new § 96.112(b) to provide that a State or territory that does not have any eligible entity may spend its 1982 funds as if they were 1983 funds.

Primary Care Block Grant

Because the primary care block grant will not be fully operational until fiscal year 1983, some comments suggested deferral of that part of the regulations. States are developing portions of the program in the present fiscal year, however, and guidance is appropriate. In addition, the language of the Act authorizing the primary care block is similar in many areas to that creating the remaining blocks. Simultaneous consideration of all the block grant programs is therefore desirable to allow for uniform regulations wherever possible.

Comments from many of the Federally funded community health centers (CHCs) authorized by section 330 of the Public Health Service Act (42 U.S.C. 254c) requested clarification in the regulations of several of the statutory requirements pertaining to State support for CHCs and the transition from Federal to State funding. The centers

noted that there was no procedure in the interim final regulations for Secretarial review of a State decision to "defund" a CHC in fiscal year 1983 under section 1926(a)(2) of the Public Health Service Act, and offered suggestions on criteria and procedures for the defunding review. For example, they requested that the Secretary allow the CHC to participate as a party in the defunding review.

In response to these comments, a procedure has been established in the regulations to allow for review of State determinations under section 1926(a)(2) that a center does not meet the requirements for continued funding. Under the procedure, a State must advise the Department of any such determination together with the basis for the determination. The Department will allow the center 30 days to respond to the State's explanation, after which the Department will issue its final decision (also within 30 days) as to whether the State will be permitted to defund the center. The regulation requires that funding continue while the State's defunding decision is reviewed. In light of this provision, States should schedule their review so that the Department's review of a defunding decision is completed before a new grant award is required.

Many comments requested a definition of the State matching share required by section 1926(a)(4) of the Public Health Service Act. They urged restricting the match to cash from State revenues and prohibiting use of in-kind payment or other Federal funds. One comment noted that primary care block grant funds may not be used to match other block grants under section 1926(b)(4) of the Act and urged that other block grant money should not be used to match primary care funds. We interpret the statutory reference to "State funds" for matching to include anything that may be considered a bona fide State expenditure. This interpretation would prohibit a State from matching CHC monies with other Federal payments to the State. However, it would allow a State to match Federal grant funds by detailing State personnel to the center or providing similar in-kind benefits.

Comments also requested a definition of the term "significantly less" in section 1927(c)(3) of the statute. That section requires certification that the State will provide for independent review of funding reductions to CHCs when the center receives "significantly less" suport in fiscal year 1984 than it did in fiscal year 1983. The comments suggested that a narrow definition of "significantly less" would allow States to reduce their support substantially. We are not defining "significantly less" because Congress declined to do so. We believe that States should be allowed the flexibility to determine the exact funding levels based upon the individual circumstances of each locality.

One comment addressed the provision of section 1927(c), which requires States to submit assurances, satisfactory to the Secretary, that the State has sufficient administrative capability. The comment argued that the Department may not perfunctorily approve a State's claim that it can administer the program. Since the statute refers to the submission of assurances, rather than a more elaborate form of demonstration, we believe that it is proper for the Department to rely on a State's assurances without more. A State's compliance with its assurance is, of course, subject to review by the Department and any deficiencies in administrative capabilities can be acted upon in this manner.

A comment requested the Department to explain that section 1926(a)(4)(B) is voluntary. That provision allows a State "at the request of a community health center" to reduce the amount of a State's contribution to the center by the value of certain supplies and services furnished in kind. We agree with the comment that the provision by its terms calls for a request by the center before it is invoked.

Maternal and Child Health Services Block Grant

Comments from child welfare organizations requested regulations stating when expenditure of State allotments for inpatient services would be allowed under the maternal and child health services block grant. Under section 504(b)(1) of the Social Security Act, funds may be used for inpatient services only for crippled children, high-risk pregnant women and infants, and such other inpatient services as the Secretary may specifically approve. The comments argued that requesting Secretarial approval on a case-by-case basis was not in the best interest of children.

A State may submit information to the Secretary describing other categories of beneficiaries for which it proposes to provide inpatient services. This information may be submitted at any time, including at the beginning of the fiscal year when the State submits its report of intended expenditures. The Secretary will review each class of proposed exemptions and determine whether the expenditure for that class should be allowed. By securing express prior approval of classes of inpatient care, we expect that the need for individual emergency approvals will be greatly reduced.

Comments asked the Secretary to issue regulations defining a "substantial proportion" and a "reasonable proportion" of the State allotment. Section 505(2)(C)(i) of the Social Security Act requires that States spend a "substantial proportion" of their funds on health services for mothers and children; section 505(2)(C)(ii) requires that States spend a "reasonable proportion" of the funds for prenatal care for mothers and primary, preventive, and rehabilitative care for children. We decline to adopt definitions of these terms since Congress, through adoption of this language, instead of fixed percentages as used elsewhere in the Act, plainly indicated an intent to allow flexibility to the States.

Comments requested that the Secretary issue regulations to define the "special consideration" that States are to afford to continued funding of existing special projects as provided by section 505(2)(C)(i) of the Social Security Act. We do not believe, however, that it is appropriate to define this provision, since this is plainly a subject on which Congress intended for the States to have substantial discretion.

Child welfare groups also suggested that the Secretary should require States to ensure that providers funded under the maternal and child health services block grant participate in the Medicaid Early and Periodic Screening, Diagnosis and Treatment (EPSDT) program for children under twenty-one. Although section 505(2)(E) of the Social Security Act requires that the States coordinate services offered under the EPSDT program with those offered under the maternal and child health services block grant, there is no authority in the Act to require participation in the EPSDT program; therefore we are not imposing this condition.

Social Services Block Grant

Section 2005 of the Social Security Act (42 U.S.C. 1397d) permits States to use social services block grant funds for room and board in only three circumstances: (1) For cost of subsistence during rehabilitation; (2) for temporary emergency shelter as part of a protective service, and (3) for room and board provided for a short term as an integral but subordinate part of a social service. We received many requests to explain the services included in the third category. The comments requested rules as to the eligibility for

block grant funding of room and board costs associated with residential treatment facilities, summer camps for disadvantaged children, and social services provided to hospital inpatients. Section 96.71 of the regulations defines the third class of exceptions. Social services block grant funds may be used for room and board where the short term room and board is a minor but essential adjunct to another service of which it is a part and is necessary to achieve the objective of the other service. The regulation prohibits services whose primary benefit it provision of food and housing from receiving block grant funds for food and housing expenses. For example, the restriction prohibits use of these monies for foster care maintenance payments. Funding for foster care maintenance payments is available under the Title IV–B and IV–E Programs. However, there are services which provide room and board that are eligible for funding. Programs such as residential treatment that provide room and board as part of a plan to provide a distinct social service could be eligible for social services block grant funds for that purpose. Evaluation of particular programs is the responsibility of the State administering the program.

Low-Income Home Energy Assistance Program

The regulations include a number of provisions that apply only to the low-income home energy assistance program. Since that program has a specific procedure for reallotment of unused funds at the end of each fiscal year, the regulations specify a report to be submitted by recipients of the funds. The regulations also require the submission of a report necessary to provide certain information to Congress, as required by the Act. States must annually report the number and income levels of households assisted under the program. This information may be reported in the form collected by the State.

Under section 2604(e) of the Act, a State may request the Secretary to make direct payments to Supplemental Security Income (SSI) recipients out of the State's allotment. The regulations provide that any such request must be submitted at least six months before the State wishes the payment to be made but in any case by September 1 of the preceding fiscal year. Section 96.83 of the regulations was revised to incorporate this requirement.

Under section 2605(b)(2)(B) of the Act, eligibility for assistance under the block grant depends on household income. In making determinations of household income, the States should take note of provisions in certain Federal statutes that may prohibit benefits granted under those statutes from being counted as income under other Federal statutes. Examples of such statutes are listed in regulations governing the Supplemental Security Income program in the appendix to 20 CFR 416.1182 and in 20 CFR 416.1236. We have not ascertained which, if any, of these statutes may prohibit the inclusion of grants as income under section 2605(b)(2)(B). States should refer questions concerning the applicability of such statutes to their own attorneys or to the Federal agencies administering them.

Although certain territories are eligible for funds under this program, the Act does not otherwise define the rights and responsibilities of territories. The regulations therefore establish that eligible territories will be treated the same as States unless otherwise provided. In connection with funding of the territories, it is necessary for the Secretary to determine the appropriate level of funding under section 2604(b)(1) of the Act. That section requires the Secretary to apportion not less than one-tenth of one percent, and not more than one-half of one percent, of the total appropriation to carry out the program to Puerto Rico and the Insular Areas on the basis of need. Preliminary tables of allocations were circulated to the States and territories through the National Governors Association in September and November 1981. These tables reflected a proposal to fund the territories at the same relative levels as they received under the 1981 program. Under this allocation method, the total amount allocated to the territories would be about 0.14 percent, which is within the statutory range. Comments were received from several of the territories urging that higher funding levels should be established. We have concluded, however, that we should retain the funding levels originally proposed since they are based on a congressional determination of need for the 1981 program and the comments did not include any information demonstrating that changed conditions required a higher relative level of funding as compared to the States than existed in 1981.

A municipality asked that we define the term "home energy supplier" in section 2605(b)(7) of the Act to include owners of rental properties. The expanded definition is unnecessary, in our view, because the Act confers sufficient discretion upon the States and subrecipients to make payments to landlords if they wish.

The definition of "household" in section 2603(2)(A) of the Act has been changed by a technical amendment in the Older Americans Act Amendments of 1981, Pub. L. 97–115, (December 29, 1981). The new definition provides:

"the term 'household' means any individual or group of individuals who are living together as one economic unit for whom residential energy is customarily provided in common or who make undesignated payments for energy in the form of rent."

The most recent continuing appropriations act, Pub. L. 97–92, includes additional statutory language regarding the use of funds under the low-income home energy assistance program.

Section 130 of Pub. L. 97–92 provides:

"Notwithstanding any other provision of this joint resolution, each State shall establish such fiscal control procedures as are necessary to assure that funds made available under this resolution for the low-income home energy assistance programs are used for payments in accordance with section 2605(b)(1) and (2) of the Omnibus Budget Reconciliation Act of 1981 and that each eligible household receiving such payments does not use the payment for any other purpose than the purpose described in section 2602(a)."

Notice and Comment Procedures and Waiver of Delayed Effective Date

The block grant programs were enacted on August 13, 1981, and became effective on October 1, 1981. Because the Secretary was required to begin disbursing funds a few weeks after the statute was passed, it was impossible to publish a proposed rule, allow the public a period for submitting comments, revise the rule, and publish a final rule before the States would receive their first allotments. Several comments objected to the decision to publish interim final rules. The comments took issue with our determination under the Administrative Procedure Act that it was impracticable, unnecessary, and contrary to the public interest to use notice and comment procedures. By the time these final rules are published, however, some States will have operated the program for several months. We believe that it was preferable to provide guidance to the States in the early stages of implementation through interim final regulations than to remain silent or give advice on an ad hoc basis. In any event, we reviewed and considered each of the more than two hundred written comments we received on the interim final regulations, and adopted appropriate suggestions.

We have determined that there is good cause to waive the customary 30 day delay in the effective date of the

final rules. The changes made in the interim final regulations are in large part simply clarifications and therefore a delayed effective date is unjustified. Substantive changes in provisions for the transition year, such as the revision allowing funding of Indian tribes in States that have not qualified for a block grant, are properly made effective immediately because of the short time remaining in the current fiscal year.

Impact Analysis

Executive Order 12291

E.O. 12291 requires that a regulatory impact analysis be prepared for major rules—defined in the Order as any rule that has an annual effect on the national economy of $100 million or more, or certain other specified effects. The Department concludes that the regulations implementing the block grant programs are not major rules within the meaning of the Executive Order, because they do not have an effect on the economy of $100 million or more or otherwise meet the threshold criteria.

One comment argued that the rules should be subjected to an impact analysis because the block grants will involve spending large sums, in excess of the $100 million economic effect threshold established in the Executive Order. However, the Executive Order was not intended, and has not been interpreted, to classify as "major" rules that merely set forth the terms and conditions for spending appropriated funds. The essential requirement for a rule to be classified as major is that it "result in"—create or cause—economic effects that otherwise would not exist. In this case, the effect of the block grant rules is not to determine whether or not the money will be spent, but the procedures by which it will be spent, and it is that effect—which is negligible—against which the threshold criterion is applied. Accordingly, a regulatory impact analysis is not required.

Regulatory Flexibility Act of 1980

The Regulatory Flexibility Act (5 U.S.C. Ch. 6) requires the Federal government to anticipate and reduce the impact of rules and paperwork requirements on small businesses. For each rule with a "significant economic impact on a substantial number of small entities" an analysis must be prepared describing the rule's impact on small entities. Small entities are defined by the Act to include small businesses, small non-profit organizations, and small governmental entities.

Several comments argued that a significant impact upon a large number of small entities was likely. However, the comments offered no specific showing of the likelihood of such impact or statement of what the effect might be. The primary impact of these regulations is on the States, which are not "small entities" within the meaning of the Act. Actual delivery of services will be performed in large part by proprietary, public, and not-for-profit organizations including day care centers, medical practitioners, neighborhood service centers, United Way agencies, and units of local government, as well as by State agencies. Because these regulations provide States with great authority to prescribe management, organization, funding, and eligibility practices for service delivery, they do not directly impact small entities, either favorably or adversely. Instead, impacts will depend on future State decisions.

We are not required to perform a regulatory impact analysis where the effect of the proposed regulation is speculative, and will be caused by decisions made independently of the Federal government. Therefore, the Secretary hereby certifies that a regulatory flexibility analysis is not required.

List of Subjects

45 CFR Part 16

Administrative practice and procedure, Grant programs-health, Grant programs-social programs.

45 CFR Part 74

Accounting, Administrative practice and procedures, Grant programs-health, Grant programs-social program, Insurance, Reporting and recordkeeping, Surety bonds.

45 CFR Part 96

Administrative practice and procedure, Aged, Alcoholism, Child welfare, Community action program, Drug abuse, Energy, Grant programs—energy, Grant programs—health, Grant programs—Indians, Grant programs—social programs, Health, Indians, Investigations, Low and moderate income housing, Maternal and child health, Mental health programs, Public health, Reporting and recordkeeping requirements, Social security.

For the reasons set forth in the preamble, Title 45 of the Code of Federal Regulations is amended as follows:

1. Part 96 is added to 45 CFR Subtitle A to read as follows:

PART 96—BLOCK GRANTS

Subpart A—Introduction

Sec.

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96.2 Definitions.
96.3 Information collection approval numbers.

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96.11 Basis of award to the States.
96.12 Grant payment.
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96.14 Time period for obligation and expenditure of grant funds.
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Subpart C—Financial Management

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96.41 General determination.
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Subpart I—Community Services Block Grants

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Subpart J—Primary Care Block Grants

96.100 Scope.

96.101 Review of State decision to discontinue funding of a community health center.
96.102 Carryover of unobligated funds.

Subpart K—Transition Provisions

96.110 Scope.
96.111 Continuation of pre-existing regulations.
96.112 Community services block grant.

Authority: Secs. 671–82, 901, 1741–45, 2191–94, 2351–55, 2601–11, Pub. L. 97–35, 95 Stat. 511–19 (42 U.S.C. 9901–11), 95 Stat. 535–59 (42 U.S.C. 300w–300w–8, 42 U.S.C. 300x–300x–9, 42 U.S.C. 300y–300y–10), 95 Stat. 762–64 (31 U.S.C. 1243 note), 95 Stat. 818–30 (42 U.S.C. 701–709), 95 Stat. 867–74 (42 U.S.C. 1397–1397f), 95 Stat. 893–902 (42 U.S.C. 8621–29).

Subpart A—Introduction

§ 96.1 Scope.

This part applies to the following block grant programs:

(a) Community services (Pub. L. 97–35, secs. 671–682) (42 U.S.C. 9901–9912).

(b) Preventive health and health services (Pub. L. 97–35, sec. 901) (42 U.S.C. 300w–300w–8).

(c) Alcohol and drug abuse and mental health services (Pub. L. 97–35, sec. 901) (42 U.S.C. 300x–300x–9).

(d) Primary care (Pub. L. 97–35, sec. 901)(42 U.S.C. 300y–300y–10).

(e) Maternal and child health services (Pub. L. 97–35, secs. 2191–94) (42 U.S.C. 1305).

(f) Social services (Pub. L. 97–35, secs. 2351–55) (42 U.S.C. 1397–1397e).

(g) Low-income home energy assistance (Pub. L. 97–35, secs. 2601–11) (42 U.S.C. 8621–8629).

§ 96.2 Definitions.

(a) "Secretary" means the Secretary of Health and Human Services or his designee.

(b) "Department" means the Department of Health and Human Services.

(c) "Reconciliation Act" means the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35).

§ 96.3 Information collection approval numbers.

Information collection requirements pertaining to the block grant programs have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act, Pub. L. 96511 (44 U.S.C. Chapter 35) and have been assigned OMB numbers:

0930–0080 Alcohol and Drug Abuse and Mental Health Services Block Grant Reporting Requirements
0920–0106 Preventive Health and Health Services Block Grant Reporting Requirements
0915–0023 Primary Care Block Grant Reporting Requirements
0915–0024 Maternal and Child Health Services Block Grant Reporting Requirements
0980–0125 Social Services Block Grant Reporting Requirements
0980–0126 Community Services Block Grant Reporting Requirements
0960–0261 Low-Income Home Energy Assistance Block Grant Reporting Requirements

Subpart B—General Procedures

§ 96.10 Prerequisites to obtain block grant funds.

(a) No particular form is required for a State's application or the related submission required by statute. The provisions in section 1742(a) of the Reconciliation Act (31 U.S.C. 1243 note) relating to the contents of a report on proposed uses of funds must be satisfied; the specified information should be included in the plan required for the community services block grant (section 675(d) of the Reconciliation Act) (42 U.S.C. 9904(d)) and in the description of intended uses of funds required for the preventive health and health services, and alcohol and drug abuse and mental health services block grants (sections 1905(d) and 1915(d) of the Public Health Service Act (as amended by the Reconciliation Act) respectively (42 U.S.C. 300w–4(d) and 42 U.S.C. 300x–4(d)).

(b) The certifications required by the community services, primary care, preventive health and health services, alcohol and drug abuse and mental health services, and low-income home energy assistance block grant statutes to be made by the State's chief executive officer must be made by that individual personally, or by an individual authorized to make such certifications on behalf of the chief executive officer.

§ 96.11 Basis of award to the States.

The Secretary will award the block grant funds allotted to the State in accordance with the apportionment of funds from the Office of Management and Budget. Such awards will reflect amounts reserved for Indian Tribes and Tribal Organizations and, in FY 1982, any amounts awarded by the Department under transition authorities. The grant award constitutes the authority to carry out the program and to draw and expend fund.

§ 96.12 Grant payment.

The Secretary will make payments at such times and in such amounts to each State from its awards in advance or by way of reimbursement in accordance with section 203 of the Intergovernmental Cooperation Act (42 U.S.C. 4213) and Treasury Circular No. 1075 (31 CFR Part 205). When matching funds are involved, the Secretary shall take into account the ratio that such payment bears to such State's total expenditures under its awards.

§ 96.13 Reallotments.

The Secretary will re-allot to eligible States those funds available as of September 1 of each fiscal year under the reallotment provisions pertaining to the alcohol and drug abuse and mental health services, maternal and child health services, and preventive health and health services block grants. The reallotment procedure for the low-income home energy assistance block grant is specified in section 2607 of the Reconciliation Act (42 U.S.C. 8626) and § 96.81 of this part.

§ 96.14 Time period for obligation and expenditure of grant funds.

(a) *Obligations.* Amounts unobligated by the State at the end of a fiscal year shall remain available for obligation during the succeeding fiscal year for all block grants except:

(1) *Primary care.* Amounts are available only if the Secretary determines that the State acted in accordance with section 1926(a)(1) of the Public Health Service Act (42 U.S.C. 300y–5(a)(1)) and there is good cause for funds remaining unobligated.

(2) *Low-income home energy assistance.* Amounts are available only in accordance with section 2607(b)(2) of the Reconciliation Act (42 U.S.C. 8626(b)(2)), which limits the amount to 25 percent of the amount allotted to the State for the prior fiscal year.

(b) *Expenditure.* No limitations exist on the time for expenditure of block grant funds, except those imposed by statute with respect to the community services, maternal and child health services, and social services block grants.

§ 96.15 Waivers.

Applications for waivers that are permitted by statute for the block grants should be submitted to the Assistant Secretary of Health in the case of the preventive health and health services, alcohol and drug abuse and mental health services, primary care, and maternal and child health services block grants; to the director, Office of Community Services in the case of the community services block grant; to the Assistant Secretary for Human Development Services in the case of the social services block grant; and to the Associate Commissioner for Family Assistance in the case of the low-

income home energy assistance program.

§ 96.16 Applicability of Title XVII of the Reconciliation Act (31 U.S.C. 1243 note).

This section interprets the applicability of the general provisions governing block grants set forth in Title XVII of the Reconciliation Act (31 U.S.C. 1243 note):

(a) Except as otherwise provided in this section or unless inconsistent with provisions in the individual block grant statutes, sections 1741–45 apply to the community services, preventive health and health services, and alcohol and drug abuse and mental health services block grants.

(b) The requirement in section 1742(c) of the Reconciliation Act relating to public hearings does not apply to any of the block grants governed by this part. Instead, the requirements concerning hearings (as well as other forms of public participation) in the individual block grant statutes apply.

(c) The primary care and maternal and child health services block grants are not subject to any requirements of Title XVII.

(d) The social services and low-income home energy assistance programs are subject only to section 1744.

(e) The alcohol and drug abuse and mental health services block grant is not subject to the provisions of section 1745 relating to audits.

(f) The applicability of section 1742(a) relating to the contents of a report on proposed uses of funds is specified in § 96.10. The applicability to the community services block grant of the audit requirements in section 1745(b) is specified in § 96.91.

Subpart C—Financial Management

§ 96.30 Fiscal and administrative requirements.

(a) Except where otherwise required by Federal law or regulation, a State shall obligate and expend block grant funds in accordance with the laws and procedures applicable to the obligation and expenditure of its own funds. Fiscal control and accounting procedures must be sufficient to (1) permit preparation of reports required by the statute authorizing the block grant and (2) permit the tracing of funds to a level of expenditure adequate to establish that such funds have not been used in violation of the restrictions and prohibitions of the statute authorizing the block grant.

(b) The Department will accept any State audit conducted in accordance with standards established by the Comptroller General for the audit of governmental organizations, programs, activities, and functions. Any Departmental audit will supplement and not duplicate any such State audit.

Subpart D—Direct Funding of Indian Tribes and Tribal Organizations

§ 96.40 Scope.

This subpart applies to the community services, alcohol and drug abuse and mental health services, preventive health and health services, primary care, and low-income home energy assistance block grants.

§ 96.41 General determination.

(a) The Secretary has determined that Indian tribes and tribal organizations would be better served by means of grants provided directly by the Secretary to such tribes and organizations out of the State's allotment of block grant funds than if the State were awarded its entire allotment. Accordingly, where provided for by statute, the Secretary will, upon request of an eligible Indian tribe or tribal organization, reserve a portion of a State's allotment and, upon receipt of the complete application and related submission that meets statutory requirements, grant it directly to the tribe or organization.

(b) An Indian tribe or tribal organization may request direct funding under a block grant program included in this subpart regardless of whether the State in which it is located is receiving funds under the block grant program.

§ 96.42 General procedures and requirements.

(a) An Indian tribe or tribal organization applying for or receiving direct funding from the Secretary under a block grant program shall be subject to all statutory and regulatory requirements applicable to a State applying for or receiving block grant funds to the extent that such requirements are relevant to an Indian tribe or tribal organization except where otherwise provided by statute or in this Part.

(b) A tribal organization representing more than one Indian tribe will be eligible to receive block grant funds on behalf of a particular tribe only if the tribe has by resolution authorized the organization's action.

(c) If an Indian tribe or tribal organization whose service population resides in more than one State applies for block grant funds that, by statute, are apportioned on the basis of population, the allotment awarded to the tribe or organization shall be taken from the allotments of the various States in which the service population resides in proportion to the number of eligible members or households to be served in each State. If block grant funds are required to be apportioned on the basis of grants during a base year, the allotment to the Indian tribe or tribal organization shall be taken from the allotment of the State whose base year grants included the relevant grants to the tribe or organization.

(d) The audit required under the block grant programs shall be conducted by an entity that is independent of the Indian tribe or tribal organization receiving grant funds from the Secretary.

(e) Beginning with fiscal year 1983, any request by an Indian tribe or tribal organization for direct funding by the Secretary must be submitted to the Secretary, together with the required application and related materials, by September 1 preceding the Federal fiscal year for which funds are sought. A separate application is required for each block grant.

(f) A State receiving block grant funds is not required to use those funds to provide tangible benefits (e.g., cash or goods) to Indians who are within the service population of an Indian tribe or tribal organization that received direct funding from the Department under the same block grant program for the same fiscal year. A State, however, may not deny Indians access to intangible services funded by block grant programs (e.g., treatment at a community health center) even if the Indians are members of a tribe receiving direct funding for a similar service.

§ 96.43 Procedures during FY 1982.

(a) This section applies to the fiscal year beginning October, 1, 1981.

(b) A request for direct funding must be received by the Secretary before the Secretary has awarded all of the allotment to the State involved. The application and related submission may be submitted later but must be submitted within 75 days after the beginning of the quarter in which the State qualified for block grant funds, (or by [insert date 45 days after publication] in the case of an Indian tribe located in a State that has not qualified for block grant funds in FY 1982) except that the application and related submission for the low-income home energy assistance program must be submitted by December 15, 1981. A separate request and application are required for each block grant.

§ 96.44 Community Services.

(a) This section applies to direct funding of Indian tribes and tribal

organizations under the community services block grant.

(b) The terms "Indian tribe" and "tribal organization" as used in the Reconciliation Act have the same meaning given such terms in section 4(b) and 4(c) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b). The terms also include organized groups of Indians that the State in which they reside has determined are Indian tribes. An organized group of Indians is eligible for direct funding based on State recognition if the State has expressly determined that the group is an Indian tribe. In addition, the statement of the State's chief executive officer verifying that a tribe is recognized by that State will also be sufficient to verify State recognition for the purpose of direct funding.

(c) For purposes of section 674(c)(2) of the Act (42 U.S.C. 9903(c)(2)) an "eligible Indian" means a member of an Indian tribe whose income is at or below the poverty line defined in section 673(2) of the Act (42 U.S.C. 9902(2)). An "eligible individual" under section 674(c)(2) of the Reconciliation Act (42 U.S.C. 9903(c)(2)) means a resident of the State whose income is at or below the poverty line.

(d) An Indian tribe or tribal organization will meet the requirements of section 675(c)(1) (42 U.S.C. 9904(c)(1)) if it certifies that it agrees to use the funds to provide at least one of the services or activities listed in that section.

(e) An Indian tribe or tribal organization is not required to comply with section 675(b) (42 U.S.C. 9904(b)) or to provide the certifications required by the following other provisions of the Reconciliation Act.

(1) Section 675(c)(2)(A) (42 U.S.C. 9904(c)(2)(A));

(2) Section 675(c)(3) (42 U.S.C. 9904(c)(3)); and

(3) Section 675(c)(4) (42 U.S.C. 9904(c)(4)).

§ 96.45 Preventive health and health services.

(a) This section applies to direct funding of Indian tribes and tribal organizations under the preventive health and health services block grant.

(b) For the purposes of determining eligible applicants under section 1902(d) of the Public Health Service Act, a grantee that received a grant directly from the Secretary in FY 1981 under any of the programs replaced by the preventive health and health services block grant that was specifically targeted toward serving a particular Indian tribe or tribal organization will be considered eligible if the grantee is an Indian tribe or tribal organization at the time it requests funds under this part. Grantees that received funds under formula or Statewide grants, and subgrantees that received funds from any program replaced by the preventive health and health services block grant, are not eligible.

§ 96.46 Alcohol and drug abuse and mental health services.

(a) This section applies to direct funding of Indian tribes and tribal organizations under the alcohol and drug abuse and mental health services block grant.

(b) For the purpose of determining eligible applicants under section 1912(c) of the Public Health Service Act (42 U.S.C. 300x–1(c)) an entity that received a treatment grant or contract directly from the Secretary in FY 1980 specifically targeted toward serving a particular Indian tribe or tribal organization will be considered eligible if the entity is an Indian tribe or tribal organization at the time it requests funds under this part. Entities that received funds under formula or statewide grants, and those grantees who had the responsibility for their treatment grant support transferred to the Indian Health Service, are not eligible.

(c) An Indian tribe or tribal organization is not required to comply with section 1915(b) (42 U.S.C. 300x–4(b)) or to provide the certifications required by section 1915 (c)(2) through (c)(8) of the Public Health Service Act (42 U.S.C. 300x–4 (c)(2) through (c)(8)). Also, the services identified in section 1914(a)(1) of the Public Health Service Act (42 U.S.C. 300x–3(a)(1)) need not be provided by means of grants to community mental health centers.

§ 96.47 Primary care.

Applications for direct funding of Indian tribes and tribal organizations under the primary care block grant must comply with 42 CFR Part 51c (Grants for Community Health Services).

§ 96.48 Low-income home energy assistance.

(a) This section applies to direct funding of Indian tribes under the low-income home energy assistance program.

(b) The terms "Indian tribe" and "tribal organization" as used in the Reconciliation Act have the same meaning given such terms in section 4(b) and 4(c) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) except that the terms shall also include organized groups of Indians that the State in which they reside has expressly determined are Indian tribes or tribal organizations in accordance with State procedures for making such determinations.

(c) For purposes of section 2604(d) of the Act (42 U.S.C. 8623(d)), an organized group of Indians is eligible for direct funding based on State recognition if the State has expressly determined that the group is an Indian tribe. A statement by the State's chief executive officer verifying that a tribe is recognized by that State will also be sufficient to verify State recognition for the purpose of direct funding.

(d) The plan required by section 2604(d)(4) of the Reconciliation Act (42 U.S.C. 8623(d)(4)) shall contain the certification and information required for States under section 2605 (b) and (c) of that Act (42 U.S.C. 8624 (b) and (c)). An Indian tribe or tribal organization is not required to comply with section 2605(a)(2) of the Act (42 U.S.C. 8624(a)(2)).

(e) Where a tribe requests that the Secretary fund another entity to provide energy assistance for tribal members, as provided by section 2604(d)(3) of the Act (42 U.S.C. 8623(d)(3)), the Secretary shall consider the following factors in selecting the grantee: the ability of the other entity to provide low-income home energy assistance, existing tribal-State agreements as to the size and location of the service population, and the history of State services to the Indian people to be served by the other entity.

Subpart E—Enforcement

§ 96.50 Complaints.

(a) This section applies to any complaint (other than a complaint alleging violation of the nondiscrimination provisions) that a State has failed to use its allotment under a block grant in accordance with the terms of the act establishing the block grant or the certifications and assurances made by the State pursuant to that act. The Secretary is not required to consider a complaint unless it is submitted as required by this section.

(b) Complaints with respect to the preventive health and health services, alcohol and drug-abuse and mental health services, primary care, and maternal and child health services block grants, must be submitted in writing to the Assistant Secretary of Health. Complaints with respect to the social services block grant must be submitted in writing to the Assistant Secretary for human Development Services. Complaints with respect to the low-income energy program must be submitted in writing to the

Commissioner of Social Security. (The address in each case is 200 Independence Ave. SW., Washington, D.C. 20201.) Complaints with respect to the community services block grant must be submitted in writing to the Director, Office of Community Services, 1200 19th Street, NW., Washington, D.C. 20506. The complaint must identify the provision of the act, assurance, or certification that was allegedly violated; must specify the basis for the violations if charges; and must include all relevant information known to the person submitting it.

(c) The Department shall promptly furnish a copy of any complaint to the affected State. Any comments received from the State within 60 days (or such longer period as may be agreed upon between the State and the Department) shall be considered by the Department in responding to the complaint. The Department will conduct an investigation of complaints where appropriate.

(d) The Department will provide a written response to complaints within 180 days after receipt. If a final resolution cannot be provided at that time, the response will state the reasons why additional time is necessary.

(e) The Department recognizes that under the block grant programs the States are primarily responsible for interpreting the governing statutory provisions. As a result, various States may reach different interpretations of the same statutory provisions. This circumstance is consistent with the intent of and stautory authority for the block grant programs. In resolving any issue raised by a complaint or a Federal audit the Department will defer to a State's interpretation of its assurances and of the provisions of the block grant statutes unless the interpretation is clearly erroneous. In any event, the Department will provide copies of complaints to the independent entity responsible for auditing the State's activities under the block grant program involved. Any determination by the Department that a State's interpretation is not clearly erroneous shall not preclude or otherwise prejudice the State auditors' consideration of the question.

§ 96.51 Hearings.

(a) The Department will order a State to repay amounts found not to have been expended in accordance with law or the certifications provided by the State only after the Department has provided the State an opportunity for a hearing. The hearing will be governed by Subpart F of this part and will be held in the State if required by statute.

(b) If a State refuses to repay amounts after a final decision that is not subject to further review in the Department, the amounts may be offset against payments to the State. If a statute requires an opportunity for a hearing before such an offset may be made, the hearing will be governed by Subpart F of this part and will be held in the State if required by statute.

(c) The Department will withhold funds from a State only if the Department has provided the State an opportunity for a hearing. The hearing will be governed by Subpart F of this part and will be held in the State if required by statute.

§ 96.52 Appeals.

(a) Decisions resulting from repayment hearings held pursuant to § 96.51(a) of this part may be appealed by either the State or the Department to the Grant Appeals Board.

(b) Decisions resulting from offset hearings held pursuant to § 96.51(b) of this part may not be appealed.

(c) Decisions resulting from withholding hearings held pursuant to § 96.51(c) of this part may be appealed to the Secretary by the State or the Department as follows:

(1) An application for appeal must be received by the Secretary no later than 60 days after the appealing party receives a copy of the presiding officer's decision. The application shall clearly identify the questions for which review is sought and shall explain fully the party's position with respect to those questions. A copy shall be furnished to the other party.

(2) The Secretary may permit the filing of opposing briefs, hold informal conferences, or take whatever other steps the Secretary finds appropriate to decide the appeal.

(3) The Secretary may refer an application for appeal to the Grant Appeals Board. Notwithstanding Part 16 of this title, in the event of such a referral, the Board shall issue a recommended decision that will not become final until affirmed, reversed, or modified by the Secretary.

(d) Any appeal to the Grant Appeals Board under this section shall be governed by Part 16 of this title except that the Board shall not hold a hearing. The Board shall accept any findings with respect to credibility of witnesses made by the presiding officer. The Board may otherwise review and supplement the record as provided for in Part 16 of this title and decide the issues raised.

Subpart F—Hearing Procedure

§ 96.60 Scope.

The procedures in this subpart apply when opportunity for a hearing is provided for by § 96.51 of this part.

§ 96.61 Initiation of hearing.

(a) A hearing is initiated by a notice of opportunity for hearing from the Department. The notice will:

(1) Be sent by mail, telegram, telex, personal delivery, or any other mode of written communication;

(2) Specify the facts and the action that are the subject of the opportunity for a hearing;

(3) State that the notice of opportunity for hearing and the hearing are governed by these rules; and

(4) State the time within which a hearing may be requested, and state the name, address, and telephone number of the Department employee to whom any request for hearing is to be addressed.

(b) A State offered an opportunity for a hearing has the amount of time specified in the notice, which may not be less than 10 days after receipt of the notice, within which to request a hearing. The request may be filed by mail, telegram, telex, personal delivery, or any other mode of written communication, addressed to the designated Department employee. If no response is filed within that time, the offer is deemed to have been refused and no hearing will be held.

(c) If a hearing is requested, the Department will designate a presiding officer, and (subject to § 96.51 of this part) the hearing will take place at a time and location agreed upon by the State requesting the hearing, the Department, and the presiding officer or, if agreement cannot be reached, at a reasonable time and location designated by the presiding officer.

§ 96.62 Presiding officer.

(a) A Department employee to whom the Secretary delegates such authority, or any other agency employee designated by an employee to whom such authority is delegated, may serve as the presiding officer and conduct a hearing under this subpart.

(b) The presiding officer is to be free from bias or prejudice and may not have participated in the investigation or action that is the subject of the hearing or be subordinate to a person, other than the Secretary, who has participated in such investigation or action.

(c) The Secretary is not precluded by this section from prior participation in the investigation or action that is the subject of the hearing.

(d) A different presiding officer may be substituted for the one originally

designated under § 96.61 of this part without notice to the parties.

§ 96.63 Communications to presiding officer.

(a) Those persons who are directly involved in the investigation or presentation of the position of the Department or any party at a hearing that is subject to this subpart should avoid any off-the-record communication on the matter to the presiding officer or his advisers if the communication is inconsistent with the requirement of § 96.68 of this part that the administrative record be the exclusive record for decision. If any communication of this type occurs, it is to be reduced to writing and made part of the record, and the other party provided an opportunity to respond.

(b) A copy of any communications between a participant in the hearing and the presiding officer, e.g., a response by the presiding officer to a request for a change in the time of the hearing is to be sent to all parties by the person initiating the communication.

§ 96.64 Intervention.

Participation as parties in the hearing by persons other than the State and the Department is not permitted.

§ 96.65 Discovery.

The use of interrogatories, depositions, and other forms of discovery shall not be allowed.

§ 96.66 Hearing procedure.

(a) A hearing is public, except when the Secretary or the presiding officer determines that all or part of a hearing should be closed to prevent a clearly unwarranted invasion of personal privacy (such as disclosure of information in medical records that would identify patients), to prevent the disclosure of a trade secret or confidential commercial or financial information, or to protect investigatory records compiled for law enforcement purposes that are not available for public disclosure.

(b) A hearing will be conducted by the presiding officer. Employees of the Department will first give a full and complete statement of the action which is the subject of the hearing, together with the information and reasons supporting it, and may present any oral or written information relevant to the hearing. The State may then present any oral or written information relevant to the hearing. Both parties may confront and conduct reasonable cross-examination of any person (except for the presiding officer and counsel for the parties) who makes any statement on the matter at the hearing.

(c) The hearing is informal in nature, and the rules of evidence do not apply. No motions or objections relating to the admissibility of information and views will be made or considered, but either party may comment upon or rebut all such data, information, and views.

(d) The presiding officer may order the hearing to be transcribed. The State may have the hearing transcribed, at the State's expense, in which case a copy of the transcript is to be furnished to the Department at the Department's expense.

(e) The presiding officer may, if appropriate, allow for the submission of post-hearing briefs. The presiding officer shall prepare a written decision, which shall be based on a preponderance of the evidence, shall include a statement of reasons for the decision, and shall be final unless appealed pursuant to § 96.52 of this part. If post-hearing briefs were not permitted, the parties to the hearing will be given the opportunity to review and comment on the presiding officer's decision prior to its being issued.

(f) The presiding officer shall include as part of the decision a finding on the credibility of witnesses (other than expert witnesses) whenever credibility is a material issue.

(g) The presiding officer shall furnish a copy of the decision to the parties.

(h) The presiding officer has the power to take such actions and make such rulings as are necessary or appropriate to maintain order and to conduct a fair, expeditious, and impartial hearing, and to enforce the requirements of this subpart concerning the conduct of hearings. The presiding officer may direct that the hearing be conducted in any suitable manner permitted by law and these regulations.

(i) The Secretary or the presiding officer has the power to suspend, modify, or waive any provision of this subpart.

§ 96.67 Right to counsel.

Any party to a hearing under this part has the right at all times to be advised and accompanied by counsel.

§ 96.68 Administrative record of a hearing.

(a) The exclusive administrative record of the hearing consists of the following:

(1) The notice of opportunity for hearing and the response.

(2) All written information and views submitted to the presiding officer at the hearing or after if specifically permitted by the presiding officer.

(3) Any transcript of the hearing.

(4) The presiding officer's decision and any briefs or comments on the decision under § 96.66(e) of this part.

(5) All letters or communications between participants and the presiding officer or the Secretary referred to in § 96.63 of this part.

(b) The record of the hearing is closed to the submission of information and views at the close of the hearing, unless the presiding officer specifically permits additional time for a further submission.

Subpart G—Social Services Block Grants

§ 96.70 Scope.

This subpart applies to the social services block grant.

§ 96.71 Definitions.

(a) Section 2005 (42 U.S.C. 1397d (a)(2) and (a)(5)) (a)(2) and (a)(5) of the Social Security Act establishes prohibitions against the provision of room and board and medical care unless, among other reasons, they are an "integral but subordinate" part of a State-authorized social service. "Integral but subordinate" means that the room and board provided for a short term or medical care is a minor but essential adjunct to the service of which it is a part and is necessary to achieve the objective of that service. Room and board provided for a short term shall not be considered an integral but subordinate part of a social service when it is provided to an individual in a foster family home or other facility the primary purpose of which is to provide food; shelter, and care or supervision, except for temporary emergency shelter provided as a protective service.

(b) As used in section 2005(a)(5) of the Social Security Act (42 U.S.C. 1397d (a)(5)) with respect to the limitations governing the provision of services by employees of certain institutions, "employees" includes staff, contractors, or other individuals whose activities are under the professional direction or direct supervision of the institution.

§ 96.72 Transferability of funds.

Under section 2002(d) of the Social Security Act (42 U.S.C. 1397a(d)), funds may be transferred in accordance with the provisions of that section to the preventive health and health services, alcohol and drug abuse and mental health services, primary care, maternal and child health services, and low-income home energy assistance block grants. In addition, funds may be transferred to other Federal block grants for support of health services, health promotion and disease prevention activities, or low-income home energy

assistance (or any combination of those activities).

Subpart H—Low-income Home Energy Assistance Program

§ 96.80 Scope.

This subpart applies to the low-income home energy assistance program.

§ 96.81 Reallotment report.

As part of the reallotment procedure established by section 2607 of the Reconciliation Act (42 U.S.C. 8626) each recipient of funds must submit a report to the Secretary by August 1 of each year containing the following information:

(a) The amount of the State's original allotment that the State desires to remain available for expenditure in the succeeding fiscal year, not to exceed 25 percent of the original allotment; and

(b) The amount of funds, if any, to be subject to reallotment.

§ 96.82 Required report.

In accordance with the authority in section 2610(a) of the Reconciliation Act, (42 U.S.C. 8629) each State receiving funds shall submit to the Department by October 31 of each year a report of the number and income levels of the households assisted by the funds during the preceding fiscal year (OMB clearance No. 0960–0261).

§ 96.83 Request for direct Federal payments to SSI recipients.

A State that wants the Secretary to make direct payments from the State's allotment to recipients of Supplemental Security Income in accordance with section 2604(e) of the Reconciliation Act (42 U.S.C. 8623(e)) must submit such a request at least six months before the State wishes the payment to be made, but, in any case, by September 1 of the preceding fiscal year. Such a request may be withdrawn at any time.

§ 96.84 Territories.

Except as otherwise provided, a territory eligible for funds shall have the same rights and responsibilities as a State.

Subpart I—Community Services Block Grants

§ 96.90 Scope.

This subpart applies to the community services block grant.

§ 96.91 Audit requirement.

Pursuant to section 1745(b) of the Reconciliation Act (31 U.S.C. 1243 note) an audit is required with respect to the 2-year period beginning on October 1, 1981, and with respect to each 2-year period thereafter. In its application for funds, a State may modify the assurance required by section 675(c)(9) of the Reconciliation Act (42 U.S.C. 9904(c)(9)) to conform to the requirements of section 1745(b).

Subpart J—Primary Care Block Grants

§ 96.100 Scope.

This subpart applies to the primary care block grant.

§ 96.101 Review of a State decision to discontinue funding a community health center.

Where a State determines for FY 1983, pursuant to section 1926(a)(2) of Public Health Service Act (42 U.S.C. 300y–5(a)(2)), that a community health center does not meet the criteria for continued funding set forth in section 330 of the Public Health Service Act (42 U.S.C. 254c), the State must advise the Department of the decision and the basis upon which it was made. The Department will permit the center 30 days to respond to the State's determination. After evaluating the reasons advanced by the State and the center, the Department will determine within 30 days after the center's response a grant under the Public Health Service Act. The State may not discontinue funding the center until the Department has completed its review.

§ 96.102 Carryover of unobligated funds.

In implementing section 1925(a)(2) of the Public Health Service Act (42 U.S.C. 300y–4(a)(2)), the Secretary will determine that there is good cause for funds remaining unobligated if planned obligations could not be carried out because of a bona fide reason or if the State has determined that program objectives would be better served by deferring obligation of the funds to the following year.

Subpart K—Transition Provisions

§ 96.110 Scope.

Except as otherwise stated, this subpart applies to the community services, preventive health and health services, alcohol and drug abuse and mental health services, and maternal and child health services block grants for the fiscal year beginning October 1, 1981. The social services block grant and the low-income home energy assistance program are not subject to the provisions of this subpart.

§ 96.111 Continuation of pre-existing regulations.

The regulations previously issued by the Department and the Community Services Administration to govern administration of the programs replaced by the block grants specified in § 96.1 of this part shall continue in effect until revised to govern administration of those programs by the Department in those circumstances in which States have not qualified for block grants.

§ 96.112 Community services block grant.

(a) For the fiscal year beginning October 1, 1981, only, a State may choose to operate programs under the community services block grant or, instead, have the Secretary operate the programs replaced by the block grant. If a State does not notify the Secretary in accordance with the statutory deadlines each quarter, it will be deemed to have requested the Secretary to operate the programs for the following quarter.

(b) A State or territory that does not have any "eligible entity" as that term is defined in section 673(1) of the Reconciliation Act (42 U.S.C. 9902), as amended by section 17 of Pub. L. 97–115 (December 29, 1981), may distribute its allotment for the fiscal year beginning October 1, 1981, according to the requirements applicable to the fiscal year beginning October 1, 1982.

(c) For any quarter in which the Secretary administers the programs, the Department's administration costs will be deducted from the State's allotment. The Department's total administration costs for making grants during fiscal year 1982 and for any monitoring of these grants in fiscal year 1983 will be deducted from each State's allotment in proportion to the total amount of grants awarded from the allotment during the period of administration by the Department (but not to exceed 5 percent of the State's fiscal year 1982 allotment).

PART 16—PROCEDURES OF THE DEPARTMENTAL GRANT APPEALS BOARD

2. Appendix A to Part 16 is amended by revising paragraph B. (a), introductory text, and adding paragraph B(a)(5) to read as follows:

Appendix A—What Disputes the Board Reviews

* * * * *

B. *Mandatory grant programs.*

(a) The Board reviews the following types of final written decisions in disputes arising in HHS programs authorizing the award of mandatory grants:

* * * * *

(5) Decisions relating to repayment and withholding under block grant programs as provided in 45 CFR 96.52.

* * * * *

PART 74—ADMINISTRATION OF GRANTS

3. Section 74.4(a) is amended by revising the first sentence to read as follows:

§ 74.4 Applicability of this part.

(a) *General.* Except where inconsistent with Federal statutes, regulations, or other terms of a grant, this part applies to all HHS grants, other than the block grant programs identified in 45 CFR 96.1. * * *

Dated: June 2, 1982.

Richard S. Schweiker,

Secretary, Department of Health and Human Services.

[FR Doc. 82-18247 Filed 7-6-82; 8:45 am]

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July 6, 1982

Part IV

Office of Personnel Management

Solicitation of Federal Civilian and Uniformed Services Personnel for Contributions to Private Voluntary Organizations; Meeting of the National Eligibility Committee for the Combined Federal Campaign

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 950

Solicitation of Federal Civilian and Uniformed Services Personnel for Contributions to Private Voluntary Organizations

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The U.S. Office of Personnel Management (OPM) is issuing regulations governing solicitation of Federal civilian and uniformed services personnel for contributions to private voluntary organizations under the authority of Executive Order No. 12353, Charitable Fund-Raising, of March 23, 1982. These regulations provide a system for administering the annual solicitation campaigns and establish requirements for organization participation.

EFFECTIVE DATE: July 6, 1982.

FOR FURTHER INFORMATION CONTACT: Joseph S. Patti, Special Assistant for Regional Operations, (202) 632–5544.

SUPPLEMENTARY INFORMATION: On Monday, May 11, 1982, the U.S. Office of Personnel Management (OPM) published proposed regulations to govern the Combined Federal Campaign (CFC) (47 FR 20268–20283, May 11, 1982). The proposed regulations were issued to implement Executive Order 12353, March 23, 1982, and to replace, in its entirety, the *Manual on Fund-Raising Within the Federal Service for Voluntary Health and Welfare Organizations.*

They were developed to provide precise criteria for participation in and the operation of the CFC. Major changes were made in an attempt to meet objections raised in past years by various parties associated with the CFC and to balance judiciously the many considerations which must be taken into account in order to create the most equitable system for all parties concerned: Federal employees and members of the Armed Forces, the charities, the recipients of the charities' services, and the general public.

The proposed regulations provided for:

1. More precise and objective criteria for eligibility of organizations to participate in the CFC.

2. The selection of local community federated fund-raising organizations to serve as Principal Combined Fund Organizations (PCFOs) to manage local CFCs under the direction and control of local Federal Coordinating committees and the Director of OPM.

3. The encouragement of contributors to designate their contributions to specific charities or to be advised, with clear notification, that contributions not specifically designated to a particular charity would be deemed designated to the PCFO.

4. The return to the original, and still valid, form of fund-raising at places of Federal employment by national organizations and federations of local agencies by the elimination after one year of the participation of local unaffiliated agencies coupled with the encouragement for them to join existing federations, or form new ones in order to participate.

Comments on the proposed regulations were invited. More than 6,500 were received—from national and local voluntary agencies and groups, local Federal CFC organizations, Federal Executive Boards, Federal employees, Federal agencies, unions, and private citizens. In addition, the Director of OPM invited representatives from national voluntary agency groups and agencies to meet personally to discuss the proposed regulations. He met with individuals representing all of the national voluntary groups and 15 charitable agencies, in some cases more than once.

Most of the commenters (70%) were supportive of the proposed regulations; another 7% supported them but had specific suggestions. Of the remaining 23% of the commenters, most suggested that the proposed regulations were being considered too late in the year to run effective CFCs in the fall of 1982 or that more time was needed for thorough study of the proposed regulations and that, therefore, the current regulations should remain in effect for the fall 1982 CFC. Others of these comments had general and/or specific suggestions and objections.

In many cases both support and objections came from members or affiliates of the same groups and agencies. Some member agencies of national voluntary groups (United Way, National Health Agencies, National Service Agencies, International Service Agencies and the American Red Cross) commented in favor of proposed regulations; other members of the same groups had objections to various provisions. Affiliates of some national voluntary agencies did the same. Organizations representing minorities and women were also on both sides of many issues.

In response to the timing of the proposed regulations, OPM believes that the changes are important enough to require implementation at this time. While the number of responses is very large, the number of issues raised is not. OPM believes that there has been sufficient time to analyze and consider all comments received, and that it would take just as long to run the fall 1982 CFC under the current procedures at this time as it would under the new regulations.

Most of the general objections centered on contentions that (1) the identification of a local Principal Combined Fund Organization would result in the United Way exerting undue control over the management of the CFC since local United Ways will likely, in most cases, be selected as Principal Combined Fund Organizations; (2) all CFC participants other than United Ways would be precluded from receiving any shares of undesignated contributions since the PCFOs would be responsible for deciding how the undesignated contributions would be distributed within local CFC areas; (3) charitable organizations that serve minorities and women would be prohibited from participation in the CFC because the eligibility criteria require an organizational structure encompassing all or most of the United States and because of the provision that they provide direct and substantial service throughout the country and in specific CFC locations; and (4) local charities, not affiliated with local federated fund-raising organizations, would be eliminated from participation in the CFC after the fall 1982 campaign.

In response to the first general objection concerning the concept of the Principal Combined Fund Organization, OPM believes that this arrangement will strengthen the administration of local CFCs because of the expertise of these already-existing federated fund-raising organizations, and that substantial administrative cost to the government will thereby be reduced. Specific changes to the proposed regulations resulted from comments on this issue, however, and are discussed in more detail below. They involve strengthening the direction and control over PCFOs by the local Federal Coordinating Committees and the Director and insuring that other major CFC participants have a voice in campaign arrangements. Some commenters were under the mistaken impression that PCFOs would take over all aspects of the local campaign operations, including even solicitation of employees. This is definitely not the intent—the CFC remains a fund-raising program in which Federal employees solicit Federal employees for the benefit of worthy

charitable organizations that meet important human needs.

In response to the second general objection, concerning the distribution of undesignated funds, OPM never intended that the distribution of undesignated contributions be restricted to organizations that serve local organizations only. International service and other agencies were intended to be eligible to receive undesignated funds, although the decision on the distribution of these funds remains with the PCFOs. The regulations have been revised, however, to clarify this provision.

The distribution of undesignated contributions has been one of the major sources of controversy with the CFC since its inception. Over the years, various methods and formulas have been used in attempts to insure their equitable distribution. None have stilled the controversy over the methods or forestalled legal action to overturn them. OPM is convinced that, to resolve the controversy, the employee-contributor must distribute all funds; either by being strongly encouraged to make a rational choice of a specific beneficiary or beneficiaries of his or her contribution, or to be clearly warned that a decision not to do so is a rational choice to have the contributions allocated by the PCFO—an organization made up of representatives of his or her local community, experienced in evaluating needs and allocating scarce charitable contributions.

In response to the third general objection regarding eligibility of legal defense, minority, and women's organizations, OPM is persuaded that some of the earlier criteria were overly restrictive and has modified both the general eligibility requirements and the direct and substantial presence criterion to meet most of the germane objections.

In response to the fourth major objection, regarding the elimination of local unaffiliated charities, OPM believes that fund-raising activities must comply with the requirement in section 1 of Executive Order No. 12353 that the CFC be limited to national voluntary agencies. The regulations do permit local unaffiliated organizations one year of grace to participate in the CFC before they must join other national federated fund-raising organizations to be eligible for participation in the future. The regulations, in addition, provide the means for the eventual participation of these local non-federated agencies as part of national federations.

Comments were received on a number of specific areas. In response to those that advanced the clarity of the proposed regulations or that pointed out technical problems, we incorporated the suggestions in the final regulations. Others that we did not believe did so were not incorporated.

Most of the specific comments centered on four areas. A summary of those and OMP's responses follows:

Eligibility Requirements

As mentioned above in the discussion of the general comments, there were many comments on specific national agency eligibility requirements, particularly the requirements in section 950.430 (a) and (c) regarding national scope and in 405(a)(2)(ii) regarding the 50% and 20% support requirements. Some commenters desired more restrictive criteria, most did not. OPM changed the requirement that at least 50% of an organization's revenue be from government sources to a requirement that not more than 50% of an organization's revenue be from Federal government agencies. OPM also more specifically defined "recently founded" organizations and provided for a one-year grace period for other organizations to meet this requirement.

A few commenters suggested that OPM require CFC participants to meet applicable charitable solicitation, nondiscrimination, and other laws of the State and local governments in which CFCs exist. OPM believes that these are concerns that are more appropriately left in the hands of the charitable organizations and the governments concerned. The Federal Government does not generally enforce compliance with laws not of its making.

Principal Combined Fund Organization

In response to the general suggestions described earlier, OPM has made specific changes. The first requires that an organization serving as a PCFO not be identified by its organizational or corporate title in any CFC material other than specific places on the pledge card and the campaign brochure (see §§ 950.101(c), 950.521(e)(2)(iii) and Appendix A to Subpart E). Second, changes were made in § 950.509(j) to provide that all campaign arrangements and material be approved by local Federal Coordinating Committees after other individuals and organizations are permitted to comment on them.

A number of commenters were of the opinion that there may be a conflict of interest in having PCFOs act as central receipt and accounting points for CFCs. OPM believes that there is not sufficient reason to change the regulations in light of the reporting and audit requirements in Subpart E and the fact that in the fall 1981 campaign, the local representatives of the national voluntary groups selected group representatives to serve that function in over 27% of the CFCs.

Distribution of Funds

Many of the commenters who voiced objections had specific objections and suggestions about the identification of agencies in the contributor's leaflet and about the method of distributing undesignated funds.

In the first area, commenters complained that specific agencies would lose their group identities if they were listed in alphabetical order and thus the groups would not receive an appropriate share of designations; and that by not having agencies listing under a group title, contributors would be led to believe that groups include all related charities when, in fact, agencies of the same general type can be found in different groups. Others commented that, by encouraging designations and permitting designation to groups, smaller, less-recognized agencies would be at a disadvantage.

To be as fair as possible, in § 950.521(e)(2)(ii) OPM adopted the suggestion that agencies be listed according to categories of service, each identified by its group affiliation, with federated groups enumerated separately at the end of the listing.

In the second area, commenters complained that § 950.513(a) restricted the distribution of undesignated fund to only organizations in the local CFC community, suggested that there should be a formula or method prescribed for the distribution, and noted that there exists a potential conflict of interest in having the organizations at least at this time most likely to be selected as PCFO's, local United Ways, decide on the distribution.

In response, OPM has removed the restriction in § 950.513(a) that undesignated funds be allocated "to meet the needs of that community" to permit them to be distributed to any participant in the local CFC.

Almost all of the commenters suggesting the use of formulas proposed formulas or variations of formulas or methods that have been used or were proposed for use in the past, none of which have ever been considered to be acceptable to all CFC participants or local Federal officials. OPM believes that the fairest way, after encouraging designations for the first time in the history of CFC, is to have the decisions made, as stated earlier, by local organizations, representative of the communities, experienced in making such decisions. In response to several requests, OPM has eliminated the local Volunteer Evaluation and Allocation

Committee as duplicative of the function of the PCFOs.

OPM appreciates the concern and effort shown by those commenters who, as a result of close analysis of the proposed rules, provided detailed comments and suggestions aimed at helping OPM develop rules which would be as fair as possible to all parties and be able to be efficiently administered by the Federal Government.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities. The nominal costs to voluntary agencies, which are primarily associated with developing the initial application, are essentially the same as under current procedures.

List of Subjects in 5 CFR Part 950

Government employees, Charitable contributions.

U.S. Office of Personnel Management.

Donald J. Devine,

Director.

Accordingly, the Office of Personnel Management amends 5 CFR by adding new Part 950 to read as follows:

PART 950—SOLICITATION OF FEDERAL CIVILIAN AND UNIFORMED SERVICE PERSONNEL FOR CONTRIBUTIONS TO PRIVATE VOLUNTARY ORGANIZATION

Subpart A—Administration and General Provisions

Sec.

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950.103 Summary description of the program.
950.105 Federal policy on civic activity.
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Subpart B—Organization and Functional Responsibilities

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950.203 Program administration.
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950.403 General requirements for national agencies.
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Subpart E—The Local Combined Federal Campaign

950.501 Authorized local voluntary agencies.
950.503 Participation in Federal campaigns by local affiliated agencies.
950.505 Responsibility of local Federal coordinating committees.
950.507 Local CFC plan.
950.509 Organizing the local campaign: The Principal Combined Fund Organization.
950.511 Basic local CFC ground rules.
950.513 Contributions.
950.515 Dollar goals.
950.517 Suggested giving guides and voluntary giving.
950.519 Central receipt and accounting for contributions.
950.521 Campaign and publicity materials.
950.523 Payroll withholding.
950.525 National coordination and reporting.

Authority: E.O. 12353

Subpart A—Administration and General Provisions

§ 950.101 Definitions.

For purposes of this Part:

(a) The term "national voluntary health and welfare agencies and such other national voluntary agencies as may be appropriate" means national entities that:

(1) Meet all eligiblity requirements established in this Part, except as limited hereinafter;

(2) Are not "action" organizations within the meaning of 26 CFR 1.501(c)(3)–1(c)(3) and are eligible to receive tax deductible contributions under 26 U.S.C. 170; and

(3) Provide or substantially support one or more of the following services:

(i) Relief of needy, poor or indigent children and of orphans, including adoption services;

(ii) Relief of needy, poor or indigent adults; and of the elderly;

(iii) Delivery of health care to the needy, poor, indigent, ill or infirm;

(iv) Education and training of personnel for the delivery of health care to the needy, poor and indigent;

(v) Health research;

(vi) Education, training, care and relief of physcially and mentally handicapped persons;

(vii) Delivery of legal services to the poor and indigent, and defense of human and civil rights secured by law;

(viii) Relief of victims of crime, war, casualty, famine, natural disasters, and other catastrophes;

(ix) Treatment, care, rehabilitation, and counseling of juvenile delinquents, criminals, released convicts, persons who abuse drugs or alcohol, persons who are otherwise in need of social adjustment and rehabilitation, and the families of such persons;

(x) Assistance, consistent with the mission of the Department of Defense, to members of the armed forces and their families;

(xi) Protection of families in short or long-term need of family and child care services, child and marriage counseling, foster care, and management and maintenance of the home;

(xii) Neighborhood and community-wide services which assist the needy as part of the whole community, including provision of emergency relief and shelter, recreation, safety, transportation, and the preparation or delivery of meals;

(xiii) Information and counseling with respect to the obtaining of any of the foregoing services; or

(xiv) Lessening the burdens of government with respect to the provisions of any of the foregoing services.

(b) Campaign terms:

"Director" shall mean the Director of the United States Office of Personnel Management, or his delegate;

"Employee" shall mean any person employed by the government of the United States or any branch, unit, or instrumentality thereof, including persons in the civil service and in the uniform services;

"Combined Federal Campaign" or "Campaign" or "CFC" shall mean the fund-raising program established and administered by the Director pursuant to Executive Order 12353, and any subsidiary units of such program;

"Community" shall mean a community that is defined either by generally recognized geographic bounds or by its relationship to an isolated government installation;

"Direct Contributions" shall mean gifts, in cash or in donated in-kind material, given by individuals and/or other non-governmental sources directly to the spending health and welfare organization.

"Indirect Contributions" shall mean gifts, in cash or in donated in-kind

material, given to the spending health and welfare organizations by another health and welfare organization, but not transfers, dues or other funds from affiliated organizations or government, which are not to be considered as public "contributions."

(c) The term "Principal Combined Fund Organization" (or Organization) means the organization in a local Combined Federal Campaign that has been selected and so prescribed in § 950.509 of this Part to manage and administer the local Combined Federal Campaign, subject to the direction and control of the local Federal Coordinating Committee and the Director. All of its Campaign duties shall be conducted under the title "Principal Combined Fund Organization for ———— (local CFC)" and not under the corporate title of the qualifying federation.

§ 950.103 Summary description of the program.

(a) *Eligibility of National Voluntary Agencies.* National voluntary agencies apply to the Director each year for on-the-job solicitation privileges in the Federal Government. Early each calendar year, the Director issues a list of agencies that have met the prescribed standards as to program objective, eligibility, administrative integrity, and financial responsibility.

(b) *Assigned Campaign Periods.* In the United States, Combined Federal Campaigns are held when set by the Director, usually in the fall; the DOD Overseas Combined Federal Campaign is also usually held during the fall. The solicitation period for a Combined Federal Campaign is normally limited to six weeks, but may be extended for good cause by the local Federal Coordinating Committee.

(c) *Combined Federal Campaign.* At locations where there are 200 or more Federal personnel, all campaigns must be consolidated into a single, annual drive, known as the Combined Federal Campaign. The campaign is managed by the organization designated as the Principal Combined Fund Organization, in accord with § 950.509 of this Part, under the supervision of the local Federal Coordinating Committee and the Director. Such campaigns are conducted under administrative arrangements that provide for individual voluntary agency recognition, description of each voluntary agency's services, and allocation of contributions in accordance with specific designations by donors.

(d) *Decentralized Operations.* The federalism principle shall guide Campaign organization. Following designation of a Principal Combined Fund Organization, local representatives of that Organization initiate campaigns in their local community by direct contact with the heads of Federal offices and installations. Each Federal agency conducts its own solicitation among its employees, using campaign materials, supplies, and speakers furnished by or through the Principal Combined Fund Organization, under the direction of the local Federal Coordinating Committee and the Director.

(e) *Solicitation Methods.* Employee solicitations are conducted during duty hours using methods that permit true voluntary giving and reserve to the individual the option of disclosing any gift or keeping it confidential.

(f) *Off-the-Job Solicitation.* Many worthy voluntary agencies do not participate in the on-the-job program because they do not wish to join in its coordinated arrangements or because they cannot meet the requirements for eligibility. Such voluntary agencies may solicit Federal employees at their homes as they do other citizens of the community, or appeal to them through union, veteran, civic, professional, political, legal defense, or other private organizations. In addition, limited arrangements may be made for off-the-job solicitations on military installations and at entrances to Federal buildings.

(g) *Prohibited Discrimination.* The Campaign is a means for promoting true voluntary charity among members of the Federal community. Because of the participation of the Government in organizing and carrying out the Campaign, all kinds of discrimination prohibited by law to the Government must be proscribed in the Campaign. Accordingly, discrimination for or against any individual or group on account of race, color, religion, sex, national origin of citizens, age, handicap, or political affiliation is prohibited in all aspects of management and execution of the Campaign. Nothing herein denies eligibility to any voluntary agency, which is otherwise eligible under this Part to participate in the Campaign, merely because such voluntary agency is organized by, on behalf of, or to serve persons of a particular race, color, religion, sex, national origin, age, or handicap.

§ 950.105 Federal policy on civic activity.

Federal personnel are encouraged to participate actively in the work of voluntary agencies—as members of policy boards or committees, heads of local campaign units, or volunteer workers—to the extent consistent with Federal agency policy and prudent use of official time. They are encouraged also to devote private time to such volunteer work.

§ 950.107 Preventing coercive activity.

True voluntary giving is basic to Federal fund-raising activities. Actions that do not allow free choices or even create the appearance that employees do not have a free choice to give or not to give, or to publicize their gifts or to keep them confidential, are contrary to Federal fund-raising policy. The following activities are not in accord with the intent of Federal fund-raising policy and, in the interest of preventing coercive activities in Federal fund-raising, are not permitted in Federal fund-raising campaigns:

(a) Supervisory solicitation of employees supervised;

(b) Setting 100% participation goals;

(c) Providing and using contributor lists for purposes other than the routine collection and forwarding of contributions and installment pledges;

(d) Establishing personal dollar goals and quotas; and

(e) Developing and using lists of noncontributors.

Subpart B—Organization and Functional Responsibilities

§ 950.201 Development of policy and procedures.

(a) *Director, U.S. Office of Personnel Management.* Under Executive Order 12353, Charitable Fund-Raising, the Director is responsible for establishing fund-raising policies and procedures in the Executive Branch. With the advice of appropriate interested persons and organizations and of the executive departments and agencies concerned, he makes all basic policy, procedural, and eligibility decisions for the program. The Director may authorize the conduct of demonstration projects in one or more CFC locations to test alternative arrangements from those specified in this Part for the conduct of fund raising activities in Federal agencies.

(b) *Eligibility Committees.* A National Eligibility Committee shall consist of a chairman and such other members selected by the Director as he deems necessary, who shall serve at the pleasure of the Director. Local eligibility shall be determined by the local Federal Coordinating Committees. The National Eligibility Committee is responsible for recommending to the Director:

(1) Eligibility determinations on national federations and national voluntary agencies;

(2) Modification of eligibility standards and requirements as needed; and

(3) Any other matters as requested by the Director.

§ 950.203 Program administration.

(a) *Federal Agency Heads.* The head of each Federal executive department and agency is responsible for:

(1) Seeing that voluntary fund-raising within the Federal department or agency is conducted in accordance with the policies and procedures prescribed by this Part;

(2) Designating a top-level representative as Fund-Raising Program Coordinator to work with the Director as necessary in the administration of the fund-raising program within the Federal agency;

(3) Assuring full participation and cooperation in local fund-raising campaigns by all installations of the Federal agency;

(4) Assuring that the policy of voluntary giving and clear employee choice is upheld during the fund-raising campaign; and

(5) Providing a mechanism to look into employee complaints of undue pressure and coercion in Federal fund-raising. Federal agencies shall provide procedures and assign responsibility for the investigation of such complaints. Personnel offices shall be responsible for informing employees of the proper organization channels for pursuing such complaints.

(b) *Fund-Raising Program Coordinators.* The responsibilities of Federal agency Fund-Raising Program Coordinators are to:

(1) Cooperate with the Director, the local Federal Coordinating Committee, and the Principal Combined Fund Organization in the development and operation of the program;

(2) Maintain direct liaison with the Office of the Director in the administration of the program;

(3) Publicize program requirements throughout the Federal department or agency;

(4) Answer inquiries about the program from officials and employees and from external sources; and

(5) Investigate and arrange for any necessary corrective action on complaints that allege violation of fund-raising program requirements within the Federal agency.

§ 950.205 Program coordination.

The Director coordinates the Federal agencies' administration of the fund-raising program and maintains liaison with voluntary agencies.

§ 950.207 Local voluntary agency representatives.

Federated and national voluntary agencies provide their State and local representatives with policy and procedural guidance on the Federal program. The local representatives are responsible for furnishing educational materials, speakers, and campaign supplies as may be required and appropriate to the Federal program.

§ 950.209 Local Federal agency heads.

The head of the Federal department or agency provides the heads of the local Federal offices and installations with copies of the Federal fund-raising regulations. The local Federal agency heads are responsible for:

(a) Cooperating with representatives of the local Federal Coordinating Committee, the Principal Combined Fund Organization, and local Federal officials in organizing local Federal campaigns;

(b) Undertaking official campaigns within their offices or installations and providing active and vigorous support with equal emphasis for each authorized campaign;

(c) Assuring that personal solicitations on the job are organized and conducted in accordance with the procedures set in these regulations;

(d) Assuring that authorized campaigns are kept within reasonable administrative limits of official time and expense.

§ 950.211 Local Federal coordinating committees.

(a) When there are a number of Federal agency offices and installations in the same local area, some interagency coordination is necessary in order to achieve effective community-wide campaigns and to improve general understanding and compliance with the fund-raising program. The Director assigns the responsibility for local coordination to existing organizations of Federal agency heads whenever possible and to special committees where needed. The local Federal Coordinating Committee is authorized to make all decisions within the provisions and policies established in this Part on all aspects of the local campaign, including eligibility and the supervision of the local community campaign and the Principal Combined Fund Organization. Such decisions may be appealed, however, to the Director.

(b) *Authorized Local Federal Coordinating Committee.* Coordinating responsibility is assigned by the Director to one of the following organizations:

(1) Federal Executive Boards. The boards exist in principal cities of the United States for the purpose of improving interagency coordination. They are composed of local Federal agency heads who have been designated as Board members by the heads of their departments and agencies under Presidential authority.

(2) Federal Executive Associations and Federal Business Associations, self-organized associations of local Federal officials, and the Department of Defense National Policy Coordinating Committee.

(3) Fund-Raising Program Coordinating Committee. These committees are established in communities where there is no Federal Coordinating Committee in existence. Leadership in organizing such a committee is the responsibility of the head of the local Federal installation that has the largest number of civilian and uniformed services personnel. Local Federal agency heads or their designated representatives serve on the committee and determine all organizational arrangements.

(c) *Employee union representation.* In order to ensure employee participation in the planning and conduct of the CFC, employee representatives from the principal employee unions of local Federal installations should be invited to serve in whatever organization exercises local coordinating responsibilities.

(d) *Fund-raising responsibilities.* Within the limits of the policies, procedures, and arrangements made nationally, the fund-raising responsibilities of local Federal Coordinating Committees are to:

(1) Facilitate local campaign arrangements. The Federal Coordinating Committee (i) names a high-level chairman for the authorized Federal campaigns, (ii) provides lists of Federal activities and their personnel strength, (iii) cooperates on interagency briefing sessions and kick-off meetings, and (iv) supports appropriate publicity measures needed to assure campaign success.

(2) Administer program requirements. The Coordinating Committee is responsible for organizing the local Combined Federal Campaign, supervising the activities of the Principal Combined Fund Organization, and acting upon any problems relating to a voluntary agency's noncompliance with the policies and procedures of the Federal fund-raising program.

(3) Develop understanding of campaign program policies and procedures and voluntary agency programs. The local Federal Coordinating Committee serves as the central medium for communicating program, policies and procedures of the Campaign and for understanding the organizations employees are being

asked to support and how employees can obtain services they may need from these organizations.

(e) *Principal Combined Fund Organization.* The local Federal Coordinating Committee will supervise a local Principal Combined Fund Organization. The Principal Combined Fund Organization will raise money from Federal employees and administer the local campaign, under the direction of the local Federal Coordinating Committee.

(f) *Communication and Resolution Procedures Through the Director, Office of Personnel Management.* Each local Federal agency head will receive fund-raising directions through his Federal agency channels and will raise questions that pertain to fund-raising activities within his Federal agency by the same means. However, the local Federal Coordinating Committee refers unresolved local fund-raising questions or problems that are common to several Federal agencies directly to the Director. The Director communicates directly with the chairman of the local Federal Coordinating Committee for information about the local fund-raising situation.

§ 950.213 Avoidance of conflicts of interest.

Any Federal employee who serves on the Eligibility Committee, a local Federal Coordinating Committee, or as a Federal agency fund-raising program coordinator must not participate in any decision situations where, because of membership on the board or other affiliation with a voluntary agency, there could be or appear to be a conflict of interest.

Subpart C—Campaign Arrangements for Voluntary Agencies

§ 950.301 Types of voluntary agencies.

Voluntary agencies are private, nonprofit, self-governing organizations financed primarily by contributions from the public. Some are national in scope, with a national organization that provides services at localities through State or local chapters or affiliates. Others are primarily local, both in form of organization and extent of services.

§ 950.303 Types of fund-raising methods.

(a) The methods used by voluntary agencies in public fund-raising will be either federated or independent. A national *federated* group must meet the same eligibility criteria as a national agency, and have at least 10 local voluntary agency presences in at least 200 local combined campaigns. In federated campaigns, local voluntary agency representatives join contractually into a single organization for fund-raising purposes. A local United Way, united fund, community chest, or other local federated group may be considered and supported as a single agency. Local chapters or affiliates of national agencies can form local federations or be admitted as additional participating members of national federated groups.

(b) An *independent* campaign is one conducted by a local unit of a national voluntary agency through its own fund-raising organization. National voluntary agencies may conduct independent campaigns or participate in a federation.

§ 950.305 Considerations in making federal arrangements.

(a) *On-the-Job-Solicitation.* In order to have only *one on-the-job solicitation,* i.e., a Combined Federal Campaign, individual appeals must be combined into a single joint campaign of eligible health and welfare organizations in conformance with the policies and procedures prescribed in this Part.

(b) *Campaign Arrangements Established Nationally.* Basic campaign arrangements are established by the Director. Local Federal agency heads and Coordinating Committees are not authorized to vary from the established arrangements except to the extent that local variations are expressly provided for in this Part.

(c) *Number of Solicitations.* Not more than one on-the-job solicitation will be made in any year at any location on behalf of voluntary agencies, except in the case of an emergency or disaster appeal for which specific prior approval has been granted by the Director.

(d) *Responsible Conduct.* In the event a national voluntary agency fails to adhere to the eligibility requirements or to the policies and procedures of the Federal program, solicitation privileges may be withdrawn by the Director at any time after due notice to the voluntary agency and opportunity for consultation.

§ 950.307 Definition of terms used in Federal arrangements.

(a) *Domestic Area.* The 50 United States, and the Commonwealth of Puerto Rico.

(b) *Overseas Area.* All other points in the world where Federal employees or members of the uniformed services are stationed.

(c) *Recognized National Voluntary Agency.* A voluntary agency that has been declared eligible by the Director for participation in campaigns in the Federal establishment.

(d) *National Voluntary Agency "Supported Primarily through United Ways, United Funds, and Community Chests."* A voluntary agency that generally solicits within the Federal establishment as a participating member of United Ways, united funds, community chests, or other local federated groups that are members in good standing of, or are recognized by, United Way of America.

(e) *Federated Community.* A federated community is a geographical location within the domestic area where a federated fund-raising program exists. In a federated community, recognized national voluntary agencies can join a federated campaign group or participate individually. However, voluntary agencies "supported primarily through United Ways, united funds, and community chests" are authorized to solicit on-the-job in a federated community only as participating members of the local United Way, fund, or chest.

§ 950.309 Federated and overseas campaigns.

(a) *Authorized Federated Groups.* (1) United Way of America and any local United Way, united fund, community chest, or other local federated group that is a member in good standing of, or is recognized by, United Way of America and that meets the eligibility requirements in these regulations is authorized on-the-job solicitation privileges in its local campaign area on behalf of any of its member voluntary agencies that also meet these requirements. Certifications as to the eligibility requirements on behalf of local United Ways, united funds, and community chests and each member voluntary agency will be made by United Way of America to the Director.

(2) The American Red Cross, the National Health Agencies, the International Service Agencies, the National Service Agencies, and such other federated groups which shall meet the eligibility standards under this Part, as determined by the Director, shall be authorized on-the-job solicitation privileges on behalf of their member voluntary agencies that also meet all requirements of this Part. Certification for each subunit that they meet such requirements will be made to the Director.

(3) A member voluntary agency of a federated group need meet only the specific eligibility requirements of Section 950.405. Failure by a member voluntary agency to meet the requirements will disqualify the federated group that certified such voluntary agency from soliciting contributions, unless after notice to the

group of intent to cancel, corrective action is taken to the satisfaction of the Director. If appropriate corrective action is not taken, the Director may disqualify the federated group.

(b) *Local Federated Agencies.* To be eligible for participation in the Federal fund-raising program, the local federated group must be broadly representative in its board and committee membership of the community and must be making bona fide efforts to meet community needs. Requirements for participation in a local federated group must be in writing, available to the public, reasonable, and applied fairly and uniformly to all local voluntary agencies requesting participation. Procedures must be provided by the federated group for at least one review of any decision denying participation requested by a local voluntary agency. The review must be conducted by a committee or other body within the federated group that did not participate in the original decision. A written statement of the reasons for denial must be provided to the applicant voluntary agency. Where a local chapter or affiliate of a national voluntary agency is precluded from independent participation in the Federal fund-raising program because the local voluntary agency is not approved for federated participation, such chapter or affiliate may request the Director, after securing a report by the federated group, to determine whether or not the reasons for its non-approval were "arbitrary and capricious."

(c) *"Causes."* Solicitation for a health or other "cause," e.g., for "Mental Health" or "Heart Disease," without identification of the specific voluntary agency for which the funds are sought, is not authorized. All funds collected from Federal personnel must be allocated only to specific voluntary agencies.

(d) *Designation of Federated Area.* The recognition of a local Federal Coordinating Committee by the Director designates the community served by that Committee as a recognized local campaign site. Two or more authorized local Federal Coordinating Committees are authorized to develop coordinated solicitations best suited to the needs of their localities.

(e) *Overseas Campaign.*—(1) *DoD Overseas Combined Federal Campaign.*

(i) A Combined Federal Campaign is authorized for all Department of Defense activities in the overseas areas during a six-week period in the fall. Voluntary agencies that may participate in the Overseas Combined Federal Campaign will consist of: The American Red Cross; the United Service Organization; those national health agencies recognized for campaigns in the domestic area (the Federal Service Campaign for the National Health Agencies); and those international service agencies recognized for campaigns in the domestic area, and any national or federated voluntary agency recognized for overseas campaigns. Any of these voluntary agencies is eligible to be a Principal Combined Fund Organization.

(ii) Contributors to the DoD Overseas Combined Federal Campaign designate their gifts to one or more of the eligible agencies or the Principal Combined Fund Organization. The Principal Combined Fund Organization for the overseas campaign shall pay the amounts collected directly to the designated voluntary agencies, less "shrinkage" and the processing fee, if any, that is approved in advance of the campaign by the Federal official in the overseas area responsible for the local campaign arrangements.

(2) *Local Voluntary Agency Campaigns.* The heads of overseas offices and installations may, at their discretion, permit the solicitation of their military and civilian personnel for local voluntary agencies. Such campaigns will be conducted in accordance with the basic policies and procedures of the Federal program and at times which do not conflict with the DoD Overseas Combined Federal Campaign period. The eligibility standards in Subpart D will be used as guidelines in determining the eligibility of local voluntary agencies. Federal leadership in organizing such campaigns will be assumed by the head of the overseas Federal establishment that has the largest number of Government personnel in the campaign area.

(3) *Optional Participation by Certain Civilian Agencies.* Federal civilian departments and agencies that have traditionally considered their overseas personnel as members of the National Capital Area for fund-raising purposes may continue this practice.

(4) *On-Base Health and Welfare Activities.* On-base morale, welfare and recreational activities may be supported from CFC funds.

§ 950.311 Off-the-job solicitation at places of employment.

Voluntary agencies that are not recognized for the on-the-job program may be authorized off-the-job solicitation privileges at places of Federal employment under such reasonable conditions as may be specified by the local head of the Federal installation involved, provided that such conditions are not inconsistent with this Part. Dual solicitation is not authorized, so this privilege cannot be made available to any voluntary agency that is included in the on-the-job program.

(a) *Family Quarters on Military Installations.* Voluntary agencies may be permitted to solicit at private residences or at similar on-post family public quarters in unrestricted areas of military installations at the discretion of the local commander. However, such solicitation may not be conducted by military or civilian personnel in their official capacity during duty or non-duty hours, nor may such solicitation be conducted as an official command-sponsored project. This restriction is not intended to prohibit or to discourage military and civilian personnel from participating as private citizens in voluntary agency activities during their off-duty hours.

(b) *Public Entrances of Federal Buildings and Installations.* Voluntary agencies that engage in limited or specialized methods of solicitation—for example, the use of "poppies" or other similar tokens by veterans organizations—may be permitted to solicit at entrances or in concourses or lobbies of Federal buildings or installations normally open to the general public. Solicitation privileges will be governed by the rules issued by the General Services Administration pursuant to the Public Buildings Cooperative Use Act of 1976 or later modification, or other applicable Government legal authority.

Subpart D—Eligibility Requirements for National Voluntary Agencies

§ 950.401 Purpose.

These eligibility requirements are established to ensure that:

(a) Only responsible and worthy voluntary agencies are permitted to solicit on the job in Federal installations;

(b) The funds contributed by Federal personnel will be used effectively and for the announced purposes of the soliciting voluntary agencies; and

(c) All recognized national voluntary agencies meet requirements of Executive Order 12353 of March 23, 1982.

§ 950.403 General requirements for National Agencies.

(a) *Type of Agency.* Only nonprofit, tax-exempt, charitable organizations, supported by voluntary contributions from the general public and providing direct and substantial health and welfare and other appropriate national voluntary services through their national organization, affiliates or

representatives are eligible for approval. All such services must be consistent with the policies of the United States Government.

(b) *Integrity of Operations.* Only voluntary agencies having a high degree of integrity and responsibility in the conduct of their affairs will be approved. Funds contributed to such organizations by Federal personnel must be effectively used for the announced purposes of the voluntary agency.

(c) *National Scope.* A national voluntary agency must demonstrate that:

(1) It is organized on a national scale with a national board of directors that represents its constituent parts, and exercises close supervision over the operations and fund-raising policies of any local chapters or affilitates.

(2) It has earned good will and acceptability throughout the United States, particularly in cities or communities within which or nearby are Federal offices or installations with large numbers of personnel.

(3) It has national scope, that is, scale, goodwill, and acceptability; this may be demonstrated as follows:

(i) By a voluntary agency's provision of a service in many (c. one quarter) States, or in several foreign countries, or in several parts of one large foreign nation;

(ii) By derivation of contributor support from many parts of the Nation;

(iii) By the extent of public support and the number and the geographical spread of contributors; and

(iv) By the national character of any public campaign, which may be shown by a large number (c. 75) of local chapters, affiliates, or representatives which promote such a campaign.

(d) *Type of Campaign.* Approval will be granted only for fund-raising campaigns in support of current operations. Capital fund campaigns are not authorized.

§ 950.405 Specific requirements.

(a) *Eligibility.* To be eligible for approval by the Director for participation in the Combined Federal Campaign, a national voluntary agency must be one:

(1) That is either a health or welfare or other appropriate voluntary agency, as defined in section 950.101 of this Part;

(2) That is voluntary and broadly supported by the public, meaning (i) that it is organized as a not-for-profit corporation or association under the laws of the United States, a State, a territory, or the District of Columbia; (ii) that it is classified as tax-exempt under Section 501(c)(3) of the Internal Revenue Code of 1954, as amended; and (iii) that, with the exception of voluntary agencies whose revenues are affected by unusual or emergency circumstances, as determined by the Director, it has received at least 50 percent of its revenues from sources other than the Federal Government or at least 20 percent of its revenues from direct and/or indirect contributions in the year immediately preceding any year in which it seeks to participate in the Combined Federal Campaign (organizations founded within the past three years participating in the CFC before this Part became effective will have three (3) years, and all other organizations in the CFC will have one (1) year to comply with the 50 percent/20 percent requirement);

(3) That is directed by an active board of directors, a majority of whose members serve without compensation; that adopts and employs the *Standards of Accounting and Financial Reporting for Voluntary Health and Welfare Organizations;* That prepares and makes available to the general public an annual financial report prepared in accordance with the *Standards of Accounting and Financial Reporting for Voluntary Health and Welfare Organizations* and is certified, using the form in Appendix B to this Subpart, by an independent certified public accountant; that provides for an annual external audit by an independent certified public accountant;

(4) That can demonstrate to the Director, if its fund-raising and administrative expense is in excess of 25 percent of total support and revenue, that its actual expense for those purposes is reasonable under all the circumstances in its case;

(5) That ensures that its publicity and promotional activities are based upon its actual program and operations, are truthful and nondeceptive, and include all material facts; and

(6) That has a direct and substantial presence in the local campaign community, meaning that employees in the solicitation area, or their families, should be able to receive services from a particular voluntary agency within a reasonable distance from their employment stations, or receive benefits from national voluntary agencies which can be shown to affect a large number of local employees, with specific demonstrable assistance. Such presence shall be demonstrated to the Director or local Federal Coordinating Committee documenting that the services are known to and accessible to Federal employees in the local community; examples of direct and substantial services are: providing local services; personal counseling in health, welfare or other appropriate services (if by telephone, with a local phone number); local disease prevention program or inoculations; local representatives in a cooperating attorney or referral network; screening for detection of problems or need for services or referrals; treatments (of illnesses, poverty, and handicaps); and local educational or informational services. However, international organizations that provide health and welfare services overseas, which meet the eligibility criteria except for the direct and substantial present criterion, shall be eligible to solicit funds from Federal personnel.

(b) *Fund-Raising Practice.* The voluntary agency's publicity and promotional activities must assure protection against unauthorized use of its contributors lists; must permit no payment of commissions, kickbacks, finders fees, percentages, bonuses, or overrides for fund-raising; and must permit no general telephone solicitation of the public.

(c) *Reports.*—(1) *Annual Report.* The voluntary agency must prepare an annual report to the general public that includes a full description of the voluntary agency's activities and accomplishments and the names of chief administrative personnel.

(2) *Combined Reports.* Voluntary agencies which represent more than one subunit must prepare a combined annual financial report to the general public in accordance with the *Standards of Accounting and Financial Reporting for Voluntary Health and Welfare Organizations.* The combined report shall include all income and expenditures for the national operations and all chapters, committees, affiliates, or satellites.

(3) *Source of Funds and Costs Report.* The voluntary agency must file a special report with the Director that discloses, on a consolidated basis, the agency's (including chapters and affiliates) sources of funds, fund-raising expense, and use of net funds in its most recent fiscal year.

§ 950.407 Application requirements.

(a) *Federated Groups.* The American Red Cross, United Ways and local community chests or united funds that are members in good standing of or are recognized by United Way of America, the National Health Agencies, the International Service Agencies, the National Service Agencies, and such other federated groups shall be recognized under Subpart C, do not need to apply separately as National Agencies. For purposes of this Part, the

American Red Cross and its chapters are recognized as operating an accounting and financial system in substantial compliance with the *Standards of Accounting and Financial Reporting for Voluntary Health and Welfare Organizations* and certification to this effect by local chapters is not required.

(b) *National Agencies.* In order to be considered for solicitation privileges in domestic or overseas campaigns in the Federal service, each national voluntary agency must file an application annually. National voluntary agencies that have already been approved for fund-raising privileges in the Federal service are not required to submit the information requested in paragraphs (f)(1), (2), (3), (4), and (8) of this section, except where there has been a substantial or significant change in these items; for example, a change in purpose of the organization or a decline in chapter coverage or activity. They are required to furnish information in paragraphs (f)(5), (6), (7), (9), (10), (11), and (12).

(c) *Time and Place of Filing.* Applications must be filed with the Office of the Director, United States Office of Personnel Management, Washington, D.C. 20415. Applicants are urged to file as early as possible in each calendar year.

(d) *National Eligibility.* The Director, with the assistance of a National Eligibility Committee of government officials, employee organization leaders, and private citizens, uses the information filed with the agency's application and derived from other responsible sources to make his decision on an agency's eligibility. The National Eligibility Committee shall consider the applications fairly, hold meetings and hearings as appropriate, and make recommendations to the Director. National eligibility shall only give a presumption of local eligibility; voluntary agencies must also meet the requirements of section 950.405(a)(6). Where a local chapter of an eligible national voluntary agency is denied participation in a local campaign, it may appeal to the Director, whose decision shall be final.

(e) *Notice of Decision.* Applicants for national eligibility are to be notified of the decisions as soon as possible after filing. If dissatisfied with the Director's decision, the applicants may request reconsideration of the decision by the Director. The Director's decision upon reconsideration will be final.

(f) *Form and Content of Application.* Applications shall be filed in the following form and will include the information, documents, and data specified:

(1) Corporate name and fiscal year;

(2) Origin, purpose, and structure of organization, including information to show that the voluntary agency meets the general and specific requirements of this Subpart;

(3) A list of chapters, affiliates, or representatives in alphabetical order by State; and under the State, a list of cities with chapter, affiliate, or representative by names and addresses;

(4) Demonstration of the good will and acceptability of the organization throughout the United States;

(5) Outline of the program, particularly the nature of the direct services provided by the voluntary agency and under what subparagraph of section 950.101(a)(3) the application is made, written assurance of compliance with all requirements of section 950.101(a)(2) and sections 950.403 through 950.405;

(6) Description of board of director's administrative activity in past year and list of current board members' names, addresses, and businesses or professions;

(7) Certification by an independent certified public accountant of compliance with an acceptable financial system and adoption of the Uniform Standards;

(8) Statement of compliance with all factors in the section on fundraising practice;

(9) Copy of latest annual report;

(10) Copy of latest financial report prepared in accordance with the *Standards of Accounting and Financial Reporting for Voluntary Health and Welfare Organizations* and certification by an independent certified public accountant that the report was prepared in conformity with the Standards;

(11) Copy of latest external audit by an independent certified public accountant; and

(12) A special report to the Director, consistent with the reporting requirements of the Standards. The report must include the voluntary agency's sources of funds, expenditures by program service, and supporting services with fundraising and other expenditures listed separately. The report must cover the most recent fiscal year and represent a consolidated statement of national and affiliate income and expenditures. The amount of contributions received from United Ways, united funds or community chests, from Federal service campaigns, and the total from all other sources, especially transfers, dues, or other funds from affiliated organizations, must be separately identified and shown. All entries must be reported in dollar and percent of total contribution. The report must be furnished in accordance with the format shown in the appendix to this Subpart.

(g) The Director shall be authorized to investigate facts and circumstances on issues relating to eligibility raised under this Part.

§ 950.409 Public announcement of recognized agencies and assigned periods.

Early in the calendar year the Director will announce the names of all national voluntary agencies eligible for participation in the Federal fundraising program for the ensuing campaign year.

BILLING CODE 6325-01-M

APPENDIX A TO SUBPART D
SOURCE OF FUNDS AND COSTS REPORT
(for the year ending_____)

Organization:_____

Public support

Received Directly: . . . . . $ _____
Contributions . . . . . _____
Special Events (net of direct benefit costs of $_____). . . . . _____
Legacies and bequests . . . . . _____
Subtotal . . . . . _____

Received Indirectly:
Federated campaigns (e.g., United Way) . . . . . _____
Federal service campaigns . . . . . _____
Other Contributions. . . . . _____
Subtotal . . . . . _____

Total Support from the Public . . . . . _____

Revenue:
Grants from Federal government agencies (including grants in-kind) . . . . . _____
Grants from state or local government agencies (including Medicaid) . . . . . _____
Memberships . . . . . _____
Program service fees (including Medicare). . . . _____
Sales of materials and services to member units (net of direct expenses) . . . . . _____
Sales of materials and services to the public (net of direct expenses . . . . . _____
Transfers, dues, etc. from affiliated organizations, etc. . . . . _____
Investment Income . . . . . _____
Gains on investment transactions. . . . . _____
Other Income. . . . . _____

Total revenue . . . . . _____

Total public support and revenue. . . . . _____

Expenses
Program services
(program). . . . . _____
(program). . . . . _____
(program). . . . . _____
(program). . . . . _____
Subtotal . . . . . _____

Supporting services . . . . . _____
Management and general . . . . . _____
Fund raising . . . . . _____
Subtotal . . . . . _____

Total expenses . . . . . _____

Excess (deficiency) of public support and revenue over expenses. . . . . _____

BILLING CODE 6325-01-C

APPENDIX B TO SUBPART D

Certificate

Name of Organization _____

I certify that the above-named organization has adopted, and has prepared its financial statements in accordance with the *Standards of Accounting and Financial Reporting for Voluntary Health and Welfare Organizations* (1974 Edition) prepared and published by the National Health Council, Inc., the National Assembly of National Voluntary Health and Welfare Organizations, Inc. and the United Way of America.

Signature: _____

Address: _____

Subpart E—The Local Combined Federal Campaign

§ 950.501 Authorized local voluntary agencies.

A local voluntary agency shall meet the same criteria as a national voluntary agency, except national scope, but shall be evaluated under these criteria by the local Federal Coordinating Committee recognized by the Director for that Community. After one year from the effective date of this Part, only local groups affiliated with a federated or other eligible national voluntary agency, as determined by the local Federal Coordinating Committee or the Director, are eligible to participate in the local campaign.

§ 950.503 Participation in Federal campaigns by local affiliated agencies.

(a) Arrangements will be established by each local Federal Coordinating Committee to evaluate those local affiliates of eligible national agencies that seek to solicit separately from local federated groups. These procedures will require eligible local voluntary agencies to preregister with the local Federal Coordinating Committee to participate in that year's Combined Federal Campaign. Arrangements will be made by the Central Receipt and Accounting Point to distribute contributions to authorized voluntary agencies after appropriate adjustments are made for "shrinkage" and approved administrative costs.

(b) *Application Procedures.* In order to be eligible for participation in the Combined Federal Campaign, each local voluntary agency must submit an application for registration in the CFC to the local Federal Coordinating Committee. Applications may be submitted jointly for member agencies in federated groups. The Federal Coordinating Committee is responsible for reviewing and taking action on the applications based on eligibility requirements in this Part, especially those of Subpart D. The Local Federal Coordinating Committee may request a qualified screening organization to assist in the processing and review of applications against the eligibility requirements and in recommending approval or denial of the application, but the local Federal Coordinating Committee must make the actual decisions. If the Federal Coordinating Committee determines that eligibility requirements are not met, reasons for that determination will be provided to the voluntary agency within 60 days of the receipt of the application.

§ 950.505 Responsibility of local Federal coordinating committees.

Each Federal Coordinating Committee is required to organize a Combined Federal Campaign in the local area for which it has fund-raising responsibility. The heads of Federal departments and agencies will request their local officials to cooperate fully with the decisions of the Federal Coordinating Committee in all aspects of CFC arrangements. The Federal Coordinating Committee makes all final decisions on the local campaign, subject to appeal to the Director.

§ 950.507 Local CFC plan.

(a) *CFC as Uniform Fund-Raising Method.* The Combined Federal Campaign is the only authorized fund-raising method in all areas in the United States in which 200 or more Federal employees are located. All voluntary agencies wishing to participate in fund-raising within the Federal service must do so within the framework of a local Combined Federal Campaign.

(b) *Non-Participation.* In the event that any voluntary agency does not follow these regulations for participation in a local CFC, fund-raising privileges in local Federal establishments are forfeited during that fiscal year. Voluntary withdrawal will not prejudice eligibility for the next year's Campaign.

(c) *Red Cross Participation.* In local communities where the American Red Cross is not a participating member of the local United Way, it will be regarded as a separate campaign organization in the combined campaign. American Red Cross chapters have independent authority with respect to fund-raising policy, so responsibility for deciding on participation in CFC rests with the local chapter board of directors. As with the other national organizations, in the event local American Red Cross chapters choose not to participate in CFC, they are not authorized to have a separate campaign in local Federal offices or installations during the fiscal year involved, except in the case of an emergency or disaster appeal for which specific prior approval has been granted by the Director.

(d) *Exceptions in Areas of Less than 200 Federal Employees.* Where there are fewer than 200 Federal employees in the local campaign area, it may not be practicable to hold a Combined Federal Campaign. Therefore, in such areas local Federal officials are not required to arrange for a Combined Federal Campaign. However, if they believe it would be desirable from the standpoint of the local community or the Federal Government to have such a campaign, they may contact the Director to arrange a Combined Federal Campaign regardless of the number of employees involved. Where a CFC is not conducted because of lack of sufficient Federal employees, the local united fund is authorized to solicit within the Federal establishment during the fall of the year and other Federated groups are authorized to conduct a separate spring campaign. Where the American Red Cross is not a member of the local united fund and the area will not have a CFC, then the Red Cross may conduct an independent campaign during the month of March. However, payroll deductions for charitable contributions are only authorized in conjunction with Combined Federal Campaigns.

§ 950.509 Organizing the local campaign: The principal combined fund organization.

The Local Federal Coordinating Committee shall organize the local community campaign. It will appoint a campaign chairman who will carry out campaign duties in conformance with the policies and procedures prescribed in this Part. From among the federations approved for participation in the local CFC, the local Federal Coordinating Committee shall select a Principal Combined Fund Organization to manage the campaign and to serve as fiscal agent. In doing so the Federal Coordinating Committee shall select whichever applicant organization it finds to be the local federated group in the CFC geographic area that provides through one specific, annual public solicitation for funds the greatest support for charitable agencies that depend on public subscriptions for support; that, in the judgment of the Federal Coordinating Committee, can most effectively provide the necessary campaign services and administrative support for the successful Campaign.

(a) In deciding whether an organization is the Principal Combined Fund Organization in the CFC geographic area, the Federal Coordinating Committee will consider:

(1) The number of local charitable voluntary agencies or affiliates in the CFC geographic area that rely on the applicant organization for financial support and that meet the prescribed eligibility criteria for participation in the CFC;

(2) The number of dollars raised by the applicant organization in the CFC geographic area during its last completed annual public solicitation for funds;

(3) The percentage of such dollars disbursed to the charitable voluntary agencies; and

(4) The local capacity of the applicant organization to provide the necessary campaign services and administrative support (including operation of the Central Receipt and Accounting Point) to the local Federal Coordinating Committee for a successful Federal campaign in conformance with the policies and procedures prescribed in this Part.

(b) An organization seeking to be designated the Principal Combined Fund Organization in a CFC area shall submit its application for such designation to the local Federal Coordinating Committee for approval within thirty days after the Director has determined eligible federations. All such applicants must pledge to manage the campaign fairly and equitably; to conduct organization operations separate from other voluntary agency operations; to consider advice from, be responsible to reasonable requests for information from, and to consult with other agencies; and to be subject to the decisions and supervision of the local Federal Coordinating Committee and the Director. Upon submission of a complaint by a local Federal Coordinating Committee or a federated or national voluntary agency, the Director may revoke the designation as a Principal Combined Fund Organization if in his discretion he finds these pledges are not fulfilled.

(c) Applications shall include the following: (1) The names of the voluntary agencies in the area that rely on the applicant organization for financial support and that meet the eligibility criteria set in this Part;

(2) The boundaries of the area covered by the public donation solicitation of the applicant organization;

(3) The number of dollars raised in the CFC geographic area by the applicant during its last completed annual public solicitation for funds;

(4) The percentage of such dollars disbursed to the charitable agencies;

(5) Agreement to transmit contributions, as designated by Federal emloyees, to charitable organizations approved for participation and listing in the local CFC (minus only "shrinkage"—that is, uncollectible pledges and gifts—and the approved fee for administrative cost reimbursement);

(6) Certification that it, and its participating member organizations, are in compliance with all applicable eligibility requirements specified in this Part for participation in the CFC;

(7) Fee, if any, proposed to be charged by the applicant organization for reimbursement for administrative costs; and

(8) Statement that the applicant organization is organized to provide the necessary campaign services and support to the local Federal Coordinating Committee for a successful Federal campaign in conformance with the policies and procedures prescribed in this Part.

(d) Member agencies of federations and other voluntary agencies certified for listing and receipt of designations through the approved local or national admission process shall be eligible to receive designations.

(e) The Principal Combined Fund Organization shall provide a form for the employee to indicate any amounts he may wish to designate to affiliated and non-affiliated beneficiaries. The Principal Combined Fund Organization shall pay the amount collected to the employee-designated beneficiary agency less "shrinkages" and the amount necessary to reimburse the Principal Combined Fund Organization for administrative expenses.

(f) The fee, if any, charged for administrative cost reimbursement must be approved in advance by the local Federal Coordinating Committee and published in the campaign literature.

(g) All contributions not designated to specific voluntary agencies or specific federated groups shall be deemed to have been designated to the Principal Combined Fund Organization. A statement of that fact shall be clearly stated on the face of each pledge card in red ink, which shall also state the name of the federated group which is the Principal Combined Fund Organization in that local Campaign.

(h) The Principal Combined Fund Organization shall issue a report to the local Federal Coordinating Committee within a reasonable time following the campaign setting forth the following information:

(1) Amounts contributed and pledged,

(2) Number of contributors,

(3) Amounts designated to each participating federated group and voluntary agency,

(4) Amount designated to the Principal Combined Fund Organization, and

(5) Costs of administering the campaign, including the Central Receipt and Accounting Point.

(i) *CFC Committee.* Where necessary, the local Federal Coordinating Committee may designate a committee from among its principal members, called the CFC Committee, to give top leadership and direction to the planning, conduct and evaluation of the local combined campaign. The Federal Coordinating Committee, however, may not redelegate any final authority for the campaign to the CFC Committee. The Chairman of the Campaign need not be the Chairman of the organization designated as the local Federal Coordinating Committee.

(j) *Action Steps by the Local Federal Coordinating Committee*—(1) The Chairman of the local Federal Coordinating Committee is not authorized to establish a Local Joint Work Group of Federal respresentatives and representatives of the Principal Combined Fund Organization. The Chairman shall direct the Principal Combined Fund Organization to assemble necessary information and data, and to submit a plan detailing materials and a timetable for campaign arrangements. This shall include the dates for preparation, printing and distribution of materials, kick-offs, training sessions, report meetings and award ceremonies. All of these, including the specific materials to be used, shall be submitted to the full local Federal Coordinating Committee for approval on a day to be announced broadly to participating voluntary agencies and federated groups and to the Director. An adequate period shall be provided for participating federated group and voluntary agencies to review and comment on all proposals.

(2) The local Federal Coordinating Committee will set a date or dates each year for local eligibility hearings. Such meeting or meetings shall be reported to the Director, and given wide publicity in the local community and to the voluntary agencies and federated groups which have applied for eligibility.

(k) *Loaned Executive Program.* One or more loaned Federal executives may be used in a Combined Federal Campaign. The Loaned Executive Program was authorized by President Nixon in a memorandum to heads of departments and agencies dated March 3, 1971. A Loaned Executive may be detailed from his agency on a full or part-time basis, for a specific period of time, to conduct or assist in the operation of a Combined Federal Campaign. The employing

agency will decide who will serve as a Loaned Executive, if anyone, and the length of the detail. Executives may not be loaned or assigned to any specific voluntary organization but only to the official Combined Federal Campaign group. When assigned to the CFC, the executive shall be placed on administrative leave.

§ 950.511 Basic local CFC ground rules.

(a) The arrangements outlined in §§ 950.511 through 950.525 constitute basic ground rules for the local Combined Federal Campaign. Certain local variations are permissible if specifically authorized in this Subpart. However, any modification of ground rules in specific instances must be requested by Federal Coordinating Committees from the Director. Modifications will be granted only in the most exceptional circumstances.

(b) The local Federal Coordinating Committee will approve the:

(1) Campaign Name. The name will include the words "Combined Federal Campaign;" the year for which contributions are solicited; and approximate identification of the locality; as for example: "1981 San Antonio Area Combined Federal Campaign."

(2) Campaign Period. The solicitation period may be any period between September 1 and November 30.

(3) Campaign Area. The exact geographical area to be covered by the combined campaign will be determined nationally, taking into account past practice and the feasible scope for a single, coordinated campaign. The jurisdiction of the organization named as the local Federal Coordinating Committee will set the basic area of the Campaign, based upon past practices. Any changes in campaign area must be approved by the Director.

§ 950.513 Contributions.

(a) The contributor's information leaflet will clearly state that the Federal employee is encouraged to direct his gift to specific voluntary agencies. A single form of pledge card and leaflet-brochure will be produced under standards set in this Part, and approved by the Director. The leaflet will explain that when such gifts are earmarked to a specific voluntary agency, the Principal Combined Fund Organization will remit such funds, minus approved administrative costs, directly to that agency (or to its federation if all members of that federated group agree) as those funds are collected. The leaflet will also clearly state that when the Federal employee decides not to designate, the gift will be deemed designated to the Principal Combined Fund Organization for distribution.

(b) Several boxes will be provided on the pledge form so that the donor may indicate his choice, if any, of one or more of the voluntary agencies listed to receive all or part of his gift. A minimum of five boxes for such purposes will be shown on the face of and on all copies of the pledge card itself. Separate designation slips are not authorized under any circumstances. The pledge card must be arranged so that each Federal employee receives the pertinent CFC and voluntary agency information and the pledge card as a single package (as examples, inserted in a slot or pocket in the contributor's information leaflet).

(c) If contributions are designated to organizations not participating in the local CFC, they will not be accepted but will be returned to the contributor.

§ 950.515 Dollar goals.

(a) A dollar goal for the overall combined campaign is recommended. Generally, it provides a focus for group spirit and unity of purpose that contributes materially to success. By apportioning the goal equitably among the Federal offices and installations, each Federal agency shares responsibility in the team effort and has a mark with which to gauge its progress.

(b) In developing the proposed goal, the local Federal Coordinating Committee should take into account past giving experience in local Federal campaigns, the needs and reasonable expectations of the voluntary agencies in the current campaign situation, and the probability of a substantial increase in the level of giving due to the single campaign and payroll payment plan. The objective should be to set a goal that is attainable, which can be exceeded in an enthusiastic and purposeful campaign.

(c) Dollar goals are not required. An alternative approach is to rely on "suggested giving" as the principal incentive. For example, the "goal" could be 75 percent participation at the suggested giving level.

§ 950.517 Suggested giving guides and voluntary giving.

(a) Suggested giving guides for contributions are authorized for local construction. Guides for cash giving or direct-payment pledges may be included in terms of percent of annual income, number of hours pay, or suggested size of gift in relation to various income levels. Guides may be printed in the contributor's leaflet or on the pledge form. They will be accompanied by a statement explaining that the guide is provided because employees often ask for one, but that the decision to give and the amount is up to each employee.

(b) Federal agencies are not authorized to furnish individual employee suggested giving guides based upon the employee's specific pay or grade; a guide of this kind is comparable to an individual quota or assessment, which is prohibited.

(c) The contributor's leaflet or the pledge form must include the express statement that the employee has the right to make his gift confidentially in a sealed envelope which will be delivered unopened to the Combined Federal Campaign headquarters.

§ 950.519 Central receipt and accounting for contributions.

(a) The Principal Combined Fund Organization shall provide and administer the Central Receipt and Accounting Point or it may arrange for an appropriate financial institution to provide such service on its behalf, under the direction of the local Federal Coordinating Committee. Any charges by such institution to provide the necessary services are the responsibility of the Principal Combined Fund Organization and should be included in the latter organization's administrative costs factor.

(b) The central accounting point will tabulate all contributions designated to specified agencies on the pledge cards and then tabulate the contributions designated to the Principal Combined Fund Organization.

The amounts payable to the specified voluntary agencies are subject to deduction "shrinkage" and of the approval percentage, if any, for reimbursement of administrative costs to the Principal Combined Fund organization.

(c) Provision must be made by the Principal Combined Fund Organization for the audit of CFC funds. If the CFC is over $100,000, an independent audit must be performed. Copies of the audits must be submitted to appropriate local Federal officials and made available for inspection by any voluntary agency or federation participating in the CFC.

(d) In addition to the usual method of cash contribution and direct payment of pledges, the use of voluntary payroll withholding is authorized for members of the uniformed services and civilian personnel at CFC locations. Local voluntary agencies may decide whether or not to provide for direct payment of pledges; however, cash contributions must be permitted. Keyworker collection of installment pledges is prohibited.

§ 950.521 Campaign and publicity materials.

(a) Campaign and publicity materials will be developed in the local area under direction of the local Federal Coordinating Committee, and will be printed and supplied by the Principal Combined Fund Organization. All disputes over materials will be resolved by the local Federal Coordinating Committee, except that failure to follow this Part or other directive of the Director may be appealed to the Director. All publicity materials must have the approval of the local Federal Coordinating Committee before being used.

(b) Distribution of any bona fide educational material of the voluntary agencies or provision of other services to employees at Federal establishments must be handled through the Federal agency occupational health units, and not the CFC coordinators. While there is no intent to restrict the normal educational or service activities that voluntary agencies provide in Federal agencies, no special distribution of materials or services should be planned during the campaign, nor should promotional efforts be made that would have the effect of giving undue publicity to a particular voluntary agency or category of voluntary agencies during the campaign period. Violation of this requirement by any voluntary agency may be grounds for the local Federal Coordinating Committee to disqualify the voluntary agency from further participation in the local CFC for that year after due notice to the voluntary agency concerned.

(c) A single Contributor's Information Leaflet, a one-part list of participating voluntary agencies, and a single, joint Pledge Form and Payroll Withholding Authorization (the latter two preferably to be placed in an insert slot or otherwise assembled in the former) are to be distributed by keyworkers to each potential contributor. The Pledge Form and Payroll Withholding Authorization must be one form. All CFC literature, keyworker solicitors, and materials released as a part of the campaign must inform employees of their right to make a choice and will provide full information about the voluntary agencies, federated groups and the Principal Combined Fund Organization. Employees will be informed that while the Federal Government encourages its employees to make a choice, it does not mandate that they choose.

(d) Campaign materials must constitute a simple and attractive package that has fund-raising appeal and essential working information. Treatment should focus on the combined campaign and homogeneous appeal without undue use of voluntary agency symbols or other distractions that compete for the contributor's attention. Extraneous instructions concerning the routing of forms, tallying of contributors, etc., which are primarily for keyworkers, must be avoided.

(e) Specific campaign and publicity materials: (1) Contributor's Leaflet.

(i) This will be the only informational material distributed to individual contributors. It will describe the CFC arrangement, explain the payroll deduction privilege, and will include the information required by section 950.513 of this Part. The leaflet should be constructed to contain a pocket or a slot to hold the CFC pledge card.

(ii) The leaflet will provide instructions about how an employee may obtain more specific information about voluntary agencies participating in the campaign, their programs, and their finances. It will also inform employees of their right to pursue complaints of undue pressure or coercion in Federal fundraising activities. The leaflet will advise civilian employees to consult with their personnel offices and military personnel with their commanding officers to identify the organization handling such complaints in their respective Federal agency.

(iii) A Privacy Act notice must be printed on the leaflet.

(2) Separate list of participating voluntary agencies.

(i) This brochure will list each voluntary agency approved by the appropriate Federal officials for participation in the CFC with a brief statement of about 30 words on its programs. Opposite the name of each voluntary agency a number will be provided beginning with the number 101 so that contributors desiring to indicate a choice of agency or agencies to whom they wish their gift to be directed may insert such number or numbers in the designation boxes provided for that purpose on the pledge card. Each voluntary agency which is a member of a federated group shall be entitled, at its local option, to have that group designation added, in parenthesis, at the end of its statement.

(ii) The listing of voluntary agencies will also include therein the following generic titles reflecting the approved categories of services as a means to assist employees in making rational designations: children and family services, community coordination services, local federal personnel services, provision of basic needs and economic opportunity, health services/services to handicapped, international services, neighborhood services, acquisition of knowledge and skills, youth and recreation services, specialized and miscellaneous services. The order of assignment of these categories, and the order of voluntary agencies under them, will be reassigned by lot each year by the local Federal Coordinating Committee.

(iii) Federated groups will be listed, in an order set by lot each year, at the end of the list of voluntary agencies, under the title "Campaign Groups," with identification numbers keyed to the numbers of their participating federated groups. The federated group which is the Principal Combined Fund Organization will be so identified.

(iv) An illustration of the prescribed format is shown below.

Children & Family Services

101 (name of agency and group affiliation) (description of program)
102 (name of agency and group affiliation) (description of program)
103 (name of agency and group affiliation) (description of program)

Community Coordination

201 (name of agency and group affiliation) (description of program)
202 (name of agency and group affiliation) (description of program)
203 (name of agency and group affiliation) (description of program)

Local Federal Personnel Services

301 (name of agency and group affiliation) (description of program)
302 (name of agency and group affiliation) (description of program)
303 (name of agency and group affiliation) (description of program)

* * * * *

Campaign Groups

701—International Service Agencies
702—National Service Agencies
703—National Health Agencies
704—American Red Cross
705—United Way/Community Chest, etc. of ————————

(The statement: "This group also has been designated as the Principal Combined Fund Organization for ————————" shall be added after the title of federated organization serving that function.)

(3) Pledge Form and Payroll Withholding Authorization.

(i) When completed, this working form will go to the Central Receipt and Accounting Point for the local area. The format for the pledge card is set by the Director and is available from the Office of Personnel Management.

(ii) One copy of this form will be used as the Payroll Withholding Authorization. When completed, this copy will go to the contributor's payroll office. Since there are some 1,400

separate payroll offices serving Federal personnel, the withholding authorization must be in a standard format and bear adequate identification of the local campaign.

(iii) The name and mailing address of the local CFC Central Receipt and Accounting Point will be printed at the top of the form. The name must be the same as that for the campaign and include the year: for example, "1981 San Antonio Area Combined Federal Campaign."

(iv) The box entitled "Identification No." will be used for the contributor's Social Security Number, except in the case of Federal agencies that have a separate payroll identification numbering system. There is no requirement to use this space and it should only be used when it aids in accounting or campaign managment.

(f) Other campaign materials that are authorized include: (1) Chairman's Guide. For use of campaign chairmen in individual Federal installations;

(2) Keyworker's Guide. Instructions for keyworkers about CFC arrangements, solicitation methods, and forwarding procedures;

(3) Keyworker's Report Envelope. With tally sheets (which may be printed on the envelope) on which the keyworker will list the names of contributors or the number of confidential envelopes enclosed;

(4) Miscellaneous Campaign Items. Contributor's receipts, window stickers, posters, progress charts, awards, etc.;

(5) Publicity Items. News stories and fillers for the local press and house organs, employee letters, speeches of campaign leaders, division chairmen, films, television and radio material supporting the campaign; and

(6) Awards. To recognize campaign achievements by Federal agencies, Federal agency chairmen, etc. Awards should be identified as "Combined Federal Campaign" awards. The presentation of awards and plaques by individual voluntary agencies or categories of voluntary agencies for CFC accomplishments is not permitted.

(g) National materials provided and made available for use by local CFCs will be developed by an organization named by the Director. The Director will provide opportunity for comment on such materials by interested parties prior to approval. He must approve all material prior to use.

§ 950.523 Payroll Withholding.

The following policies and procedures are authorized for payroll withholding operations in accordance with Office of Personnel Management regulations in 5 CFR Part 550, Pay Administration.

(a) *Applicability.* Voluntary payroll allotments will be authorized by all Federal departments and agencies for payment of charitable contributions to local Combined Federal Campaign organizations.

(b) *Allotters.* The allotment privilege will be made available to Federal personnel as follows:

(1) Employees whose net pay regularly is sufficient to cover the allotment are eligible. An employee serving under an appointment limited to 1 year or less may make an allotment to a Combined Federal Campaign when an appropriate official of the employing Federal agency determines the employee will continue his employment for a period sufficient to justify an allotment. (This includes part-time and intermittent employees who are regularly employed.)

(2) Members of the Uniformed Services are eligible, excluding those on only short-term assignment (less than 3 months). (The Department of Defense has modified its military pay allotment regulations to authorize allotments for CFC charitable contributions by uniformed service members.)

(c) *Authorization.* (1) Allotments will be wholly voluntary and will be based upon contributors' individual written authorizations.

(2) Authorization forms in standard format will be printed by the Principal Combined Fund Organization at each location. The forms and other campaign materials will be distributed to employees when charitable contributions are solicited.

(3) Completed authorization forms should be transmitted to the payroll offices as promptly as possible, preferably by December 15. However, if forms are received after that date they should be accepted and processed by payroll offices.

(d) *Duration.* Authorizations will be in the form of a term allotment for one full year—26, 24 or 12 pay periods depending upon the allotter's pay schedule—starting with the first pay period beginning in January and ending with the last pay period that begins in December. (The standardization of beginning and ending dates, except for individual discontinuances, is intended to simplify payroll operations and minimize costs.) However, the fact that an employee or military member will not be on duty for the full year should not preclude acceptance of a payroll allotment if he has sufficient time in service remaining to make the allotment practicable. Three months or more would be considered a reasonable period of time for which to accept an allotment.

(e) *Amount.* (1) Allotters will make a single allotment which is apportioned into equal amounts for deductions each pay period during the year.

(2) The minimum amount for allotment will be determined by the local Federal Coordinating Committee but will be not less than $1.00 bi-weekly, with no restriction on size of increment above the minimum.

(3) No change of amount will be authorized during the term of an allotment.

(4) For the purpose of simplicity and economy in payroll operations, no deduction will be made for any period in which the allotter's net pay, after all legal and previously authorized deductions, is insufficient to cover the allotment. No adjustment will be made in subsequent periods to make up for deductions missed.

(f) *Remittance.* (1) One check will be sent by the payroll office each pay period, in the gross amount of deductions on the basis of current authorizations, to the Central Receipt and Accounting Point at each location for which the payroll office has received allotment authorizations.

(2) The check will be accompanied by a statement identifying the agency and the number of employee deductions. There will be no listing of allotters included or of allotter discontinuances.

(g) *Discontinuance.* (1) Allotments will be discontinued automatically:

(i) On expiration of the one-year withholding period:

(ii) On death, retirement, or separation of allotter from the Federal service.

(2) The allotter may revoke his authorization at any time by requesting it in writing from the payroll office. Discontinuance will be effective the first pay period beginning after receipt of the written revocation in the payroll office.

(3) A discontinued allotment will not be reinstated.

(h) *Transfer.* (1) When an allotter moves to another organizational unit served by a different payroll office in the same CFC location, whether in the same office or a different department or agency, his allotment authorization will be transferred to the new payroll office.

(2) When there is a delay in receiving the transferred authorization in the new payroll office, or when the allotter moves to a location covered by another CFC, the allotter should be permitted to complete a new authorization for the remainder of the one-year withholding period, which will supersede and revoke his previous authorization.

(3) When the allotter moves to a location not covered by a CFC, the allotment will automatically be

terminated unless expressly continued by the individual.

(i) *Accounting.* (1) Federal payroll offices will oversee establishment of individual allotment accounts, deductions each pay period, and reconciliation of employee accounts in accordance with agency and General Accounting Office requirements. The payroll office will accept responsibility for the accuracy of remittances, as supported by current allotment authorizations, and internal accounting and auditing requirements.

(2) The Principal Combined Fund Organization is responsible for the accuracy of transmittal of contributions. It shall transmit at least monthly for campaigns of $100,000 or more or quarterly if less than that amount, minus only the shrinkage factor and approved fee for administrative cost reimbursement. An independent audit will be provided when the CFC receipts exceed $100,000.

(3) Federated and national voluntary agencies, or their designated agents, will accept responsibility for: (i) the accuracy of distribution among the voluntary agencies of remittances from the Principal Combined Fund Organization; and (ii) arrangements for independent audit agreed upon by the participating voluntary agencies.

§ 950.525 National coordination and reporting.

(a) The Office for Regional Operations, U.S. Office of Personnel Management, is responsible under the Director for CFC arrangements.

(b) All local coordinating committees are required to notify the Office for Regional Operations of their campaign areas, their chairman's name and address, and the address of their Central Receipt and Accounting Point.

(c) All chairmen of local Federal Coordinating Committees are required to furnish reports of campaign results to the Office of Regional Operations by January 15 of each year. A reporting format will be furnished to CFC locations prior to that date requesting information on the results of the campaign, including the following:

(1) Basic data (number solicited, number of contributors);

(2) Payroll deductions (number authorizing, total pledged);

(3) Designations;

(4) Amount of undesignated receipts received by Principal Combined Fund Organization;

(5) Campaign costs; and

(6) Narrative summary evaluation of CFC arrangement based upon campaign experience. A copy of the report will be furnished to the local Federal Coordinating Committee, the Principal Combined Fund Organization, and a copy will be made available for inspection by other participating voluntary agencies and federated groups.

(d) All local activities will be coordinated with the national campaign under procedures issued by the Director through the Federal Personnel Manual system and a handbook of instructions (or other appropriate issuance) for use by participating voluntary organizations.

[FR Doc. 18464 Filed 7-2-82; 12:20 pm]

BILLING CODE 6325-01-M

OFFICE OF PERSONNEL MANAGEMENT

National Eligibility Committee for the Combined Federal Campaign; Meeting

In accordance with the Federal Advisory Committee Act, Public Law 92–463, the Director of the Office of Personnel Management announces the following meeting:

Name: National Eligibility Committee for the Combined Federal Campaign.

Date and time: July 21, 1982 at 10 a.m.

Place: The OPM Auditorium (Room GJ–14, on the Ground Floor), U.S. Office of Personnel Management, 1900 E Street, N.W., Washington, D.C.

Type of meeting: Open. Interested persons may submit written statements with the Committee in advance of or at the start of the meeting. Written statements submitted in advance of the meeting may be addressed to the Committee in the care of the Contact Person whose name and address are set forth in this Notice. Written statements submitted at the start of the meeting may be filed with the Committee at the place of the meeting. Oral comments will not be permitted at the meeting, except with the leave of the Chairman or a majority of the Committee.

Contact person: Joseph S. Patti, Special Assistant for Regional Operations, U.S. Office of Personnel Management, 1900 E Street, N.W., Washington, D.C. 20415, telephone 202–632–5544.

Purpose of meeting: The Committee will meet to consider applications of organizations seeking to participate in the Combined Federal Campaign as federated and national voluntary health, welfare, and other appropriate agencies, with fund-raising privileges within the Federal Service, in accordance with Executive Order 12353 (March 23, 1982) and regulations promulgated thereunder, and to determine recommendations on such applications to be made to the Director of the Office of Personnel Management.

Donald J. Devine,

Director, Office of Personnel Management.

[FR Doc. 82–18463 Filed 7–6–82; 12:20 pm]

BILLING CODE 6325–01–M

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Vol. 47, No. 129

Tuesday, July 6, 1982

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Last Listing July 2, 1982

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

H.R. 3863/Pub. L. 97–206 To amend the Poultry Products Inspection Act to increase the number of turkeys which may be slaughtered and processed without inspection under such Act, and for other purposes. (June 30, 1982; 96 Stat. 136) Price: $1.75

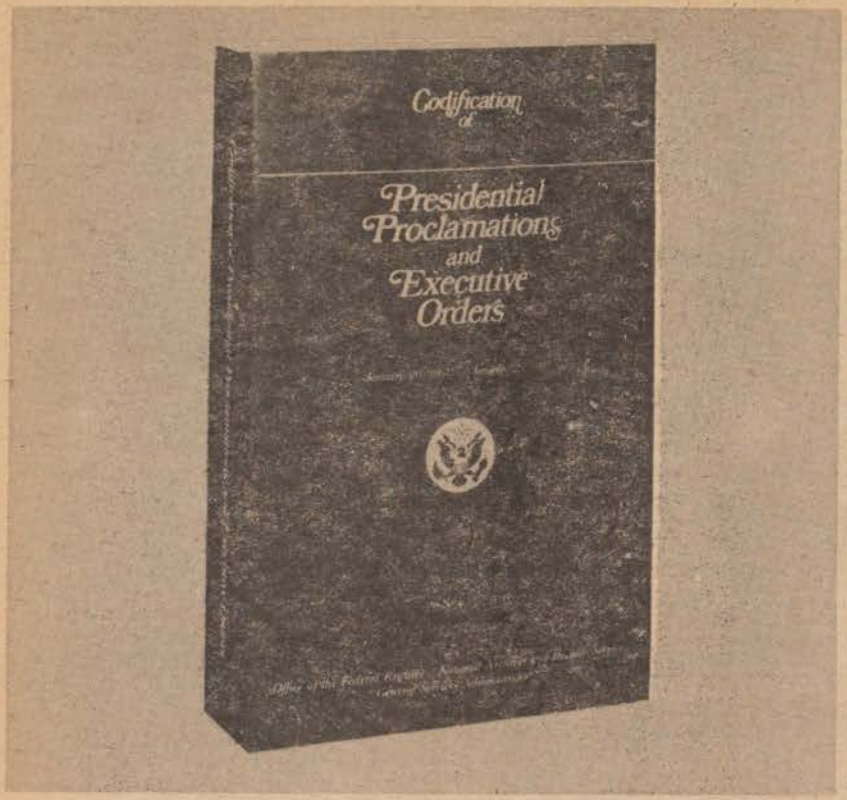
H.R. 4569/Pub. L. 97–207 To designate the United States Post Office Building in Hartford, Connecticut, as the "William R. Cotter Federal Building". (June 30, 1982; 96 Stat. 137) Price: $1.75.

H.R. 6631/Pub. L. 97–208 To authorize humanitarian assistance for the people of Lebanon. (June 30, 1982; 96 Stat. 138) Price: $1.75.

H.J. Res. 230/Pub. L. 97–209 Imploring the Union of Soviet Socialist Republics to allow Doctor Semyon Gluzman and his family to emigrate to Israel. (June 30, 1982; 96 Stat. 139) Price: $1.75.

H.J. Res. 518/Pub. L. 97–210 To designate the week commencing with the fourth Monday in June 1982 as "National NCO/Petty Officer Week". (June 30, 1982; 96 Stat. 140) Price: $1.75.

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For those of you who must keep informed about Presidential proclamations and Executive orders, there is a convenient reference source that will make researching these documents much easier.

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