

# Federal Register

Wednesday  
January 27, 1982

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## Highlights

- 3934 **Handicapped** ATBCB amends accessibility provisions for public telephones. (Part II of this issue)
- 3939 ATBCB proposes minimum guidelines and requirements for Federal and federally-funded buildings and facilities. (Part II of this issue)
- 3905 **Treasury Notes** Treasury announces interest rate on Series N-1984.
- 3763 **Natural Gas** DOE/FERC issues incremental pricing acquisition cost thresholds.
- 4022 **Budget Rescissions and Deferrals** OMB issues report to the President. (Part IV of this issue)
- 4016 **Public Health** HHS/PHS issues regulations on abortion services provided by the Indian Health Service. (Part III of this issue)
- 3821-3823 **Grant Programs—Education** ED seeks applicants for new projects under Challenge, Special Needs, and Strengthening Programs. (3 documents)
- 3821 ED amends application notice on direct grant programs for fiscal year 1982.
- 3824 ED provides information for institutions seeking to become "eligible institutions" under the Strengthening, Special Needs, and Challenge Grant Programs.

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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.

## Highlights

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- 3762 Mining** Commerce/NOAA issues regulations on deep seabed mining.
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# Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

#### 8 CFR Part 238

#### Contracts With Transportation Lines; Addition of Kuwait Airways Corp.

**AGENCY:** Immigration and Naturalization Service, Justice.

**ACTION:** Final rule.

**SUMMARY:** This rule adds Kuwait Airways Corporation to the list of carriers which have entered into agreements with the Service to guarantee the passage through the United States in immediate and continuous transit of aliens destined to foreign countries.

**EFFECTIVE DATE:** December 21, 1981.

**FOR FURTHER INFORMATION CONTACT:** Stanley J. Kieszkil, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, D.C. 20536, Telephone: (202) 633-3048.

**SUPPLEMENTARY INFORMATION:** This amendment to 8 CFR 238.3 is published pursuant to 5 U.S.C. 552. The Commissioner of Immigration and Naturalization Service entered into an agreement with Kuwait Airways Corporation on December 21, 1981 to guarantee passage through the United States in immediate and continuous transit of aliens destined to foreign countries.

This agreement provides for the waiver of certain documentary requirements and facilitates the air travel of passengers on international flights while passing through the United States.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendments merely make

editorial changes to the listing of transportation lines.

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

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

#### PART 238—CONTRACTS WITH TRANSPORTATION LINES

Accordingly, 8 CFR Part 238 is amended as follows:

##### § 238.3 [Amended]

In § 238.3 *Aliens in immediate and continuous transit*, the listing of transportation lines in paragraph (b) *Signatory lines* is amended by:

1. Adding in alphabetical sequence, "Kuwait Airways Corporation."

(Secs. 103, 66 Stat. 173 [8 U.S.C. 1103]; 238, 66 Stat. 202 [8 U.S.C. 1228])

Dated: January 21, 1982.

Alan C. Nelson,

*Acting Commissioner of Immigration and Naturalization.*

[FR Doc. 82-1978 Filed 1-26-82; 8:45 am.]

BILLING CODE 4410-10-M

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 9 CFR Part 82

[Docket 82-008]

#### Exotic Newcastle Disease and Psittacosis or Ornithosis in Poultry; Area Quarantined; Orange County, Calif.

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** The purpose of this amendment is to quarantine a portion of Orange County in California because of the existence of exotic Newcastle disease. Exotic Newcastle disease was confirmed in such portion of Orange County in California on January 18, 1982. Therefore, in order to prevent the dissemination of exotic Newcastle disease, it is necessary to quarantine the affected area.

**EFFECTIVE DATE:** January 21, 1982.

#### FOR FURTHER INFORMATION CONTACT:

W. W. Buisch, Chief, National Emergency Field Operations, Emergency Programs, Veterinary Services, USDA, Federal Building, Room 748, Hyattsville, MD 20782, 301-436-8073.

#### SUPPLEMENTARY INFORMATION:

#### Executive Order 12291 and Emergency Action

This final action has been reviewed in conformance with Executive Order 12291, and has been determined to be not a "major rule." Also, the emergency nature of this action makes it impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule.

The Department has determined that this rule will have an annual effect on the economy of less than \$100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not have any significant adverse effects on competition, employment, investment, productivity, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Dr. J. K. Atwell, Deputy Administrator, USDA, APHIS, VS, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this final action. This amendment is necessary to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry, and must be made effective immediately to accomplish its purpose in the public interest.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the Federal Register.

#### Certification Under the Regulatory Flexibility Act

Dr. Harry C. Mussman, Administrator of the Animal and Plant Health

Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because the quarantine imposed due to the existence of exotic Newcastle disease affects only one premises, and that premises is not owned by a small entity.

This amendment quarantines a portion of Orange County in California because of the existence of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah, and psittacine birds, and birds of all other species under any form of confinement, and their carcasses, and parts thereof, and certain other articles, from quarantined areas, as contained in 9 CFR Part 82, as amended, will apply to the quarantined area.

**PART 82—EXOTIC NEWCASTLE DISEASE IN ALL BIRDS AND POULTRY; PSITTACOSIS AND ORNITHOSIS IN POULTRY**

Accordingly, Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respect:

In § 82.3, new paragraph (c)(3) is added to read:

**§ 82.3 Imposition and removal of quarantine.**

\* \* \* \* \*  
(c) \* \* \*  
\* \* \* \* \*

(3) *California.* (i) The premises of John Nichol, 8581 Bayonne Drive, Huntington Beach, Orange County.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111-113, 115, 117, 120, 123-126, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141))

Done at Washington, D.C., this 21st day of January 1982.

**K. R. Hook,**  
*Acting Deputy Administrator, Veterinary Services.*

[FR Doc. 82-2059 Filed 1-26-82; 8:45 am]

BILLING CODE 3410-34-M

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

**14 CFR Part 1262**

**Implementation of the Equal Access to Justice Act in Agency Proceedings**

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Interim rule with request for comment.

**SUMMARY:** This regulation implements the Equal Access to Justice Act (Pub. L. 96-481, 94 Stat. 2325) requirement for procedures for the award of fees in administrative proceedings, and is based on the final model regulations of the Administrative Conference of the United States (46 FR 32900, June 25, 1981). Comments which have been considered by the Administrative Conference should not be resubmitted in commenting on this Agency's regulations; rather, the comments should be limited to the particular situation of the National Aeronautics and Space Administration (NASA) as specified in the rules.

**DATES:** Interim rule effective October 1, 1981. Comments must be submitted in writing on or before February 26, 1982.

**ADDRESS:** Office of General Counsel, Code GS-1, National Aeronautics and Space Administration, Washington, DC 20546.

**FOR FURTHER INFORMATION CONTACT:** Richard J. Wieland or Sara Najjar, Telephone (202) 755-3920.

**SUPPLEMENTARY INFORMATION:** The Equal Access to Justice Act authorizes, in pertinent part, the award of attorney fees and other expenses to eligible parties who prevail against the United States in Agency proceedings which are adversary adjudications—proceedings under 5 U.S.C. 554 of the Administrative Procedure Act, in which the position of the Agency is represented by counsel or otherwise. The Act becomes effective October 1, 1981, and applies to adversary adjudications pending at anytime between October 1, 1981, and September 30, 1984.

**E.O. 12291 Federal Regulation**

The Administrator has determined that this is not a major rule for the purposes of Executive Order 12291 (46 FR 13193, February 19, 1981).

Regulatory Flexibility Act (Pub. L. 96-354, September 19, 1980, 5 U.S.C. 601 et seq.).

The Administrator certifies that this regulation will not have a significant economic impact on a substantial number of small entities.

14 CFR is amended by adding a new Part 1262, reading as follows:

**PART 1262—EQUAL ACCESS TO JUSTICE ACT IN AGENCY PROCEEDINGS**

**Subpart 1262.1—General Provisions**

- Sec.
- 1262.101 Purpose of these rules.
- 1262.102 When the act applies.
- 1262.103 Proceedings covered.
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- 1262.305 Settlement.
- 1262.306 Further proceedings.
- 1262.307 Decision.
- 1262.308 Agency review.
- 1262.309 Judicial review.
- 1262.310 Pay of award.

**Authority:** Sec. 203(a)(1), Pub. L. 96-481, 94 Stat. 2325 (Oct. 21, 1980)—5 U.S.C. 504; Sec. 203(c)(1) of the National Aeronautics and Space Act of 1958, as amended—42 U.S.C. 2473(c)(1).

**Subpart 1262.1—General Provisions**

**§ 1262.101 Purpose of these rules**

The Equal Access to Justice Act, 5 U.S.C. 504 (hereinafter "the Act") provides for the award of attorney fees and other expenses to eligible individuals and entities who are parties to certain administrative proceedings (called "adversary adjudications"). An eligible party may receive an award when it prevails, unless the Agency's position in the proceeding was substantially justified or special circumstances make an award unjust. The rules in this part describe the parties eligible for awards and the proceedings that are covered. They also explain how to apply for awards, and the procedures and standards that the National Aeronautics and Space Administration (NASA) will use in determining awards.

**§ 1262.102 When the act applies.**

The Act applies to any adversary adjudication pending before NASA (hereinafter "Agency") at any time between October 1, 1981, and September 30, 1984. This includes proceedings begun before October 1, 1981, if final Agency action has not been taken before that date, and proceedings pending on September 30, 1984, regardless of when they were initiated or when final Agency action occurs. It does not include proceedings which are covered by a compromise or settlement agreement.

**§ 1262.103 Proceedings covered.**

(a) The Act applies to adversary adjudications conducted by the Agency. These are adjudications under 5 U.S.C. 554 in which the position of NASA or any other agency of the United States, or any component of an agency, is presented by an attorney or other representative who enters an appearance and participates in the proceeding. Any proceeding in which this Agency may prescribe a lawful present or future rate is not covered by the Act. Proceedings to grant or renew licenses are also excluded, but proceedings to modify, suspend, or revoke licenses are covered if they are otherwise adversary adjudications. At this time, the Agency has no proceedings within the Act's ambit. A 30-day notice in the *Federal Register* will be issued for any prospective proceeding to be governed by this part.

(b) NASA may also designate a proceeding as an adversary adjudication for purposes of the Act by so stating in an order initiating the proceeding or designating the matter for hearing. The Agency's failure to designate a proceeding as an adversary adjudication shall not preclude the filing of an application by a party who believes the proceeding is covered by the Act; whether the proceeding is covered will then be an issue for resolution in proceedings on the application.

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

**§ 1262.104 Eligibility of applicants.**

(a) To be eligible for an award of attorney fees and other expenses the applicant must be a party to the adversary adjudication for which an award is sought. The term "party" is defined in 5 U.S.C. 551(3). The applicant must show that it meets all conditions of eligibility set out in this subpart and in subpart 1262.2.

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

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

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

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

(4) A cooperative association as defined in section 15(a) of the

Agricultural Marketing Act (12 U.S.C. 1141j(a)) with not more than 500 employees; and

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

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

(d) An applicant who owns an unincorporated business will be considered as an "individual" rather than a "sole owner of an unincorporated business" if the issues on which the applicant prevails are related primarily to personal interests rather than to business interests.

(e) The employees of an applicant include all persons who regularly perform services for remuneration for the applicant, under the applicant's direction and control. Part-time employees shall be included on a proportional basis.

(f) The net worth and number of employees of the applicant and all of its affiliates shall be aggregated to determine eligibility. Any individual, corporation or other entity that directly or indirectly controls or owns a majority of the voting shares or other interest of the applicant, or any corporation or other entity of which the applicant directly or indirectly owns or controls a majority of the voting shares or other interest, will be considered an affiliate for purposes of this part, unless the adjudicative officer determines that such treatment would be unjust and contrary to the purposes of the Act in light of the actual relationship between the affiliated entities. In addition, the adjudicative officer may determine that financial relationships of the applicant other than those described in this paragraph constitute special circumstances that would make an award unjust.

(g) An applicant that participates in a proceeding primarily on behalf of one or more other persons or entities that would be ineligible is not itself eligible for an award.

**§ 1262.105 Standards for awards.**

(a) A prevailing applicant may receive an award for fees and expenses incurred in connection with a proceeding, or in a significant and discrete substantive portion of the proceeding, unless the position of the agency over which the applicant has prevailed was substantially justified. No presumption arises that the agency's position was not substantially justified simply because the agency did not prevail. The burden

of proof that an award should not be made to an eligible prevailing applicant is on the agency, which may avoid an award by showing that its position was reasonable in law and fact.

(b) An award will be reduced or denied if the applicant has unduly or unreasonably protracted the proceeding or if special circumstances make the award sought unjust.

**§ 1262.106 Allowable fees and expenses.**

(a) Awards will be based on rates customarily charged by persons engaged in the business of acting as attorneys, agents and expert witnesses, even if the services were made available, without charge or at a reduced rate to the applicant.

(b) No award for the fee of an attorney or agent under these rules may exceed \$75.00 per hour. No award to compensate an expert witness may exceed the highest rate at which this Agency pays expert witnesses, which is \$20 an hour (2 hours maximum) or maximum daily rate of \$100.00 (three days maximum). However, an award may also include the reasonable expenses of the attorney, agent, or witness as a separate item, if the attorney, agent or witness ordinarily charges clients separately for such expenses.

(c) In determining the reasonableness of the fee sought for an attorney, agent or expert witness, the adjudicative officer shall consider the following:

(1) If the attorney, agent or witness is in private practice, his or her customary fee for similar service, or, if an employee of the applicant, the fully allocated cost of the services;

(2) The prevailing rate for similar services in the community in which the attorney, agent or witness ordinarily performs services;

(3) The time actually spent in the representation of the application;

(4) The time reasonably spent in light of the difficulty or complexity of the issues in the proceeding; and

(5) Such other factors as may bear on the value of the services provided.

(d) The reasonable cost of any study, analysis, engineering report, test, project or similar matter prepared on behalf of a party may be awarded, to the extent that the charge for the service does not exceed the prevailing rate for similar services, and the study or other matter was necessary for preparation of the applicant's case.

**§ 1262.107 Rulemaking on maximum rates for attorney fees.**

(a) If warranted by an increase in the cost of living or by special

circumstances (such as limited availability of attorneys qualified to handle certain types of proceedings), the Agency may adopt regulations providing that attorney fees may be awarded at a rate higher than \$75 per hour in some or all of the types of proceedings covered by this part. This Agency will conduct any rulemaking proceedings for this purpose under the informal rulemaking procedures of the Administrative Procedure Act (5 U.S.C. 553).

(b) Any person may file with the Agency a petition for rulemaking to increase the maximum rate for attorney fees. The petition should be addressed to the General Counsel, NASA Headquarters, Washington, D.C. 20546; should identify the rate the petitioner believes the Agency should establish and the types of proceedings in which the rate should be used; and should also explain fully the reasons why the higher rate is warranted. The Agency will respond to the petition within 60 days after it is filed, by initiating a rulemaking proceeding or denying the petition, or taking other appropriate action.

#### § 1262.108 Awards against other agencies.

If an applicant is entitled to an award because it prevails over another agency of the United States that participates in a proceeding before NASA, the award or an appropriate portion of the award shall be made against that agency if it had taken a position that is not substantially justified.

#### § 1262.109 Delegation of authority.

(a) The NASA Administrator hereby delegates authority to the General Counsel or his/her designee to take final action on matters pertaining to the Act.

(b) The NASA Administrator may, in particularly specified matters under the Act, delegate authority to officials other than those listed in paragraph (a) of this section.

### Subpart 1262.2—Information Required From Applicants

#### § 1262.201 Contents of application.

(a) An application for an award of fees and expenses under the Act shall identify the applicant and the proceeding for which an award is sought. The application shall show that the applicant has prevailed and identify the position of an agency or agencies in the proceeding that the applicant alleges was not substantially justified. Unless the applicant is an individual, the application shall also state the number of employees of the applicant and

describe briefly the type and purpose of its organization or business.

(b) The application shall also include a statement that the applicant's net worth does not exceed \$1 million (if an individual) or \$5 million (for all other applicants, including their affiliates). However, an applicant may omit this statement if the applicant:

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

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

(c) The application shall state the amount of fees and expense for which an award is sought.

(d) The application may also include any other matters that the applicant wishes this Agency to consider in determining whether and in what amount an award should be made.

(e) The application shall be signed by the applicant or an authorized officer or attorney of the applicant. It shall also contain or be accompanied by a written verification under oath or under penalty or perjury that the information provided in the application is true and correct.

#### § 1262.202 Net worth exhibit.

(a) Each applicant except a qualified tax-exempt organization or cooperative association must provide with its application a detailed exhibit showing the net worth of the applicant and any affiliates (as defined in § 1262.104(f) of this part) when the proceeding was initiated. The exhibit may be in any form convenient to the applicant that provides full disclosure of the applicant's and its affiliates' assets and liabilities and is sufficient to determine whether the applicant qualifies under the standards in this part. The adjudicative officer may require an applicant to file additional information to determine its eligibility for an award.

(b) Ordinarily, the net worth exhibit will be included in the public record of the proceeding. However, an applicant that objects to public disclosure of information in any portion of the exhibit and believes there are legal grounds for withholding it from disclosure may submit that portion of the exhibit directly to the adjudicative officer in a sealed envelope labeled "Confidential Financial Information," accompanied by

a motion to withhold the information from public disclosure. The motion shall describe the information sought to be withheld and explain, in detail, why it falls within one or more of the specific exemptions from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. 552(b)(1)-(9), why public disclosure of the information would adversely affect the applicant, and why disclosure is not required in the public interest. The materials in question shall be served on counsel representing the agency against which the applicant seeks an award, but need not be served on any other party to the proceeding. If the adjudicative officer finds that the information should not be withheld from disclosure, it shall be placed in the public record of the proceeding. Otherwise, any request to inspect or copy the exhibit shall be disposed of in accordance with the Agency's regulations under the Freedom of Information Act, at 14 CFR Part 1206.

#### § 1262.203 Documentation of fees and expenses.

The application shall be accompanied by full documentation of the fees and expenses, including the cost of any study, analysis, engineering report, test, project or similar matter, for which an award is sought. A separate itemized statement, accompanied by an oath or affirmation under penalty of perjury (28 U.S.C. 1746), shall be submitted for each professional firm or individual whose services are covered by the application, showing the hours spent in connection with the proceeding by each individual, a description of the specific services performed, the rate at which each fee has been computed, any expenses for which reimbursement is sought, the total amount paid or payable by the applicant or by any other person or entity for the services provided. The adjudicative officer may, in addition, require the applicant to provide vouchers, receipts, or other substantiation for any expenses claimed.

#### § 1262.204 When an application may be filed.

(a) An application may be filed whenever the applicant has prevailed in the proceeding or in a significant and discrete substantive portion of the proceeding, but in no case later than 30 days after the Agency's final disposition of the proceeding.

(b) If review or reconsideration is sought or taken of a decision as to which an applicant believes it has prevailed, proceedings for the award of fees shall be stayed pending final

disposition of the underlying controversy.

(c) For purposes of this rule, final disposition means the latter of (1) the date on which the adjudicative officer's initial decision or other recommended disposition of the merits of the proceeding is issued; (2) the date on which an order is issued disposing of any petitions for reconsideration; (3) if no petition for reconsideration is filed, the last date on which such a petition could have been filed; or (4) the date of a final order or any other final resolution of the proceeding, such as a settlement or a voluntary dismissal, which is not subject to a petition for reconsideration.

#### Subpart 1262.3—Procedures for Considering Applications

##### § 1262.301 Filing and service of documents.

Any application for an award or other pleading or document related to an application shall be filed and served on all parties to the proceeding in the same manner as other pleadings in the proceeding, except as provided in § 1262.202(b) for confidential financial information.

##### § 1262.302 Answer to application.

(a) Within 30 calendar days after service of an application, counsel representing the agency against which an award is sought may file an answer to the application. Unless agency counsel requests an extension of time for filing or files a statement of intent to negotiate under paragraph (b) of this section, failure to file an answer within the 30-day period may be treated as a consent to the award requested.

(b) If agency counsel and the applicant believes that the issues in the fee application can be settled, they may jointly file a statement of their intent to negotiate a settlement. The filing of this statement shall extend the time for filing an answer for an additional 30 calendar days, and further extensions may be granted by the adjudicative officer upon request by agency counsel and the applicant.

(c) The answer shall explain in detail any objections to the award requested and identify the facts relied on in support of agency counsel's position. If the answer is based on any alleged facts not already in the record of the proceeding, agency counsel shall include with the answer either supporting affidavits or a request for further proceedings under § 1262.306.

##### § 1262.303 Reply.

Within 15 calendar days after service of an answer, the applicant may file a reply. If the reply is based on any alleged facts not already in the record of the proceeding, the applicant shall include with the reply either supporting affidavits or a request for further proceedings under § 1262.306.

##### § 1262.304 Comments by other parties.

Any party to a proceeding other than the applicant and agency counsel may file comments on an application within 30 calendar days after it is served or on an answer within 15 calendar days after it is served. A commenting party may not participate further in proceedings on the application unless the adjudicative officer determines that the public interest requires such participation in order to permit full exploration of matters raised in the comments.

##### § 1262.305 Settlement.

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

##### § 1262.306 Further proceedings.

(a) Ordinarily, the determination of an award will be made on the basis of the written record. However, on request of either the applicant or agency counsel, or on his or her own initiative, the adjudicative officer may order further proceedings, such as an informal conference, oral argument, additional written submissions or an evidentiary hearing. Such further proceedings shall be held only when necessary to full and fair resolution of the issues arising from the application, and shall be conducted as promptly as possible.

(b) A request that the adjudicative officer order further proceedings under this section shall specifically identify the information sought or the disputed issues and shall explain why the additional proceedings are necessary to resolve the issues.

##### § 1262.307 Decision.

The adjudicative officer shall issue an initial decision on the application within 90 calendar days after completion of proceedings on the application. The decision shall include written findings and conclusions on such of the following as are relevant to the decision: (1) The

applicant's eligibility and status as a prevailing party; (2) whether the Agency's position was substantially justified; (3) whether the applicant unduly protracted the proceedings, or whether special circumstances make an award unjust; and (4) the amounts, if any, awarded for fees and expenses with an explanation of the reasons for any difference between the amount requested and the amount awarded. Further, if the applicant has sought an award against more than one agency, the decision shall allocate responsibility for payment of any award made among the agencies, and shall explain the reasons for the allocation made.

##### § 1262.308 Agency review.

(a) Within 30 calendar days of the receipt of the adjudicative officer's initial decision on the fee application, either the applicant or agency counsel may seek reconsideration of the decision; or, the NASA Administrator, upon the recommendation of the General Counsel, may decide to review the decision based on the record. Whether to review a decision is solely a matter within the discretion of the NASA Administrator. A 15-day notice of such review will be given the applicant and agency counsel, and a determination made not later than 45 days from the date of notice. The Administrator may make a final determination concerning the application or remand the application to the adjudicative officer for further proceedings.

(b) If neither the applicant nor agency counsel seek reconsideration, and the NASA Administrator does not on his/her own initiative take a review, the adjudicative officer's initial decision on the fee application shall become a final decision of the Agency 45 days after it is issued.

##### § 1262.309 Judicial review.

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

##### § 1262.310 Payment of award.

(a) An applicant seeking payment of an award shall submit to the paying agency a copy of the Agency's final decision granting the award, accompanied by a statement that the applicant will not seek review of the decision in the United States courts. The submission to NASA should be addressed as follows: Director, Financial Management Division, NASA Headquarters, Washington, D.C. 20546.

(b) Subject to the availability of funds appropriated for this purpose, the

Agency will pay the amount awarded to the applicant within 60 days, if feasible, unless judicial review of the award or of the underlying decision of the adversary adjudication has been sought by the applicant or any other party to the proceeding.

James M. Beggs,  
Administrator.

January 7, 1982.

[FR Doc. 82-1979 Filed 1-26-82; 8:45 am]

BILLING CODE 7510-01-M

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 15 CFR Part 970

#### Deep Seabed Mining Regulations for Exploration Licenses

**AGENCY:** National Oceanic and Atmospheric Administration, Commerce.

**ACTION:** Final rule.

**SUMMARY:** On September 15, 1981, at 46 FR 45890, the National Oceanic and Atmospheric Administration (NOAA) issued regulations, effective October 15, 1981, to implement certain provisions of the Deep Seabed Hard Mineral Resources Act (Pub. L. 96-283, "the Act"). NOAA reserved Subpart C at that time in order to ensure compatibility between domestic and international seabed mining procedures. This rulemaking is meant to notify potential applicants that, despite the fact that Subpart C is incomplete, NOAA will begin accepting license applications for deep seabed mining exploration from pre-enactment explorers on January 25, 1982. The remainder of Subpart C will be published upon the completion of an international seabed mining agreement.

**EFFECTIVE DATE:** This rule is effective on January 25, 1982.

**ADDRESS:** Inquiries, applications and other supporting documents should be directed to: Office of Ocean Minerals and Energy, National Oceanic and Atmospheric Administration, Page Building 1, Suite 410, 2001 Wisconsin Avenue, NW, Washington, D.C. 20235. Telephone: (202) 653-7695.

**FOR FURTHER INFORMATION CONTACT:** James P. Lawless, Acting Director, Office of Ocean Minerals and Energy, National Oceanic and Atmospheric Administration, Page Building 1, Room 410, 2001 Wisconsin Avenue, NW, Washington, D.C. 20235. Telephone: (202) 653-7695.

**SUPPLEMENTARY INFORMATION:** 15 CFR Part 970, Subpart C, which will set forth

rules pertaining to dates and procedures for the filing of deep seabed mining pre-enactment explorer and initial new entrant applications and for resolving conflicts between overlapping applications, involves issues which are currently being considered by the U.S. and other seabed mining nations likely to become "reciprocating states" under section 118 of the Act. NOAA had previously reserved Subpart C when it published the rest of its final regulations (46 FR 45890, September 15, 1981), because of its desire to adopt final domestic regulations addressing the above matters which would be compatible with the equivalent concepts and procedures ultimately agreed to by the other seabed mining nations. Although a reciprocating states agreement is nearly complete, NOAA does not wish to publish the final version of Subpart C until the final draft of the international agreement has been agreed upon. However, because of the progress made in the international discussions, NOAA has decided to begin accepting applications from pre-enactment explorers for licenses to engage in deep seabed mining exploration activities as of 8:30 a.m. EST on January 25, 1982. NOAA anticipates that, following the conclusion of the reciprocating states agreements, applications seeking a pre-enactment explorer priority of right will not be accepted after 5:00 p.m. EST on February 19, 1982, or such later date as the Administrator may establish based on the status of the reciprocating states negotiations. Under such a procedure, all applications submitted during this time period will be deemed to have been filed at 5:00 p.m. EST on February 19, 1982, or such later date established by the Administrator, for the purpose of determining pre-enactment explorer priorities of right.

#### Classification Under Executive Order 12291

NOAA determined that the overall regulations for deep seabed mining exploration should be considered as major under Executive Order 12291 of February 17, 1981, because they will foster and govern development of the United States deep seabed mining industry. Thus, NOAA prepared a final regulatory impact analysis for the regulations, pursuant to section 3 of the Executive Order, which was transmitted to the Office of Management and Budget. The Administrator of NOAA determined that these final rules are clearly within the authority delegated by law and are consistent with Congressional intent. The rules are authorized by section 308 of the Act, and

respond to specific provisions or requirements found in sections 101 through 118 of Title I of the Act.

Since the final regulatory impact analysis has already considered the criteria and procedures relating to pre-enactment explorers found in Subpart C and since Subpart C is only a small part of the deep seabed mining regulations, NOAA further has determined that, under the criteria in section 1(b) of the Executive Order, this Subpart C, alone, is not a major regulation.

The final regulatory impact analysis was done in such a way as to include a final regulatory flexibility analysis as required by the Regulatory Flexibility Act, Pub. L. 96-354. Copies of the analysis may be obtained by writing to the Director, Office of Ocean Minerals and Energy, NOAA, at the address specified in the ADDRESS section of this preamble.

#### Paperwork Reduction Act, Pub. L. 96-511

Because of the limited number of persons initially subject to the regulations (historically there have been four consortia with U.S. companies participating which are involved in deep seabed mining development, and these four are expected to apply to NOAA for exploration licenses), NOAA believes the regulations do not contain "collection of information" requests within the meaning of 44 U.S.C. 3502(4) and 3502(11). Accordingly, § 970.906 of the final regulations, issued on September 15, 1981, contains a statement that the information requested is not subject to the requirements of 44 U.S.C. 3507. NOAA plans to review these regulations periodically, and to revise them if necessary based on that review. During the review, or earlier if necessary, NOAA will review its projections of the expected number of license applications and take any actions necessary under the Paperwork Reduction Act on that basis.

#### Environmental Impact Statement

Pursuant to section 109(c) of the Act and the National Environmental Policy Act of 1969, NOAA has prepared a final programmatic environmental impact statement (PEIS) assessing the environmental impacts of exploration and commercial recovery in the area of the oceans in which such activities by any United States citizen will likely first occur under the authority of the Act. The PEIS has been filed with the Environmental Protection Agency. Copies may be obtained by writing the Director, Office of Ocean Minerals and

Energy, NOAA, at the address specified in the ADDRESS section of this preamble.

**EFFECTIVE DATE:** In order that U.S. pre-enactment explorers be allowed to file applications in a timely manner compared to pre-enactment explorers filing applications with foreign governments likely to become reciprocating states under § 118 of the Act, and in order to allow compatibility with the schedule for processing pre-enactment explorer applications as agreed to by the United States Government and the governments of prospective reciprocating states, and for other foreign policy reasons, procedures in this Subpart C must become effective immediately. Accordingly, NOAA finds that good cause exists under 5 U.S.C. 553(d) to make these regulations effective on January 25, 1982.

Dated: January 22, 1982.

John V. Byrne,  
Administrator.

**PART 970—DEEP SEABED MINING REGULATIONS FOR EXPLORATION LICENSES**

Accordingly, a new Subpart C is added to Title 15, Part 970 of the Code of Federal Regulations. The text of Subpart C follows:

**Subpart C—Procedures for Applications Based on Exploration Commenced Before June 28, 1980; Resolution of Conflicts Among Overlapping Applications; Applications by New Entrants**

**§ 970.300 Applications seeking pre-enactment explorer priority of right.**

(a) On January 25, 1982 at 8:30 a.m. EST, the Administrator will begin accepting, at the address specified in § 970.200(b), applications, based on pre-enactment exploration, for licenses to conduct deep seabed mining exploration activities.

(b) The Administrator anticipates that applications seeking a pre-enactment explorer priority of right for issuance of a license will not be accepted after 5:00 p.m. EST on February 19, 1982 (or such later date and time as the Administrator may establish following the conclusion of reciprocating states agreements reached pursuant to section 118 of the Act).

(c) All applications submitted to the Administrator at or after 8:30 a.m. EST on January 25 and at or before 5:00 p.m. EST on February 19, 1982, (or such alternative closing date and time established by the Administrator pursuant to paragraph (b) of this section), will be deemed to have been filed at 5:00 p.m. EST on February 19, 1982 (or on the above alternative closing date) for the purpose of establishing a pre-enactment explorer priority of right.

(d) Prospective applicants are advised that, following the conclusion of the reciprocating states arrangements now under negotiation, the Administrator will issue additional regulations applicable to the filing of applications seeking a pre-enactment explorer priority of right.

(30 U.S.C. 1401 et seq.)  
[FR Doc. 82-2155 Filed 1-26-82; 8:45 am]  
BILLING CODE 3510-12-M

**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

**18 CFR Part 282**

[Docket No. RM79-14]

**Incremental Pricing Regulations Implementing the Incremental Pricing Provision of the Natural Gas Policy Act of 1978**

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Order Prescribing Incremental Pricing Thresholds.

**SUMMARY:** The Director of the Office of Pipeline and Producer Regulation is issuing the incremental pricing acquisition cost thresholds prescribed by Title II of the Natural Gas Policy Act and 18 CFR 282.304. The Act requires the Commission to compute and publish the threshold prices before the beginning of each month for which the figures apply. Any cost of natural gas above the applicable threshold is considered to be an incremental gas cost subject to incremental pricing surcharging.

**EFFECTIVE DATE:** February 1, 1982.

**FOR FURTHER INFORMATION CONTACT:** Kenneth A. Williams, Federal Energy Regulatory Commission, 825 N. Capitol Street NE., Washington, D.C. 20426, (202) 357-8500.

**SUPPLEMENTARY INFORMATION:**

Issued: January 21, 1982.

In the matter of publication of prescribed incremental pricing acquisition cost threshold of the NGPA of 1978, Docket No. RM79-14; order of the Director, OPFR.

Section 203 of the NGPA requires that the Commission compute and make available incremental pricing acquisition cost threshold prices prescribed in Title II before the beginning of any month for which such figures apply.

Pursuant to that mandate and pursuant to § 375.307(l) of the Commission's regulations, delegating the publication of such prices to the Director of the Office of Pipeline and Producer Regulation, the incremental pricing acquisition cost threshold prices for the month of February 1982 is issued by the publication of a price table for the applicable month.

Kenneth A. Williams,  
Director, Office of Pipeline and Producer Regulation.

TABLE I—INCREMENTAL PRICING ACQUISITION COST THRESHOLD PRICES

	January	February	March	April	May	June	July	August	September	October	November	December
<b>Calendar Year 1980</b>												
Incremental pricing threshold.....	\$1.702	\$1.738	\$1.750	\$1.782	\$1.776	\$1.790	\$1.804	\$1.819	\$1.834	\$1.849	\$1.863	\$1.877
NGPA section 102 threshold.....	2.358	2.381	2.404	2.428	2.453	2.478	2.504	2.532	2.560	2.588	2.614	2.640
NGPA section 109 threshold.....	1.786	1.799	1.812	1.825	1.839	1.853	1.867	1.883	1.899	1.915	1.929	1.943
130 Pct of No. 2 fuel oil in New York City threshold.....	7.170	7.260	7.410	7.110	7.380	8.040	7.840	7.380	7.400	7.400	7.450	7.580
<b>Calendar Year 1981</b>												
Incremental pricing threshold.....	\$1.891	\$1.908	\$1.925	\$1.942	\$1.954	\$1.967	\$1.980	\$1.990	\$2.000	\$2.010	\$2.025	\$2.041
NGPA section 102 threshold.....	2.667	2.698	2.729	2.761	2.787	2.813	2.840	2.863	2.886	2.909	2.940	2.971
NGPA section 109 threshold.....	1.957	1.975	1.993	2.011	2.024	2.037	2.050	2.060	2.070	2.080	2.096	2.112
130 Pct of No. 2 fuel oil in New York City threshold.....	7.610	7.760	8.260	9.010	9.510	9.430	9.360	9.260	8.860	8.700	8.930	8.990

TABLE I—INCREMENTAL PRICING ACQUISITION COST THRESHOLD PRICES—Continued

	January	February	March	April	May	June	July	August	September	October	November	December
Calendar Year 1982												
Incremental pricing threshold.....	\$2.057	\$2.071										
3.003NGPA section 102 threshold.....	3.003	3.039										
NGPA section 109 threshold.....	2.128	2.143										
130 Pct of No. 2 fuel oil in New York City threshold.....	9.180	9.340										

[FR Doc. 82-1980 Filed 1-26-82; 9:35 am]

BILLING CODE 6717-01-M

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52****[A-5-FRL-2025-3]****Approval and Promulgation of Implementation Plans; Michigan****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice of final rule.

**SUMMARY:** The purpose of today's rulemaking is to announce final approval of a revision to Rule 336.1220 in Michigan's State Implementation Plan (SIP). Michigan has requested approval of its revision to Rule 336.1220 which requires offsets in ozone nonattainment areas to exempt nonreactive volatile organic compounds identified by EPA. In addition, Michigan has revised R336.1220 to clarify its policy on the use of emission offsets in the southeast Michigan ozone nonattainment area. The basis for this rule change is EPA's policy allowing exemptions of nonreactive volatile compounds from control requirements.

**EFFECTIVE DATE:** This action will be effective on March 29, 1982, unless notice is received within 30 days that someone wishes to submit critical or adverse comments.

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

Air Programs Branch, U.S.

Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604

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

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

**FOR FURTHER INFORMATION CONTACT:** Toni Lesser, Regulatory Analysis

Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6037.

**SUPPLEMENTARY INFORMATION:** On July 22, 1980, EPA published a notice in the *Federal Register* (45 FR 48941) announcing its determination that several halogenated organics had negligible reactivity in terms of photochemical ozone production. EPA stated that as a result of this determination, it need not approve or enforce controls on these compounds as part of a federally enforceable ozone State Implementation Plan (SIP). On September 1, 1981, the State of Michigan, pursuant to EPA's notice of July 22, 1980, submitted a revision to its Rule 336.1220, which requires emission offsets in ozone nonattainment areas to exempt those compounds listed in EPA's notice. The revised R336.1220 was approved by the Michigan Air Pollution Control Commission (Commission) on July 21, 1981, and became effective August 21, 1981. R336.1220 contains the following elements:

(1) A provision that prohibits the use of a nonreactive compound at an existing source as an emission offset for the installation of a source which would emit reactive volatile organic compounds;

(2) Exemptions of the same organic compounds listed in the July 22, 1980 (45 FR 48941) notice, and

(3) A provision that prior to start-up of the proposed construction, a reduction (offset) of the total hourly and annual volatile organic compound emission from existing sources equal to 110 percent of allowed emissions for the proposed equipment shall be provided. The emission offset for a source locating in Wayne, Oakland, Macomb, St. Clair, Washtenaw, Livingston, and Monroe Counties (those in the southeast Michigan ozone nonattainment areas) shall be secured from sources in any of those counties. The emission offset for a source locating in any other ozone nonattainment county may be secured from any ozone nonattainment county in Michigan, except Wayne, Oakland, Macomb, St. Clair, Washtenaw, Livingston, and Monroe Counties. The purpose of this change is to clarify the intent that emission offset for new sources in these seven county

areas may be obtained from any of those counties, not just the county where the new source is locating.

In addition, R336.1220(e)(x) permits the commission to exempt any other volatile compound which can be demonstrated to be nonreactive in the formation of ozone. Any exemption obtained pursuant to (e)(x) must be submitted to EPA as a SIP revision.

EPA takes action today to approve amended R336.1220 as a revision to the federally approved Michigan SIP. Approval of the revisions to R336.1220 will not interfere with attainment and maintenance of the ozone National Ambient Air Quality Standards. EPA believes that this action is a noncontroversial rulemaking, since the revised rule simply affirms a State action. This action will be effective March 29, 1982. However, if EPA is notified within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and a new rulemaking will propose this action and establish a comment period.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator certified on January 27, 1981 (46 FR 8709) that approvals of SIPs under section 110 or 172 of the Clean Air Act would not have a significant economic impact on a substantial number of small entities. Today's action approves a State action for Michigan R336.1220 under Section 110 of the Act. It imposes no requirements beyond those which the State has already imposed.

This regulation was exempted from review by the Office of Management and Budget (OMB) under 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 January 27, 1982. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal

proceeding brought by EPA to enforce these requirements.

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

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

Dated: January 18, 1982.

Anne M. Gorsuch,  
Administrator.

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

### Subpart X—Michigan

1. Section 52.1170 is amended by adding paragraph (c)(44) as follows:

#### § 52.1170 Identification of plan.

(c) \* \* \*

(44) On September 1, 1981, the State of Michigan, Department of Natural Resources (MDNR) submitted to USEPA a revision to its R336.1220 requiring offsets in ozone nonattainment areas to exempt the same compounds listed in EPA's Federal Register of July 22, 1980 (45 FR 48941). The revised R336.1220 also allows offsets of emissions for new sources in any of the seven counties in the southeastern Michigan ozone nonattainment area to be obtained from any of those counties, not just the county in which the new source is locating (Wayne, Oakland, Macomb, St. Clair, Washtenaw, Livingston, and Monroe).

[FR Doc. 82-2093 Filed 1-26-82; 8:45 am]

BILLING CODE 6560-38-M

### 40 CFR Part 52

[A-5-FRL-2024-7]

#### Approval and Promulgation of Implementation Plans; Michigan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: In the October 26, 1981, Federal Register (46 FR 52140), EPA proposed to approve a revision to the Michigan State Implementation Plan (SIP) in the form of a Consent Order (07-1981) issued by the Michigan Air Pollution Control Commission (Commission) for the Boulevard Heating Plant of Detroit Edison. The Consent Order provides for a reduction in total

daily particulate emissions from the plant's four coal-fired boilers. No public comments were received on EPA's proposed rulemaking. The purpose of today's notice is to announce final approval of this revision to the Michigan SIP.

EFFECTIVE DATE: This final rulemaking is effective on February 26, 1982.

ADDRESSES: Copies of these SIP revisions are available for review at the following addresses:

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

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

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

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

SUPPLEMENTARY INFORMATION: On May 1, 1981, the State of Michigan submitted Consent Order 07-1981 for the Boulevard Heating Plant of Detroit Edison as a revision to the Michigan SIP. The submittal was submitted in accordance with Michigan's commitment to develop abatement orders for sources contributing to violations of the particulate standards in the Detroit nonattainment area (45 FR 29790). The Boulevard Heating Plant is located in the City of Detroit, Wayne County, and is a small part of a Detroit Edison grid that supplies steam to various institutions. The plant contains four coal-fired boilers and is located within the Detroit primary nonattainment area.

Michigan's amended Rule 336.1331 restricts the Boulevard Heating Plant to a particulate emission limit of 0.45 pounds of particulate per 1000 pounds flue gas or an equivalent of 410 tons per year. Consent Order 07-1981 represents a site-specific variance from Rule 336.1331(d) of the federally approved SIP and provides an emission reduction schedule for the Plant by restricting its operation. The Boulevard Heating Plant can satisfy the required emission limitation of 410 tons per year contained in Rule 336.1331 of the Michigan SIP and yet retain its previous emission rate of up to 0.65 pounds particulate per 1000

pounds of flue gas while it is in operation. The overall effect is to reduce the plant's current actual emission rate from 410 tons per year to 10 tons per year. The Boulevard plant will satisfy the reasonably available control technology (RACT) requirement by restricting its operation rather than by installing add-on control equipment.

On October 26, 1981, Federal Register (46 FR 52140) EPA proposed approval of Consent Order 07-1981 for the Boulevard Heating Plant as a revision to the Michigan SIP. No public comments were received. EPA has reviewed Consent Order 07-1981 and determined that this SIP revision does not interfere with attainment and maintenance of the particulate standards in the Detroit area by the December 31, 1982 statutory deadline. Therefore, EPA approves Consent Order 07-1981 for the Boulevard Heating Plant as part of the Michigan SIP.

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

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

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

(Secs. 110 and 172 of the Clean Air Act)

Dated: January 18, 1982.

Anne M. Gorsuch,  
Administrator.

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

### Subpart X—Michigan

1. Section 52.1170 is amended by adding paragraph (c)(48) as follows:

#### § 52.1170 Identification of plan.

(c) \* \* \*

(48) On May 1, 1981, the State of Michigan, Department of Natural

Resources (MDNR) submitted Consent Order 07-1981 for the Boulevard Heating Plant of Detroit Edison located in the City of Detroit, Wayne County. The Consent Order represents a site-specific variance from Rule 336.1331(d) by allowing the plant to continue emitting

particulates at its current 0.65 pounds per 1000 pounds of flue gas, but restricting its operation and total particulate emissions in order to meet the required 410 tons of particulate per year emission limit. Under this Order the plant is now limited to 10 tons per

year of particulate emissions.

§ 52.1175 [Amended]

2. Section 52.1175(e) (table) is amended by adding a compliance schedule for the Boulevard Heating Plant.

MICHIGAN

Source	Location	Regulations involved	Date schedule adopted	Final compliance date
Wayne County				
Boulevard Heating Plant.....	Wayne County.....	R336.1331	Apr. 28, 1981	Dec. 31, 1982.

[FR Doc. 82-2063 Filed 1-26-82; 8:45 am]  
BILLING CODE 6560-38-M

40 CFR Part 52

[A-6-FRL 2029-7]

Approval and Promulgation of Revisions to Texas State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On December 11, 1973, the Governor of Texas, after adequate notice and public hearing, submitted a revision to the Texas Air Pollution Control Implementation Plan (SIP). The submission concerned a revision to General Rule 9—Sampling, of the Texas SIP, which requires sampling of air emissions by any source in the State if requested by the Texas Air Control Board (TACB). This notice approves Texas' revision to General Rule 9 and amends 40 CFR 52.2270.

EFFECTIVE DATE: This rulemaking will be effective on March 29, 1982, unless notice is received by February 26, 1982, that someone wishes to submit adverse or critical comments.

ADDRESSES: Written comments should be addressed to J. Ken Greer, Jr. of the EPA Region VI Air Programs Branch (address below). Copies of the materials submitted by Texas may be examined during normal business hours at the following locations:

- EPA, Region 6, Library, 1201 Elm Street, Dallas, Texas 75270.
- EPA, Public Information Reference Unit, Library Systems Branch, 401 M Street SW., Washington, D.C. 20460.
- The Office of the Federal Register, Room 8401, 1100 L Street NW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

J. Ken Greer, Jr., State Implementation Plan Section, Air & Waste Management Division, EPA, Region VI, 1201 Elm Street, Dallas, Texas, 75270, (214) 787-1518, FTS 729-2742.

SUPPLEMENTARY INFORMATION:

I. Background

On December 11, 1973, the Governor of Texas submitted to EPA a revision to the State's SIP which revised General Rule 9—Sampling. The revised Rule 9 requires sampling of air emissions from any source in Texas if requested by the State agency. The revised rule is more specific than before in that sampling is required by any source upon request by TACB to determine opacity, rate, composition, and/or concentration of emissions. The sources which conduct sampling are required to attest to and report results to TACB, and are required to keep the test results on file for at least five years after the sampling. The revised Rule 9 also allows a source to request approval from TACB of alternative sampling techniques other than those specified by TACB.

The State submitted to EPA on October 7, 1976 additional information which addressed the applicability of the revised Rule 9 in relation to revised EPA requirements for monitoring of point source emissions. The October 7, 1976 letter clarified that the revised Rule 9 did include the authority for the State to require continuous emission monitoring and reporting by sources as required by EPA in regulations published on October 6, 1975 (40 FR 46247).

II. Approval of SIP Revision

EPA has reviewed Texas' revision to General Rule 9 and has prepared an Evaluation Report which is available for public review at the locations listed in the ADDRESSES section of this notice.

The State's submission includes validation that a public hearing was held and adequate time was allowed for public comment. EPA's review of the State's revision to General Rule 9 indicates that the revision meets the requirements of 40 CFR 51.19 by providing for legally enforceable procedures for requiring owners or operators of sources to monitor and report to the State sampling data on the emissions from the sources. In addition, the revised rule authorizes the TACB to require periodic testing of sources and requires the sources to maintain files of all monitoring information. The Texas revised Rule 9 meets EPA requirements for a source surveillance regulation and the State submittal includes the necessary information for approval of the SIP revision.

EPA's Actions

EPA approves the SIP revision as submitted by Texas which revises General Rule 9—Sampling of the Texas Air Pollution Control Implementation Plan.

The public should be advised that this action will be effective 60 days from the date of publication (March 29, 1982). However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and a subsequent notice published before the effective date. The subsequent notice will withdraw the final action and will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under section 307(b)(1) of the Clean Air Act judicial review of this final rulemaking notice is available only by the filing of a petition for review in the United States Court of Appeals for the

appropriate circuit within 60 days of the date of publication (March 29, 1982). Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Pursuant to the provisions of 5 U.S.C. 605(b), I certify that this notice will not have a significant economic impact on a substantial number of small entities since it imposes no new regulatory requirements. This action only approves a revision to an existing State regulation.

Note.—Incorporation by reference of the SIP for the State of Texas was approved by the Director of the Office of the Federal Register on July 1, 1981.

(Sec. 110(a) of the Clean Air Act, as amended 42 U.S.C. 7410(a))

Dated: January 20, 1982.

Anne M. Gorsuch,  
Administrator.

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

### Subpart SS—Texas

1. In § 52.2270, paragraph (c) is amended by adding Subparagraph (33) as follows:

#### § 52.2270 Identification of plan.

(c) \* \* \*

(33) A revision to General Rule 9—Sampling, as adopted by the Texas Air Control Board on October 30, 1973, was submitted by the Governor on December 11, 1973.

[FR Doc. 82-2062 Filed 1-26-82; 8:45 am]  
BILLING CODE 6560-38-M

## 40 CFR Part 60

[AD-FRL-1890-1]

### Standards of Performance for New Stationary Sources; Stationary Gas Turbines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On September 10, 1979, EPA promulgated a new source performance standard (NSPS) limiting atmospheric emissions of NO<sub>x</sub> from stationary gas turbines (44 FR 52792). On April 15, 1981, as a result of petitions for reconsideration submitted by Dow Chemical Company, PPG Industries,

Inc., and Diamond Shamrock Corporation (Dow, et al.), EPA proposed (46 FR 22005) to revise the standard for stationary gas turbines by rescinding the NO<sub>x</sub> emission limit for large gas turbines in industrial use and pipeline gas turbines (used in oil and gas transportation or production) located in metropolitan statistical areas (MSA's).

As a result of public comments, EPA is rescinding the NO<sub>x</sub> emission limit for large (>30 MW) industrial gas turbines and is including an NO<sub>x</sub> emission limit of 150 ppm based on the use of dry control technology for gas turbines in industrial use and pipeline gas turbines of 30 MW or less for which construction, reconstruction, or modification is begun after today's date. This notice also adds an exemption from the 150 ppm NO<sub>x</sub> emission limit for regenerative cycle gas turbines with a heat input less than 107.2 gigajoules per hour (100 million Btu/hr) and an exemption for all gas turbines when they are using an emergency fuel.

EFFECTIVE DATE: January 27, 1982.

Under section 307(b)(1) of the Clean Air Act, judicial review of this revision of a new source performance standard can be initiated *only* by the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication of this rule. Under section 307(b)(2) of the Clean Air Act, the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

ADDRESS: *Docket.* A docket, number A-81-10, containing information used by EPA in development of the promulgated revision is available for public inspection between 8:00 a.m. and 4:00 p.m. Monday through Friday, at EPA's Central Docket Section (A-130), West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Doug Bell, Standards Development Branch, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-5578.

#### SUPPLEMENTARY INFORMATION:

##### The Standards

The proposed revision to the new source performance standard published in the April 15, 1981 *Federal Register* would have rescinded the NO<sub>x</sub> emission limit of 75 ppm promulgated in the September 10, 1979, *Federal Register* for (1) industrial gas turbines having a heat

input greater than 107.2 gigajoules per hour (100 million Btu/hr or approximately 7.5 MW), and (2) pipeline gas turbines in metropolitan areas with a heat input greater than 107.2 gigajoules per hour. Industrial gas turbines are characterized as having less than one-third of their rated electrical output sold to a utility power distribution system. The 75 ppm standard was based on the use of wet controls to reduce NO<sub>x</sub> emissions.

This promulgation rescinds the NO<sub>x</sub> emission limit for industrial and pipeline turbines with a base load (normal operating load as opposed to peak load) greater than 30 megawatts (MW) and revises the NO<sub>x</sub> emission limit from 75 to 150 ppm for the turbines mentioned above with a base load equal to or less than 30 MW. This promulgation also exempts turbines subject to the 150 ppm limit from the NO<sub>x</sub> standard when emergency fuel is used and also exempts all regenerative cycle gas turbines having a heat input less than or equal to 107.2 gigajoules per hour (100 million Btu/hour) from the 150 ppm NO<sub>x</sub> standard. The rationale for these changes to the proposed revision is contained in the section of this preamble entitled *Significant Comments and Changes to the Proposed Revision.*

#### Public Participation

The revision was proposed April 15, 1981, in the *Federal Register*. The proposed revision requested public comments and also provided the opportunity for a public hearing. The public comment period extended from April 15, 1981, to May 15, 1981.

Twelve comment letters were received, but a public hearing was not requested. These comments have been carefully considered; and where determined to be appropriate by the Administrator, changes have been made to the standards of performance.

#### Significant Comments and Changes to the Proposed Regulation

Comments on the proposed revision to the standard were received from electric utilities, chemical companies, oil and gas producers, gas turbine manufacturers, and private citizens.

One commenter stated that since pipeline turbines operate continuously regardless of location, the NO<sub>x</sub> emission limit should be rescinded for all such turbines.

The standards of performance as promulgated on September 10, 1979, required pipeline turbines operated in metropolitan areas to meet an NO<sub>x</sub> emission limit of 75 ppm (based on wet controls) and permitted the same

turbines operated outside metropolitan areas to meet an NO<sub>x</sub> emission limit of 150 ppm (based on dry controls). The difference in emission limits was intended to accommodate a potential lack of water for wet controls on pipeline turbines in rural areas.

The April 15, 1981, proposed revision to the standard would have rescinded the 75 ppm NO<sub>x</sub> emission limit for all industrial turbines and pipeline turbines located in metropolitan areas. The proposed rescission had been based on uncertain and possible adverse economic consequences of using wet control systems on turbines with long-term continuous operating requirements at or near maximum capacity. Dow et al. claimed that operation at or near maximum capacity for one year or more between internal inspections is required in industrial applications. They also claimed that shutdown several times a year for inspection or maintenance causes unacceptable economic consequences. These considerations also apply to pipeline turbines.

There was no suggestion in the comments received, nor is there any reason to believe, that the use of dry controls (which requires a different combustor design) would have any adverse impact on the maintenance of industrial or pipeline turbines. Dry control systems have achieved an NO<sub>x</sub> emission limit of 150 ppm on turbines of a size less than 30 MW and would add little to the capital and operating costs if required for all turbines in this size range. The 150 ppm emission limit on these turbines with dry control technology is supported by data contained in the original standard support and environmental impact statement (EPA-450/2-77-017a), by recent information obtained from gas turbine manufacturers, and by recent emission tests of turbines in the field. In the tests five gas turbines, ranging in size from about 9 to 16.5 MW and using dry controls, emitted approximately 40 to 80 ppm NO<sub>x</sub>.

The Agency has no test data showing that the 150 ppm NO<sub>x</sub> emission limit has been achieved by dry controls when installed on industrial turbines greater than 30 MW and for that reason did not propose an NO<sub>x</sub> emission limit of 150 ppm based on dry controls in the April notice.

EPA did not propose an NO<sub>x</sub> emission limit of 150 ppm for industrial turbines less than 30 MW or pipeline turbines less than 30 MW in metropolitan areas in the April notice. This created an inconsistency, based on location of the turbine, which is not justifiable. Accordingly, the standard is being promulgated to require all industrial and

pipeline turbines with outputs less than 30 MW to achieve an NO<sub>x</sub> emission limit of 150 ppm.

Since industrial and pipeline turbines in MSA's were required by the September 10, 1979, promulgation to apply water injection technology, some operators may have to equip these turbines with new combustors if they want to discontinue water injection and still meet the 150 ppm NO<sub>x</sub> standard now required. Because of the potentially high cost of new combustors, this promulgated revision exempts from complying with an NO<sub>x</sub> emission limit all pipeline turbines inside MSA's and industrial turbines less than or equal to 30 MW, which were constructed, modified, or reconstructed between October 3, 1977 (the proposal date of the original standard), and today's date. Turbines in this size range constructed, modified, or reconstructed after today's date must achieve an NO<sub>x</sub> emission limit of 150 ppm.

The standards of performance for gas turbines as promulgated required all gas turbines between 10.7 and 107.2 gigajoules per hour that were constructed, modified, or reconstructed after October 3, 1982, to achieve an NO<sub>x</sub> emission limit of 150 ppm. Today's promulgated revision has no impact on this requirement.

One commenter felt that if nitrogen oxide controls are not required for large industrial turbines, which operate continuously at or near maximum capacity, then they should not be required for electric utility turbines, which operate less and emit less nitrogen oxides. The commenter stated that if nitrogen oxide controls were not needed on a full-time turbine, then there appears to be even less need for use on a part-time turbine.

The 75 ppm NO<sub>x</sub> emission limit for industrial and pipeline turbines inside MSA's was not rescinded because of the lack of environmental benefit from controlling them. Instead, the rescission was based on the uncertain impacts on maintenance of the turbines and possible adverse economic consequences.

The NO<sub>x</sub> emission limit was not rescinded for utility gas turbines because wet control systems have been demonstrated to achieve the 75 ppm NO<sub>x</sub> emission limit and because utilities do have the opportunity to shut down their turbines several times a year for inspection and maintenance.

Another commenter stated that base load utility gas turbines should be exempted from having to meet an NO<sub>x</sub> emission limit since these turbines may be required to operate for one year or more between internal inspections.

The EPA position is that unlike utility turbines, industrial turbines in some instances may represent the sole primary energy source for a major industrial process. Such a turbine could not be shut down more frequently without an unacceptable economic consequence. The unacceptable economic consequence could be that an entire plant or process depends on the continuously running gas turbine. This is not the case for utility turbines, however, since other electric generators on the grid can restore lost capacity caused by turbine down time. Inspection and maintenance can be scheduled for a low load period when full generating capacity is not needed. Since inspection and maintenance of continuously running utility turbines is not economically unreasonable, the NO<sub>x</sub> emission limit for these turbines has not been rescinded.

Another commenter stated that the action to rescind the NO<sub>x</sub> emission limit is not consistent with section III and section 307(d) of the Clean Air Act, in that the notice of April 15, 1981 (46 FR 20005), did not state the proposed rule's basis and purpose.

The basis of the April revision was the lack of data concerning the use of wet control systems on turbines operating continuously at or near maximum capacity and possible unreasonable economic impacts. Because of this lack of data, EPA is not concluding that wet control systems are best demonstrated technology for control of NO<sub>x</sub> emissions from these gas turbines. The purpose of the April 15 proposal and today's promulgation is to make the standard consistent with this conclusion. The April 15 proposal was consistent with this conclusion in that it rescinded the 75 ppm NO<sub>x</sub> limit based on wet control systems. Today's promulgation is also consistent with this conclusion in that the 150 ppm NO<sub>x</sub> limit now required for industrial and pipeline turbines less than or equal to 30 MW is based on dry controls rather than wet controls. It is also consistent with this conclusion in that industrial turbines greater than 30 MW are no longer required to meet an NO<sub>x</sub> emission limit and therefore do not have to use wet controls.

One commenter also stated that Dow et al. offered no evidence to support their claim that industrial gas turbines must operate for long periods of time.

Dow et al. did supply information to the Agency in letters requested to be held confidential and included in the docket (II-33 (a), (b), (c)) that indicates that operation at or near maximum capacity for periods of a year or more is

required of gas turbines in present use. The data in these letters were considered by the Administrator in reaching the conclusions stated in the preamble to the April 15 proposal.

A commenter also stated that the revision should have been written to include only continuously operating gas turbines rather than all industrial and pipeline gas turbines.

The Agency investigated the option of establishing a minimum number of hours to define "continuous operation" and using this definition to determine which industrial and pipeline turbines would be impacted by this revision. The Agency determined that to include only those turbines running continuously, some arbitrary number of hours would have to be included in the standard to define continuous running. The owners or operators of these gas turbines would then be required to project the number of hours per year their turbine would operate to determine their operating category. The actual operating times could vary considerably from the projections because some unexpected circumstances may occur, such as curtailment of plant operation, unforeseen plant maintenance, or any other unforeseen circumstances that have nothing to do with the ability of the turbine to operate continuously. If the number of hours projected is less than the actual number of hours operated, those turbines that did not operate as projected for one year could not be expected to install wet control systems. In the very next year they may be able to meet the operating time projection. Industrial turbines usually run more hours after initial 1 to 2 year break-in periods. Since defining "continuous operation" and projecting exactly how many hours a turbine will operate is difficult and since most of the turbines affected by the revision operate continuously, the Administrator decided not to attempt to restrict this revision to continuously operating industrial and pipeline gas turbines.

Several commenters stated that the Agency's definition of electric utility gas turbine should be made consistent with the "Power Plant and Industrial Fuel Use Act of 1978" (FUA) and the "Public Utility Regulatory Policies Act of 1978" (PURPA) to allow one half of the electric output capacity of a cogeneration unit to be sold to a utility power distribution system.

The Acts mentioned by the commenters were designed to encourage cogeneration. The new source performance standard for stationary gas turbines is not intended to encourage or discourage cogeneration, but is designed to distinguish between electric utility

gas turbines and industrial gas turbines. Specifically, in the context of this revision the definition distinguishes between those gas turbines that can be shut down for maintenance without resulting in shutdown of a dependent industrial process and those turbines without backup. For a turbine operating as part of a cogeneration system and selling up to 50 percent of its electrical output to a utility grid, PURPA requires the utility to sell back-up power to qualifying cogeneration facilities when needed. Consequently, the definition of electric utility gas turbine has not been revised to allow for a gas turbine selling up to 50 percent of its power to a utility power distribution system.

Another commenter pointed out that some models of pipeline turbines used outside of MSA's cannot meet the 150 ppm emission limit with the current combustor design (dry control) without also using wet control systems. The commenter suggests that the category of sources including pipeline turbines outside MSA's be exempt from meeting an NO<sub>x</sub> emission limit.

A new source performance standard, as required by section 111 of the Clean Air Act, must reflect "the degree of emission reduction achievable through the application of the best system of continuous emission reduction which (taking into consideration the cost of achieving such emission reduction and any nonair quality health and environmental and energy requirements) the Administrator determines has been adequately demonstrated." Those models of pipeline turbines that cannot meet the 150 ppm limit with their current combustor design (dry control) do not reflect best technology. There are other models of pipeline turbines that can meet the 150 ppm limit using dry controls without any unreasonable impacts. Also, these turbines can perform the same function as those models that cannot meet the 150 ppm limit. Therefore, the fact that some models within a category of gas turbines cannot meet a standard is not sufficient reason to exempt the entire category, especially when turbines capable of performing the same function while at the same time complying with the standard are available. There is no provision in the gas turbine standard, however, that prevents an owner or operator from using wet controls to comply with the 150 ppm limit if he so chooses.

One commenter stated that small (less than 107.2 gigajoules/hour) regenerative cycle gas turbines should be exempted from the 150 ppm NO<sub>x</sub> emission limit. According to the commenter, dry controls that can meet the 150 ppm level

have not been developed for these small regenerative cycle gas turbines, and the cost to do so would be exorbitant because these turbines are only a small portion of the small gas turbine market. (These turbines are currently not required to meet the 150 ppm NO<sub>x</sub> emission limit until October 3, 1982.) Because of the exorbitant cost associated with developing dry controls for small regenerative cycle gas turbines, manufacturers would discontinue these turbines from their product line rather than develop the dry control. Small regenerative cycle gas turbines compete with stationary internal combustion (I.C.) engines; and, if these turbines are dropped from product lines, I.C. engines would be sold in their place rather than small simple cycle turbines. Since controlled I.C. engines emit between two to four times as much NO<sub>x</sub> as do uncontrolled small regenerative cycle gas turbines, the net effect of requiring small regenerative cycle gas turbines to meet the 150 ppm NO<sub>x</sub> emission limit would be an increase in NO<sub>x</sub> emissions.

Additional investigation of small regenerative cycle gas turbines revealed the commenter's assessment of the situation to be correct. Consequently, the standard is being revised to exempt regenerative cycle gas turbines of less than 107.2 gigajoules/hour from complying with the 150 ppm NO<sub>x</sub> emission limit.

Another commenter stated that many gas turbines that normally operate on natural gas can be operated on distillate oil when natural gas is unavailable. These turbines can meet a 150 ppm NO<sub>x</sub> emission limit when operating on natural gas, but not when they are operating on distillate oil. The commenter felt, therefore, that gas turbines should be exempt from complying with the standard during periods when an emergency fuel is being used.

Upon further investigation, the Agency learned that many turbine models can meet the 150 ppm NO<sub>x</sub> emission limit only when operating on natural gas, which is almost always available. Since operation with an emergency fuel is expected only rarely and dry controls would continue to reduce the emissions during periods when distillate oil is fired, gas turbines operating on an emergency fuel are being exempted from the 150 ppm NO<sub>x</sub> emission limit. The exemption will not apply if the emergency fuel is fired solely because it is less costly than natural gas.

This revision was submitted to the Office of Management and Budget

(OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are included in docket number A-81-10. The docket is available for public inspection at EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street, SW, Washington, D.C. 20460.

Under Executive Order 12291, EPA is required to judge whether a regulation is a "major rule" and therefore subject to certain requirements of the Order. The Agency has determined that this revision to the standard would result in none of the adverse economic effects set forth in section 1 of the Order as grounds for finding a regulation to be a major rule. In fact, since this revision consists of a relaxation of the standard originally promulgated, it will result in less costs. Some turbines covered by the original standard will now be exempt. Others will be required to meet a less restrictive standard based on less expensive dry controls rather than wet controls. The Agency has therefore concluded that this regulation is not a "major rule" under Executive Order 12291.

The Administrator certifies that a regulatory flexibility analysis under 5 U.S.C. 601 et seq. is not required for this rulemaking because the rulemaking would not have a significant impact on a substantial number of small entities.

Dated: January 22, 1982.

Anne M. Gorsuch,  
Administrator.

#### PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

For the reasons set out in the preamble, Part 60 of Chapter I, Title 40, Subpart GG, Code of Federal Regulations is amended as shown.

1. In § 60.331, paragraphs (q), (r), and (s) are added to read as follows:

##### § 60.331 Definitions.

(q) "Electric utility stationary gas turbine" means any stationary gas turbine constructed for the purpose of supplying more than one-third of its potential electric output capacity to any utility power distribution system for sale.

(r) "Emergency fuel" is a fuel fired by a gas turbine only during circumstances, such as natural gas supply curtailment or breakdown of delivery system, that make it impossible to fire natural gas in the gas turbine.

(s) "Regenerative cycle gas turbine"

means any stationary gas turbine that recovers thermal energy from the exhaust gases and utilizes the thermal energy to preheat air prior to entering the combustor.

2. Section 60.332 is amended by revising paragraphs (a), (b), and (d), and adding paragraphs (j), (k), and (l) to read as follows:

##### § 60.332 Standard for nitrogen oxides.

(a) On and after the date of the performance test required by § 60.8 is completed, every owner or operator subject to the provisions of this subpart as specified in paragraphs (b), (c), and (d) of this section shall comply with one of the following, except as provided in paragraphs (e), (f), (g), (h), (i), (j), (k), and (l) of this section.

(b) Electric utility stationary gas turbines with a heat input at peak load greater than 107.2 gigajoules per hour (100 million Btu/hour) based on the lower heating value of the fuel fired shall comply with the provisions of § 60.332(a)(1).

(d) Stationary gas turbines with a manufacturer's rated base load at ISO conditions of 30 megawatts or less except as provided in § 60.332(b) shall comply with § 60.332(a)(2).

(j) Stationary gas turbines with a heat input at peak load greater than 107.2 gigajoules per hour that commenced construction, modification, or reconstruction between the dates of October 3, 1977, and January 27, 1982, and were required in the September 10, 1979, Federal Register (44 FR 52792) to comply with § 60.332(a)(1), except electric utility stationary gas turbines, are exempt from paragraph (a) of this section.

(k) Stationary gas turbines with a heat input greater than or equal to 10.7 gigajoules per hour (10 million Btu/hour) when fired with natural gas are exempt from paragraph (a)(2) of this section when being fired with an emergency fuel.

(l) Regenerative cycle gas turbines with a heat input less than or equal to 107.2 gigajoules per hour (100 million Btu/hour) are exempt from paragraph (a) of this section.

3. Section 60.334 is amended by adding paragraph (c)(4) as follows:

##### § 60.334 Monitoring of operations.

(c) \* \* \*  
(4) *Emergency fuel.* Each period during which an exemption provided in

§ 60.332(k) is in effect shall be included in the report required in § 60.7(c). For each period, the type, reasons, and duration of the firing of the emergency fuel shall be reported.

(Sec. 114 of the Clean Air Act as amended (42 U.S.C. 1857c-9))

[FR Doc. 82-2092 Filed 1-26-82; 8:45 am]  
BILLING CODE 6560-26-M

#### 40 CFR Part 162

[OPP-30056; PH-FRL-2031-3]

#### Pesticide Chemical Active Ingredients; Registration Standards Ranking Scheme Results

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

**SUMMARY:** This notice announces the availability of the document containing the order in which EPA has ranked the use clusters containing all pesticide active ingredients to be reviewed under the Registration Standard Program. The ranking order of clusters of chemicals with similar use patterns was based on the production and exposure of pesticide active ingredients within each cluster.

**FOR FURTHER INFORMATION CONTACT:** Arty Williams, Special Pesticide Review Division (TS-791), Office of Pesticide Programs, Environmental Protection Agency, Rm. 722, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-3043).

Copy of the document may be obtained through the person named above.

**SUPPLEMENTARY INFORMATION:** Under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), EPA is required to review the approximately 40,000 pesticide products currently registered in order to determine whether they pose unreasonable effects on man or the environment. EPA issued an Advance Notice of Proposed Rulemaking (ANPR) published in the Federal Register of December 26, 1979 (44 FR 76311) entitled "Registration Standards for the Registration of Pesticides" which indicated that it would review these products based on their active ingredients. EPA then proposed a registration standard ranking scheme to order the registration standard reviews of pesticide active ingredients based on the production and exposure of clusters of chemicals with similar use patterns. This ranking scheme was published in the Federal Register of November 14, 1980 (45 FR 75488).

The administrative record for the Registration Standards Ranking Scheme for the Registration of Pesticides, including comments, is available for public review in the Document Control Office, Rm. E-107, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, from 8:00 a.m. to 4:00 p.m. Monday through Friday, except legal holidays.

Dated: December 23, 1981.

Edwin L. Johnson,  
Director, Office of Pesticide Programs.

[FR Doc. 82-1445 Filed 1-26-82; 8:45 am]  
BILLING CODE 6560-32-M

#### 40 CFR Part 180

[PP 1E2499/R391; PH-FRL 2036-8]

### Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or On Raw Agricultural Commodities; Atrazine

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

**SUMMARY:** This rule establishes tolerances for the combined residues of the herbicide atrazine and its metabolites in or on the raw agricultural commodities orchardgrass and orchardgrass hay. This regulation to establish the maximum permissible level for the combined residues of atrazine in or on the commodities was requested by the Interregional Research Project No. 4 (IRA).

**EFFECTIVE DATE:** Effective on January 27, 1982.

**ADDRESS:** Written comments may be submitted to the Hearing Clerk, Environmental Protection Agency, Rm. 3708, 401 M St. SW., Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** Donald Stubbs, Emergency Response Section, Registration Division, Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22022, (703-557-7123).

**SUPPLEMENTARY INFORMATION:** EPA issued a notice of proposed rulemaking published in the Federal Register of November 4, 1981 (46 FR 54771) which announced that IR-4, New Jersey Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903 on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of Oregon, had submitted a pesticide petition (PP 1E2499) proposing that 40 CFR 180.220 be amended by the establishment of tolerances for the combined residues of

the herbicide atrazine (2-chloro-4-ethylamino-6-isopropylamino-s-triazine) and its metabolites 2-amino-4-chloro-6-ethylamino-s-triazine, 2-amino-4-chloro-6-isopropylamino-s-triazine and 2-chloro-4,6-diamino-s-triazine in or on the raw agricultural commodities orchardgrass and orchardgrass hay at 15 parts per million (ppm).

There were no comments received in response to this notice of proposed rulemaking.

The data submitted in the petition and other relevant material have been evaluated. The toxicology and chemistry pertaining to this regulation were given in the notice of proposed rule (46 FR 54771, November 4, 1981).

The herbicide is considered useful for the purpose for which the tolerances are sought, and it is concluded that the tolerances will protect the public health. Therefore, the tolerances are established as set forth below.

Any person adversely affected by this regulation may, on or before February 26, 1982, file written objections with the Hearing Clerk, at the address given above. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, the EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this proposed regulation from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

Effective on: January 27, 1982.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

Dated: January 13, 1982.

Edwin L. Johnson,  
Director, Office of Pesticide Programs.

### PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR 180.220(b) is amended by adding and alphabetically inserting the commodities orchardgrass and orchardgrass hay to read as follows:

#### § 180.220 Atrazine; tolerances for residues.

\* \* \* \* \*

(b) \* \* \*

Commodity	Parts per million
Orchardgrass.....	15
Orchardgrass, hay .....	15

[FR Doc. 82-2061 Filed 1-26-82; 8:45 am]  
BILLING CODE 6560-32-M

#### 40 CFR Part 180

[PP 8E2075, 9E2219/R392; PH-FRL 2036-7]

### Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Oryzalin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

**SUMMARY:** This rule establishes tolerances for the combined residues of the herbicide oryzalin and its metabolites in or on the raw agricultural commodities sweet potatoes and peas (succulent). This regulation to establish the maximum permissible level for residues of oryzalin in or on the commodities was requested by the Interregional Research Project No. 4 (IR-4).

**EFFECTIVE DATE:** Effective on January 27, 1982.

**ADDRESS:** Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** Donald Stubbs, Emergency Response Section, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 502B, CM# 2, 1921 Jefferson Davis

Highway, Arlington, VA 22202, (703-557-7123).

**SUPPLEMENTARY INFORMATION:** EPA issued a notice of proposed rule published in the *Federal Register* of November 3, 1981 (46 FR 54584) which announced that the IR-4, New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903 had submitted pesticide petitions (PP OE2075) on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Arkansas, Georgia, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia; and (PP 9E2219) on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Michigan, Minnesota, New York, and Wisconsin, proposing that 40 CFR 180.304 be amended by the establishment of tolerances for residues of the herbicide oryzalin (3,5-dinitro-N<sub>4</sub>, N<sub>4</sub>-dipropylsulfanilamide) in or on the raw agricultural commodities sweet potatoes (PP 8E2075) and peas (succulent) (PP 9E2219) at 0.05 part per million (ppm).

There were no comments received in response to this notice of proposed rulemaking.

The data submitted in the petition and other relevant material have been evaluated. The toxicology and chemistry data pertaining to this regulation were given in the notice of proposed rulemaking (46 FR 54584, November 3, 1981). In that notice, the acceptable daily intake (ADI) and maximum permissible intake (MPI) were listed incorrectly; the ADI is calculated to be 0.0094 mg/kg bw/day and the MPI for a 60-kg person is calculated to be 0.5625 mg/day. The reference to a May 11, 1979 *Federal Register* notice should be deleted since that notice discussed a 1 percent incremental increase in the theoretical maximum contribution (TMRC) whereas the November 3, 1981 proposed rule was discussing a 1 percent increase in the percentage of ADI utilized.

The herbicide is considered useful for the purpose for which the tolerances are sought, and it is concluded that the tolerances will protect the public health. Therefore, the tolerances are established as set forth below.

Any person adversely affected by this regulation may, on or before February 26, 1982, file written objections with the Hearing Clerk, at the address given above. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the

objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, the EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this proposed regulation from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the *Federal Register* of May 4, 1981 (46 FR 24950).

Effective on: January 27, 1982.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

Dated: January 13, 1982.

Edwin L. Johnson,  
Director, Office of Pesticide Programs.

#### PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR 180.304 is amended by adding and alphabetically inserting the commodities sweet potatoes and peas (succulent) to read as follows:

##### §180.304 Oryzalin; tolerances for residues.

Commodity	Parts per million
Peas (succulent).....	0.05
Sweet potatoes.....	0.05

[FR Doc. 82-2060 1-26-82; 8:45 am]

BILLING CODE 6560-32-M

#### FEDERAL EMERGENCY MANAGEMENT AGENCY

##### 44 CFR Part 67

##### National Flood Insurance Program; Final Flood Elevation Determinations; Alaska et al.

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

**ADDRESSES:** See table below.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert G. Chappell, National Flood Insurance Program, (202) 287-0230, Federal Emergency Management Agency, Washington, D.C. 20472.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency gives notice of the final determination of flood elevation for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Agency has developed criteria for flood plain management in floodprone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the (final) flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how

high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future

local actions. It imposes no new requirement; of itself it has no economic impact.

The final base (100-year) flood elevations for selected locations are:

## FINAL BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD). **Elevation in feet (MLLW).
Alaska	Petersburg (city), Wrangell-Petersburg Division, FEMA-6121.	Frederick Sound	300 feet east from the intersection of Sandy Beach Road and Quarry Road.	**21
			200 feet north from the intersection of Sandy Beach Road and Boundary Street.	**27
		Wrangell Narrows	50 feet west from the intersection of Harbor Way and F Street.	**21
Maps available for inspection at City Shop, 2nd Street, Petersburg, Alaska. ** Mean Lower Low Water Datum.				
Alaska	Sitka (city & borough), Sitka Division, FEMA-6121	Sitka Sound, Thimbleberry Bay to Starrigavan Bay.	100 feet west from the intersection of Siginaka Way and Katlian Avenue.	**15
			At the intersection of Halibut Point State Road and Harbor Mountain Road.	**25
			200 Feet southeast from the intersection of Marine and Lincoln Streets.	#1
	Indian River	At the center of the Sawmill Creek Road crossing of Indian River.	**25	
Maps available for inspection at City Hall, 304 Lake Street, Sitka, Alaska. ** Mean Lower Low Water Datum.				
Arizona	Navajo County (unincorporated areas), FEMA-6124	Billy Creek	30 feet upstream from center of Peterson Road crossing.	*6707
		Black Canyon Wash	At the intersection of State Highway 260 and Black Canyon Wash.	*6439
		Buckskin Wash	50 feet upstream from center of State Highway 260 crossing.	*6431
		Little Colorado River	At the intersection of Interstate Highway 40 and Little Colorado River (vicinity of Winslow).	*4855
			At the intersection of Canary Avenue and Little Colorado River (vicinity of Woodruff).	*5159
		Pinedale Wash	At the intersection of Pinedale Road and Pinedale Wash.	*6408
		Porter Canyon Draw	50 feet upstream from center of McLaws Road crossing.	*5073
		Silver Creek	At the intersection of Shumway Road and Silver Creek.	*5672
		Show Low Creek	1070 feet upstream from confluence with Meadow View Wash, at the intersection of Show Low Creek and City of Show Low corporate limit.	*6346
		Town Wash	At the intersection of Old State Highway 260 and Town Wash.	*6308
		Walnut Gulch Creek	At the intersection of Nadean Drive and Walnut Gulch Creek.	*6937
Whiting Creek	30 feet downstream from center of McLaws Road crossing.	*5095		
		30 feet upstream from center of McLaws Road crossing.	*5097	
Maps available for inspection at Department of Planning and Building, South Highway 77, Holbrook, Arizona.				
California	Eureka (city) Humboldt County, FEMA-6129	Martin Slough	Fairway Drive crossing the channel (downstream crossing).	*10
			Upstream side of Campton Road over the channel	*14
		Martin Slough Tributary C	Approximately 550 feet upstream from mouth	*13
Maps available for inspection at Department of Community Development, 531 K Street, Eureka, California.				
California	Suisun City (city), Solano County, FEMA-6129	Suisun Slough	Intersection of Elwood and School Street	*7
			Intersection of Alder and Cherry Streets	*7
		Laurel Creek	Dolphin Court	*7
			Intersection of Merganser Drive and Sunset Avenue	*12
		McCoy Creek	Intersection of Snow Drive and State Highway 12	#1
		Pennsylvania Avenue Creek	North side of State Highway 12 crossing the channel	*8
		Union Avenue Creek	Intersection of Southern Pacific and Pennsylvania Avenue.	#1
	Marina Center crossing the channel	*7		
Maps available for inspection at Public Works Department, 701 Cedar Street, Suisun City, California.				
California	Tehama County (unincorporated areas), FEMA-6094	Sacramento River (Near Tehama)	Intersection of River Avenue and Tehama and Vina Road.	*221
		Sacramento River (Near Red Bluff)	Intersection of Peach Tree Lane and Gilmore Ranch Road.	*267
		East Sand Slough	Intersection of White Road and Dale Lane	*272
		Samson Slough	Intersection of Williams Avenue and Karel Avenue	*269
		Paynes Creek Slough	Intersection of Dale Avenue and Hunt Avenue	*269
		Sacramento River (Near Bend)	At the western end of South Wallen Road	*319
		Sacramento River (Near Lake California)	Intersection of North Marina Drive and Banner Way	*360
		Brickyard Creek	Along the center of Baker Road just north of the City of Red Bluff corporate limits.	*315

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD). **Elevation in feet (MLLW).
		Reeds Creek .....	At the upstream limit of detailed study, just upstream (west) of the City of Red Bluff corporate limits.	*276
		Grasshopper Creek .....	Area between 200 and 1200 feet upstream of County Route 8A, and just south of the City of Red Bluff corporate limits.	*288
		Jewett Creek .....	50 feet downstream from center of Houghton Avenue...	*274

Maps available for inspection at Department of Public Works, Road Dept., San Benito Avenue, Gerber, California.

Connecticut.....	Stafford, town, Tolland County (Docket No. FEMA-6147).	Furnace Brook .....	Downstream Corporate Limits.....	*522	
			Approximately 2,700' upstream of Corporate Limits.....	*540	
			Orcuttville Road (upstream).....	*550	
			Leonard Road and Riverside Dam (upstream).....	*584	
			Pinney School Road (upstream).....	*592	
			Hydeville Road (upstream).....	*621	
			State Route 19 (East Street) (first crossing, upstream)...	*635	
			State Route 19 (East Street) (second crossing, upstream).	*661	
			Approximately 1,010' upstream of Upper Road.....	*683	
			Middle River .....	Downstream Corporate Limits.....	*505
				State Route 190 (West Stafford Road) (upstream).....	*513
				Approximately 100' upstream of Central Vermont Railway.	*526
			Edson Brook .....	Confluence with Middle Brook.....	*505
				Cooper Lane (upstream).....	*511
				Machine Shop Road (upstream).....	*520
		Confluence with Crystal Lake Brook.....	*535		
	Crystal Lake Brook.....	Confluence with Edson Brook.....	*535		
		2nd Dam (upstream) approximately 1,930' upstream of confluence with Edson Brook.	*577		
		State Route 30 (Crystal Lake Road) (upstream).....	*587		
		Approximately 2,700' upstream of State Route 30 (Crystal Lake Road).	*612		
		Approximately 2,280' upstream of Handel Road.....	*622		

Maps available for inspection at the Stafford Zoning Office, 1 Memorial Town Hall, Stafford Springs, Connecticut.

Connecticut.....	Stafford Springs, borough, Tolland County (Docket No. FEMA-6147).	Willimantic River .....	Corporate limits.....	*452
			Filter Corporation Bridge (upstream side).....	*463
			Confluence of Furnace Brook and Middle River.....	*469
			Confluence with Willimantic River.....	*469
			Cyrill Johnson Mill Dam (upstream side).....	*495
			Corporate limits.....	*522
			Confluence with Willimantic River.....	*469
			West Street (downstream side).....	*493
			Corporate limits.....	*505
			Middle River .....	
	Furnace Brook .....			

Maps available for inspection at the Stafford Springs Zoning Office, 1 Memorial Town Hall, Stafford Springs, Connecticut.

Florida.....	City of Brooksville, Hernando County (FEMA-6143).....	Ponding Area 1.....	Approximately 300 feet south of Piccadilly Street and Lakeside Drive Intersection.	*77
		Ponding Area 2.....	Approximately 450 feet northwest of Howell Avenue and Summit Drive Intersection.	*99
		Ponding Area 3.....	Approximately 450 feet north and 75 feet east of Kelly Street and Bell Avenue Intersection.	*97
		Ponding Area 4.....	Just east of Intersection of Seaboard Coast Line Railroad and Oak Dale Avenue extended.	*110
		Ponding Area 5.....	Intersection of Palm Avenue and Lamar Avenue.....	*100
		Ponding Area 6.....	Approximately 300 feet east of Main Street and Russell Street Intersection.	*129
		Ponding Area 7.....	Approximately 300 feet north of U.S. Route 41 and Summit Road Intersection.	*112
		Ponding Area 8.....	Just east of U.S. Route 41 and I Street Intersection.....	*113
		Ponding Area 9.....	Approximately 225 feet east of Intersection of Candlelight Boulevard and corporate limits.	*78
		Ponding Area 10.....	Just northwest of U.S. Route 41 and State Road 577 Intersection.	*89
		Ponding Area 11.....	Approximately 450 feet northeast of U.S. Route 41 and State Road 577 Intersection along U.S. Route 41.	*90
		Ponding Area 12.....	Just northwest of U.S. Route 41 and State Road 577 Intersection.	*90

Maps available for inspection at City Hall, 26 South Brooksville Avenue, Brooksville, Florida 33512.

Georgia.....	Unincorporated areas of Lowndes County (FEMA-6143).	Withlacoochee River.....	Approximately 1500' upstream of U.S. Highway 84 and 221.	*114	
			Just downstream of Interstate Highway 75.....	*130	
			Approximately 600 feet downstream of U.S. Highway 41 and State Highway 7.	*133	
			Just downstream of State Road.....	*139	
			Little River .....	Approximately 200 feet downstream of State Highway 94.	*128
			Mud Swamp Creek.....	Just downstream of Johnson Road.....	*156
				Just upstream of Southern Railway.....	*167

## FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD). **Elevation in feet (MLLW).
		Airport Tributary.....	Just downstream of State Highway 31.....	*171
		Dukes Bay Drainage Canal.....	Just upstream of Interstate Highway 75.....	*183
		Knights Creek.....	Just downstream of Copeland Road.....	*174
			Just upstream of Southern Railway Spur.....	*168
			Just upstream of County Road 19.....	*188
			Just upstream of U.S. Highway 221 (State Highway 31).....	*196
Maps available for inspection at Lowndes County Courthouse, Patterson Street, Valdosta, Georgia 31601.				
Georgia.....	Unincorporated areas of Tift County (FEMA-6143).....	Little River.....	Just upstream of U.S. Highway 319.....	*249
			Just downstream of U.S. Highway 82 (State Highway 50).....	*262
		New River.....	Just upstream Seaboard Coast Line Railroad.....	*268
			Just downstream of Ferry Lake Road (County Road 72).....	*314
		Channel A.....	Just downstream of Bill Bowen Road.....	*322
		Gum Creek.....	Just upstream of Old Ocilla Road (FAS 1981).....	*316
			Just upstream of State Highway 125.....	*337
			Just upstream of Vernon Road.....	*310
				*325
Maps available for inspection at Tift County Administration Building, 225 Tift Avenue, Tifton, Georgia 31793.				
Illinois.....	(V) Carbon Cliff, Rock Island County (Docket No. FEMA-6129).....	Rock River.....	Just downstream of State Route 84.....	*575
			Just upstream of State Route 84.....	*576
			About 1.4 miles upstream of Chicago, Rock Island and Pacific Railroad.....	*577
Maps available for inspection at the Clerk's Office, Village Hall, 106 First Avenue, Carbon Cliff, Illinois.				
Illinois.....	(V) Lisbon, Kendall County (Docket No. FEMA-6144).....	North Arm Saratoga Creek.....	About 150 feet downstream of earth dam.....	*655
			Just upstream of earth dam.....	*661
			Upstream corporate limits.....	*670
Maps available for inspection at the Lisbon Implement Company, Lisbon, Illinois.				
Illinois.....	(V) Millington, Kendall and LaSalle Counties (Docket No. FEMA-6129).....	Fox River.....	About 3150 feet downstream of Bridge Street.....	*555
		Clear Creek.....	About 1300 feet upstream of Bridge Street.....	*557
			Mouth at Fox River.....	*557
			About 1450 feet upstream of Burlington Northern Railroad.....	*562
Maps available for inspection at the Clerk's Office, Millington, Illinois.				
Illinois.....	(V) Newark, Kendall County (Docket No. FEMA-6144).....	Clear Creek.....	At downstream corporate limits.....	*618
			About 750 feet upstream of Chicago Road.....	*646
			At upstream corporate limits.....	*684
Maps available for inspection at the Municipal Building, Newark, Illinois.				
Illinois.....	(V) Oswego, Kendall County (Docket No. FEMA-6129).....	Fox River.....	About 2800 feet downstream of Washington Street.....	*598
		Waubensee Creek.....	About 2700 feet upstream of Washington Street.....	*604
			Mouth at Fox River.....	*602
			Just upstream of dam near Madison Street.....	*621
			About 180 feet upstream of U.S. Route 34.....	*638
Maps available for inspection at the Clerk's Office, Village Hall, 113 Main Street, Oswego, Illinois.				
Illinois.....	(C) Yorkville, Kendall County (Docket No. FEMA-6129).....	Fox River.....	About 1.2 miles downstream of Bridge Street.....	*575
			Just upstream of Glen D. Palmer Dam.....	*579
			About 1500 feet upstream of Glen D. Palmer Dam.....	*580
		Blackberry Creek.....	At confluence with Fox River.....	*576
			About 800 feet upstream of River Road.....	*586
			Just downstream of U.S. Route 34.....	*606
			About 4300 feet upstream of U.S. Route 34.....	*615
Maps available for inspection at the Clerk's Office, Water Tower, 610 Tower Lane, Yorkville, Illinois.				
Indiana.....	(C) Jasper, DuBois County (Docket No. FEMA-6129).....	Patoka River.....	About 0.5 mile downstream of U.S. Route 231.....	*452
			About 0.25 mile downstream of State Route 162.....	*459
			About 3.45 miles upstream of 15th Street.....	*486
		Straight River.....	Just upstream of confluence with Patoka River.....	*454
			About 0.39 mile upstream of Meridian Road.....	*455
		Jahn Creek.....	Just upstream of confluence with Straight River.....	*455
			Just downstream of Hope Street.....	*465
			Just upstream of State Route 162.....	*469
			Just downstream of Meridian Road (about 0.34 mile upstream of State Route 162).....	*469
Maps available for inspection at the City Hall, 606 Main Street, Jasper, Indiana.				
Indiana.....	(C) Portage, Porter County (Docket No. FEMA-6124).....	Crisman Ditch.....	At confluence with Willow Brook.....	*619
			About 150 feet upstream of confluence with Willow Brook.....	*623
			Just downstream of Central Avenue.....	*627
			Just upstream of Central Avenue.....	*633
			About 700 feet upstream of Central Avenue.....	*633

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD). **Elevation in feet (MLLW).
		Willow Creek .....	At mouth..... About 1100 feet upstream of Melton Road..... Just downstream of Conrail..... Just upstream of Interstate 80 and 90..... About 1300 feet upstream of Mulberry Avenue..... Just upstream of Stone Avenue..... About 4000 feet upstream of Lute Road.....	*594 *600 *610 *615 *620 *625 *634
		Lenburg Ditch.....	At mouth..... About 0.39 mile upstream of mouth..... About 140 feet downstream of Stone Avenue.....	626 *628 *630
		Robbins Ditch.....	Just downstream of Earth Dam..... Just upstream of Earth Dam..... Just upstream of Interstate 80 and 90..... About 600 feet upstream of Airport Road.....	*610 *622 *628 *632
		East Arm Little Calumet River.....	Just upstream of Samuelson Road..... About 0.52 mile upstream of confluence of Salt Creek...	*594 *596
		Burns Waterway .....	Mouth at Lake Michigan..... Just upstream of Indiana Harbor Belt Railroad..... At confluence of East Arm Little Calumet River.....	*584 *589 *591
		Little Calumet River.....	At confluence of East Arm Little Calumet River..... About 0.2 mile upstream of confluence of Willow Creek.....	*591 *595
		Salt Creek.....	At confluence with East Arm Little Calumet River..... About 500 feet upstream of Interstate 94..... Just downstream of Porter Road..... Just downstream of Interstate 80 and 90.....	*595 *602 *608 *617
<p>Maps available for inspection at the City Engineer's Office, Town Hall, 6070 Central Avenue, Portage, Indiana. Send comments to Honorable John Williams, Mayor, City of Portage, Town Hall, 6070 Central Avenue, Portage, Indiana 46368.</p>				
Iowa.....	(C) Crescent, Pottawattamie County (Docket No. FEMA-6129).	Crescent Creek.....	About 400 feet downstream of Unnamed Street.....  About 350 feet upstream of State Highway 183..... About 0.45 mile upstream of State Highway 183..... Within corporate limits.....	*1,005  *1,015 *1,024 3#
<p>Maps available for inspection at the City Clerk's Office, City Hall, Crescent, Iowa.</p>				
Iowa.....	(C) Minden, Pottawattamie County (Docket No. FEMA-6124).	Keg Creek.....	About 2,300 feet downstream of County Road L-66..... About 2,000 feet upstream of County Road L-66.....	*1,181 *1,186
<p>Maps available for inspection at the City Hall, Minden, Iowa.</p>				
Iowa.....	(C), Underwood, Pottawattamie County (Docket No. FEMA-6129).	Mosquito Creek.....	About 1.0 mile downstream of Third Street..... About 3,000 feet upstream of Third Street..... At confluence with Mosquito Creek..... At upstream corporate limits.....	*1,057 *1,065 *1,064 *1,066
<p>Maps available for inspection at the City Hall, P.O. Box 40, Underwood, Iowa.</p>				
Kansas.....	(Uninc.), Shawnee County (Docket No. FEMA-6129).....	Kansas River.....	Approximately 0.2 mile downstream of the east county boundary..... Approximately 2.9 miles upstream of the east county boundary..... Just downstream of the east corporate limit of the City of Topeka..... Approximately 1.2 miles downstream of the west corporate limit of the City of Topeka..... Approximately 4.6 miles upstream of the west corporate limit of the City of Topeka..... Just downstream of the west county boundary..... Just upstream of the Kansas Turnpike..... Approximately 9,400 feet upstream of the Kansas Turnpike.....	*861 *871 *876 *892 *906 *931 *1,016 *1,020
		Wakarusa River.....	At the mouth..... Approximately 100 feet upstream of 89th Street..... Approximately 9,300 feet upstream of 89th Street..... Approximately 2,250 feet downstream of Northwest 35th Street..... Approximately 500 feet upstream of the downstream Chicago, Rock Island and Pacific Railroad..... Approximately 250 feet downstream of the upstream Chicago, Rock Island and Pacific Railroad..... Approximately 100 feet upstream of Northwest 62nd Street..... Just upstream of Northwest 78th Street..... Approximately 2,800 feet upstream of Northwest 86th Street..... Just downstream of the north county boundary.....	*1,017 *1,020 *1,043 *887 *904 *931 *942 *979 *1,019 *1,046
		North Branch Wakarusa River.....	At the corporate limits of the City of Topeka..... Approximately 500 feet downstream of Northeast 43rd Street..... Just upstream of Northeast 43rd Street..... Approximately 500 feet upstream of Northeast 58th Street..... Approximately 500 feet upstream of Northeast 62nd Street..... Approximately 200 feet upstream of Topeka Avenue.....	*882 *910 *915 *953 *964 *982
		Halfday Creek.....	Indian Creek.....	

## FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD). **Elevation in feet (MLLW).
			Approximately 3,400 feet upstream of Northwest 74th Street.	*1,020
			Approximately 2,600 feet upstream of Northwest 82nd Street.	*1,071
		Shunganunga Creek.....	At mouth.....	*874
			Just downstream of the corporate limits of the City of Topeka.	*877
			Approximately 4,700 feet downstream of Wanamaker Road.	*946
			Just downstream of Wanamaker Road.....	*954
		Stinson Creek.....	At mouth.....	*874
			Approximately 150 feet downstream of U.S. Route 40.....	*874
			Approximately 100 feet upstream of U.S. Route 40.....	*880
			About 150 feet downstream of Interstate 70.....	*908
			Approximately 350 feet upstream of Interstate 70.....	*920
			Approximately 200 feet upstream of the upstream crossing of Tecumseh Road.	*960
		Tecumseh Creek.....	At the mouth.....	*872
			Approximately 200 feet downstream of Laurel Road.....	*873
			Approximately 100 feet upstream of Laurel Road.....	*879
			Approximately 300 feet downstream of Interstate 70.....	*899
			Approximately 250 feet upstream of Interstate 70.....	*912
			Approximately 150 feet downstream of Southeast 29th Street.	*928
			Approximately 200 feet upstream of Southeast 29th Street.	*939
			Approximately 4,500 feet upstream of Southeast 29th Street.	*944
			Approximately 200 feet upstream of Southeast 37th Street.	*973
			Approximately 6,500 feet upstream of Southeast 37th Street.	*988
		Cross Creek.....	At the mouth.....	*918
			Approximately 350 feet upstream of the upstream corporate limit of the City of Rossville.	*930
		Shallow Flooding (Overflow From Cross Creek).	Intersection of Rossville Road and Northwest 54th Street.	#3
Maps available for inspection at the Zoning Commission, County Courthouse, 7th and Quincy, Topeka, Kansas.				
Massachusetts.....	Douglas, Town, Worcester County (Docket No. FEMA-8147).	Mumford River.....	Downstream Corporate Limits.....	*321
			Upstream of North Street.....	*341
			Downstream of Cook Street.....	*364
			Upstream of Mechanic Street.....	*376
		Southwick Brook.....	Upstream Corporate Limits.....	*389
			Confluence with Mumford River.....	*377
			Upstream of Hunt Pond Dam.....	*407
			Upstream of Corporate Limits.....	*425
Maps available for inspection at the Douglas Town Hall, Main Street, East Douglas, Massachusetts.				
Massachusetts.....	Hancock, Town, Berkshire County (Docket No. FEMA-8012).	West Branch Green River.....	Corporate Limits.....	*1,001
			Approximately 2,900' upstream Corporate Limits.....	*1,029
			First Private Drive (upstream).....	*1,065
			Approximately 2,500' upstream of first Private Drive.....	*1,107
			Second Private Drive (Upstream).....	*1,142
			Approximately 4,600' upstream of second Private Drive.....	*1,215
		Kinderhook Creek.....	Corporate Limits.....	*955
			Downstream crossing State Route 43 (Upstream).....	*988
			Private Drive (Upstream).....	*1,020
			Upstream crossing State Route 43 (Upstream).....	*1,024
			Potter Mountain Road.....	*1,035
Maps available for inspection at the Town Hall, Route 43, Hancock, Massachusetts.				
Massachusetts.....	Lee, Town, Berkshire County (Docket No. FEMA-8147).	Housatonic River.....	Downstream Corporate Limits.....	*834
			Willow Mill Dam (Upstream).....	*847
			Meadow Street (Upstream).....	*851
			Approximately 3,000' downstream of confluence with Goose Pond Brook.	*861
			Confluence with Goose Pond Brook.....	*870
			Interstate 90 (Upstream).....	*879
			Conrail Bridge (Upstream).....	*889
			Columbia Mill Dam (Downstream).....	*903
			Columbia Mill Dam (Upstream).....	*916
			Confluence of Washington Mountain Brook.....	*925
			Vatley Mill Dam (Upstream).....	*955
			Upstream Corporate Limits.....	*958
		Goose Pond Brook.....	Confluence with Housatonic River.....	*870
			Footbridge (Downstream).....	*894
			First Private Drive (Downstream).....	*915
			Second Private Drive (Downstream).....	*983
			Approximately 300' upstream of Second Private Drive.....	*971
		Barnes Brook.....	Confluence with Housatonic River.....	*880
			Private Drive (Upstream).....	*885
			Maple Street (Upstream).....	*900
			Greylock Street (Upstream).....	*916
			Approximately 2,500' upstream of Greylock Street.....	*944
			East Street (Upstream).....	*970
		Mad River.....	Approximately 1,200' upstream of confluence with Hop Brook.	*855

## FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD). **Elevation in feet (MLLW).
			Approximately 2,800' upstream of confluence with Hop Brook	*878
		Hop Brook	Confluence with Housatonic River	*855
			Corporate Limits	*855
Maps available for inspection at the Lee Town Hall, Main Street, Lee, Massachusetts.				
Massachusetts	Stoughton, Town, Norfolk County, (Docket No. FEMA-5725).	Steep Hill Brook	Downstream of Erin Road	*114
			Upstream of Mill Street	*128
			Upstream of Bituminous Road	*148
			Confluence of Tributary to Steep Hill Brook	*155
			Upstream of Southworth Pond Dam	*173
			Upstream of Brittons Pond Dam	*183
			Downstream of Sheehan Street	*187
		Tributary to Steep Hill Brook	Confluence with Steep Hill Brook	*155
			Approximately 1,000' upstream of West Street	*157
		Redwing Brook	Downstream corporate limits	*183
			Upstream of Private Drive	*192
			Approximately 1,000' upstream of Pine Drive	*205
		Dorchester Brook	Downstream corporate limits	*180
			Approximately 3,300' upstream of downstream corporate limits	*192
Maps available for inspection at the Office of the Town Engineer, Town Hall, Stoughton, Massachusetts.				
Massachusetts	Sudbury, Town, Middlesex County (Docket No. FEMA-8012).	Sudbury River	Downstream Corporate Limits	*122
			Upstream Corporate Limits (furthest upstream crossing)	*124
		Hop Brook	Confluence with Sudbury River	*123
			150' downstream of Boston Post Road	*130
			Upstream of Codger Lane	*139
			Upstream of Dutton Road Dam	*159
			Downstream of Dutton Road (Upstream crossing)	*168
			Upstream of Cart Road Dam	*187
			Downstream of Calvin Hows Pond Dam	*199
			Upstream Corporate Limits	*213
		Landham-Allowance Brook	Downstream Corporate Limits	*123
			Upstream Corporate Limits	*134
		Dudley Brook	Confluence with Hop Brook	*139
			Upstream of Horse Pond Road	*149
			Approximately 900' upstream of Bent Road	*155
		Run Brook	Confluence with Hop Brook	*148
			Upstream of Hudson Road	*168
			Approximately 175' downstream of Fairbanks Road	*175
		Pantry Brook	Confluence with Sudbury River	*122
			Approximately 100' upstream of Marlborough Road	*142
Maps available for inspection at the Office of the Sudbury Town Clerk, Sudbury, Massachusetts.				
Massachusetts	Sutton, Town, Worcester County (Docket No. FEMA-6147).	Blackstone River	Downstream Corporate Limits	*318
			Downstream Chase Road	*329
			Upstream Corporate Limits	*341
		Dark Brook	Confluence with Mumford River	*438
			Downstream Tucker's Pond Dam	*444
			Upstream end of Tucker's Pond	*459
		Mumford River	Downstream Corporate Limits	*312
			Sutton/Douglas Corporate Limits	*318
			Uxbridge/Sutton Corporate Limits	*389
			Upstream Mumford Road	*397
			Upstream side of upstream crossing of Manchaug Road	*455
		Spring Brook	Confluence with Blackstone River	*327
			Downstream Boston Road	*372
			Approximately 200' upstream of second dam	*391
Maps available for inspection at the Sutton Elementary School, Sutton, Massachusetts.				
Massachusetts	Wayland, Town, Middlesex County (Docket No. FEMA-8020).	Sudbury River	Downstream Corporate Limits	*122
			Upstream Corporate Limits	*126
		Pine Brook	Confluence with Sudbury River	*123
			Upstream of the confluence with Hayward Brook	*123
		Mill Brook	Confluence with Pine Brook	*123
			Downstream of Claypit Hill Road	*130
		Hayward Brook	Confluence with Pine Brook	*123
			Downstream of Boston Post Road	*127
			Upstream of Boston Post Road	*137
			Upstream of Rich Valley Road	*148
			Upstream of Boston and Maine Railroad	*157
		Snake Brook	Upstream of Commonwealth Avenue (downstream crossing)	*139
			Upstream of Main Street	*148
			Downstream of Commonwealth Avenue (Upstream crossing)	*160
			Upstream of Commonwealth Avenue	*166
			Thompson Street	*172
Maps available for inspection at the Wayland Town Clerk's Office, Town Hall, Wayland, Massachusetts.				
Massachusetts	West Brookfield, Town, Worcester County (Docket No. FEMA-5966).	Quaboag River	Downstream Corporate Limits	*603
			Upstream Corporate Limits	*605
		Mill Brook	Confluence with Quaboag River	*603
			Directly downstream of Shay Road	*607
			Directly downstream of Tyler Road	*617
			Approximately 2,100' upstream of Tyler Road	*627
			Directly upstream of Farm Bridge	*634
			Downstream of Wickaboag Valley Road (Upstream crossing)	*638
			Upstream Corporate Limits	*644
		Coys Brook	Confluence with Quaboag River	*605
			Upstream of Conrail	*609

## FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD) **Elevation in feet (MLLW)
			Upstream of Conrail.....	*609
			Upstream Corporate Limits.....	*617
Maps available at the Office of the Planning Board, Town Hall, West Brookfield, Massachusetts.				
Massachusetts	West Stockbridge, Town, Berkshire County (Docket No. FEMA-6012).	Williams River	Upstream Great Barrington Road (State Route 41)	*854
			Downstream Main Alford Road.....	*888
			Approximately 450' upstream of Logging Road.....	*880
			Upstream Hotel Street.....	*893
		Cone Brook	Downstream Cone Hill Road.....	*914
			Approximately 800' upstream Farm Road.....	*924
Maps available for inspection at the Town Hall, Main Street, West Stockbridge, Massachusetts.				
Michigan	(V), Brooklyn, Jackson County (Docket No. FEMA-6144).	River Raisin	About 100 feet downstream of Mill Street.....	*945
			Just downstream of Brooklyn Dam.....	*951
		Goose Creek	At downstream corporate limit.....	*945
			At upstream corporate limit.....	*946
Maps available for inspection at the Village Hall, 300 School Street, Brooklyn, Michigan.				
Michigan	(C), Luna Pier, Monroe County (Docket No. FEMA-6144).	Lake Erie	Within corporate limits.....	*578
Maps available for inspection at the City Hall, 4357 Buckeye Street, Luna Pier, Michigan.				
Michigan	(V), Ravenna, Muckegon County (Docket No. FEMA-6144).	Crockery Creek	About 900 feet downstream of Conrail.....	*637
			About 0.7 mile upstream of Main Street.....	*644
Maps available for inspection at the Village Hall, 12090 Metheny Street, Ravenna, Michigan.				
Michigan	(C), Tecumseh, Lenawee County (Docket No. FEMA-6144).	River Raisin	Just upstream of East Russell Road.....	*744
			Just downstream of Standish Dam.....	*758
			Just upstream of Standish dam.....	*764
			Just downstream of Tecumseh Dam.....	*767
			Just upstream of Tecumseh Dam.....	*781
		Evans Creek	Just downstream of Globe Dam.....	*752
			Just upstream of Globe Dam.....	*764
			About 2,000 feet upstream of Globe Dam.....	*765
			About 300 feet downstream of Conrail.....	*769
			Just upstream of Union Street.....	*796
			Just upstream of Occidental Highway.....	*815
Maps available for inspection at the City Hall, 309 East Chicago Boulevard, Tecumseh, Michigan.				
Michigan	(C), Walker, Kent County (Docket No. FEMA-6144)	Grand River	About 0.9 mile downstream of State Highway 11.....	*605
			About 2.4 miles upstream of State Highway 11.....	*606
			About 1.9 miles downstream of North Park Street.....	*617
			About 0.4 mile upstream of North Park Street.....	*619
Maps available for inspection at the Building Department, City Hall, 4243 Remembrance Road, N.W., Grand Rapids, Michigan.				
Michigan	(Twp.), Washington, Macomb County (Docket No. FEMA-6144).	Yates Drain	Just upstream of 26 Mile Road.....	*654
			Just upstream of 27 Mile Road.....	*676
		Taft Drain	At confluence with Yates Drain.....	*676
			Just downstream of 26 Mile Road.....	*701
		Tributary No. 1	At confluence with Yates Drain.....	*674
			Just downstream of Van Dyke Road.....	*722
			Just upstream of Campground Road.....	*733
		Healy Drain	Just upstream of Grand Trunk Western Railroad.....	*781
			About 900 feet upstream of Sission Street.....	*815
		Price Brook	Just upstream of Grand Trunk Western Railroad.....	*749
			Just upstream of Klarney Lane.....	*777
			Just upstream of Kildare Lane.....	*827
			Just downstream of Campground Road.....	*862
		Price Brook Tributary No. 1	At confluence with Price Brook.....	*799
			Just downstream of Earth Dam.....	*822
			Just upstream of Earth Dam.....	*828
			Just downstream of Campground Road.....	*851
		McClure Drain	About 1,400 feet upstream of Snell Road.....	*817
			About 2,700 feet upstream of Snell Road.....	*823
Maps available for inspection at the Town Hall, 155 South Rawles, Romeo, Michigan.				
Minnesota	(C), Adrian, Nobles County (Docket No. FEMA-6130)	Tributary to Kanaranz Creek	Just downstream of Main Avenue.....	*1,520
			Just upstream of Main Avenue.....	*1,525
			About 200 feet upstream of Pearl Street.....	*1,531
			Just downstream of Eighth Street.....	*1,568
Maps available for inspection at the City Hall, P.O. Box 187, Adrian, Minnesota.				
Missouri	(C), Carl Junction, Jasper County (Docket No. FEMA-6074).	Center Creek	About 700 feet downstream of Joplin Street.....	*855
			At confluence of Cooley Branch.....	*864
			About 2,000 feet upstream of State Highway 171.....	*872
			About 1.75 miles upstream of State Highway 171.....	*878
		Cooley Branch	Just upstream of County Highway Z.....	*864
			About 1,600 feet upstream of County Highway Z.....	*878
		Briar Brook	Just upstream of Briarbrook Drive.....	*858
			About 800 feet upstream of Briarbrook Drive.....	*885
Maps available for inspection at the City Hall, P.O. Box 447, Carl Junction, Missouri.				
Missouri	(C), Dexter, Stoddard County (Docket No. FEMA-6144).	Dexter Creek	About 900 feet downstream of State Highway 114.....	*320
			Just downstream of Stoddard Street.....	*326
			About 0.4 mile upstream of McCollum Street.....	*350
		Shallow Flooding from Dudley Main Ditch	About 0.25 mile downstream of Two Mile Road.....	*357
			At intersection of U.S. Route 60 and West Elk Street.....	*389
Maps available for inspection at the City Administration Building, Dexter, Missouri.				
Missouri	(C), Lebanon, Laclede County (Docket No. FEMA-6130).	Holman Branch	About 1,900 feet downstream of St. Louis-San Francisco Railroad.....	*1,186
			Just downstream of Seminole Avenue.....	*1,221

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD). **Elevation in feet (MLLW).
			Just upstream of Seminole Avenue .....	*1,229
			Just downstream of Interstate 44 .....	*1,233
		Dry Auglaize Creek .....	At downstream corporate limits .....	*1,185
			Just downstream of St. Louis-San Francisco Railroad .....	*1,205
			Just upstream of St. Louis-San Francisco Railroad .....	*1,210
			About 100 feet downstream of Elm Street .....	*1,216
			About 100 feet upstream of Elm Street .....	*1,222
			Just downstream of Interstate 44 .....	*1,251
		Radio Tower Branch .....	At western corporate limits .....	*1,195
			Just downstream of State Route 32 .....	*1,226
			Just upstream of St. Louis-San Francisco Railroad (downstream of Kansas Street) .....	*1,236
			Just downstream of West Elm Street .....	*1,243
			About 800 feet upstream of West Elm Street .....	*1,258
			Just downstream of Interstate 44 .....	*1,258
Maps available for inspection at the Planning and Zoning Department, City Hall, P.O. Box 111, Lebanon, Missouri.				
Missouri	(C), Webb City, Jasper County (Docket No. FEMA-6074).	Center Creek .....	At confluence of Sunset Creek, just upstream of County Road .....	*884
			About 5,000 feet upstream of confluence of Sunset Creek .....	*888
		Sunset Creek .....	Just downstream of County Road .....	*897
			Just downstream of Carl Junction Road .....	*917
			Just upstream of Carl Junction Road .....	*922
			Just upstream of Broadway Street .....	*944
			About 125 feet downstream of St. Louis-San Francisco Railway .....	*959
			About 100 feet upstream of St. Louis-San Francisco Railway .....	*967
			Just downstream of Madison Street .....	*968
		Southwest Creek .....	About 600 feet upstream from mouth .....	*945
			About 100 feet upstream of State Highway 171 .....	*953
		Mine Branch .....	About 250 feet downstream of Missouri Pacific Railroad .....	*940
			Just downstream of Daugherty Street .....	*952
			About 1,650 feet upstream of Daugherty Street .....	*958
Maps available for inspection at the City Hall, P.O. Box 30, Webb City, Missouri.				
Nebraska	(V), Talmage, Otoe County (Docket No. FEMA-6130)	Little Nemaha River .....	About 1.4 miles downstream of State Highway 67 .....	*970
			About 1.4 miles upstream of State Highway 67 .....	*982
Maps available for inspection at the City Hall, Talmage, Nebraska.				
Nevada	Callente (City), Lincoln County (FEMA-6130)	Meadow Valley Wash .....	100 feet upstream from center of U.S. Highway 93 .....	*4,364
		Dry Wash Runoff .....	Intersection of Rowan Drive and Depot Avenue .....	*4,386
		Clover Creek .....	100 feet upstream from center of Union Pacific Railroad .....	*4,401
		Antelope Canyon Wash .....	150 feet upstream from center of U.S. Highway 93 .....	*4,426
Maps available for inspection at City Clerk's Office, City Hall, Callente, Nevada.				
New Jersey	Carneys Point, Township, Salem County (Docket No. FEMA-6146).	Delaware River .....	Entire Shoreline within the corporate limits .....	*9
Maps available for inspection at the Office of the Construction Official, Municipal Building, D & Walker Streets, Carneys Point, New Jersey.				
New Jersey	Palisades Park, Borough, Bergen County (Docket No. FEMA-6146).	Overpeck Creek .....	Downstream Corporate Limits .....	*9
			Upstream Corporate Limits .....	*9
Maps available for inspection at the Borough Hall, 275 Broad Avenue, Palisades Park, New Jersey.				
New Jersey	West Deptford, Township, Gloucester County (Docket No. FEMA-6122).	Delaware River .....	Downstream Corporate Limits .....	*10
			Upstream Corporate Limits .....	*10
		Mantua Creek .....	Confluence with the Delaware River .....	*10
			New Jersey Turnpike (Upstream side) .....	*10
			State Route 45 (Downstream side) .....	*11
		Woodbury Creek .....	Confluence with the Delaware River .....	*10
			Upstream Corporate Limits .....	*10
Maps available for inspection at the Office of the Township Administrator, West Deptford Municipal Building, Thorofare, New Jersey.				
New York	Cleveland, Village, Oswego County (Docket No. FEMA-6146).	Oneida Lake .....	Entire shoreline .....	*373
Maps available for inspection at the Village Hall, Cleveland, New York.				
New York	Marcellus, Village, Onondaga County (Docket No. FEMA-6124).	Ninemile Creek .....	Downstream Corporate Limits of downstream segment through community .....	*604
			Downstream face of dam No. 6 .....	*611
			Upstream face of dam No. 6 .....	*618
			240' upstream of North Street Bridge .....	*622
			Upstream face of abandoned Railroad Bridge (Upstream crossing) .....	*636
			Downstream face of dam No. 7 .....	*639
			Upstream face of dam No. 7 .....	*653
			1,600' downstream of Platt Road .....	*662
			Downstream face of Platt Road Bridge/Corporate Limits .....	*667
Maps available for inspection at the Marcellus Village Hall, 6 Slocomb Street, Marcellus, New York.				
New York	Port Byron, Village, Cayuga County (Docket No. FEMA-6130).	Owasco Lake Outlet .....	Downstream Corporate Limits .....	*392
			Upstream side of Green Street .....	*394
			Downstream of Dam .....	*398
			Upstream of Dam .....	*404
			Upstream Corporate Limits .....	*408
		East Branch Owasco Lake Outlet .....	Downstream confluence with Owasco Lake Outlet .....	*397
			Downstream Dam .....	*398
			Upstream Dam .....	*404
			Upstream confluence with Owasco Lake Outlet .....	*404
Maps available for inspection at the Village Hall, 66-68 Ullica Street, Port Byron, New York.				

## FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD). **Elevation in feet (MLLW).
New York	Skaneateles, Town, Onondaga County (Docket No. FEMA-6146).	Skaneateles Creek	Downstream Corporate Limits	*589
			Irish Road (Upstream side)	603
			Stump Road (Upstream side)	*670
			Upstream side of Dam located approximately 1,800' upstream of downstream crossing of Jordan Road.	*721
			Sheldon Road (Upstream side)	*765
			Upstream side of Skaneateles Short Line Railroad crossing approximately 2,700' downstream of Old Seneca Turnpike.	*816
			Upstream Corporate Limits	*857
			Entire shoreline within community	*867
			Skaneateles Lake	
			Maps available for inspection at the Skaneateles Town Hall, 24 Jordan Road, Skaneateles, New York.	
North Carolina	City of Goldsboro, Wayne County (FEMA-6143)	Neuse River	Just upstream of State Road 1915	*71
			Just upstream of U.S. Highways 117 and 13 Sound Bound Lane.	*73
		Little River	Approximately 1,500 feet upstream State Highway 581	*74
			Just downstream of U.S. Highway 70	*75
		Big Ditch	Just upstream of Seaboard Coastline Railroad (near George Street).	*76
			Just downstream of Park Avenue	*94
		Stoney Creek	Just upstream of Stocumb Street	*75
			Just upstream of Wayne Memorial Drive (State Road 1556).	*93
		Richland Creek	Just downstream of Buckley Boulevard	*101
		Billy Budd Creek	Just upstream of Beast Road (State Road 1565)	*100
			Just upstream of State Road 1567	*105
		Reedy Branch	Just upstream of State Road 1003	*104
		Howell's Branch	Just upstream of Wayne Memorial Drive (State Road 1556).	*93
			Just downstream of State Road 1523 (Patetown Road)	*102
Maps available for inspection at City Hall, Goldsboro, North Carolina 27530.				
Ohio	(Uninc.), Hamilton County, (Docket No. FEMA-6124)	Great Miami River	At confluence with Ohio River	*490
			Just upstream of Chessie System Railroad (about 600 feet upstream of confluence of Paddys Run).	*530
		Little Miami River	About 4,900 feet upstream of State Route 125	*566
			About 1.4 miles downstream of Beechmont Avenue	*501
		Whitewater River	Just downstream of confluence of East Fork River	*511
			At upstream county boundary	*597
		Dry Fork Whitewater River	At confluence with Great Miami River	*490
			About 7,100 feet upstream of confluence of Jameson Creek (state boundary).	*513
		Ohio River	At confluence with Whitewater River	*490
			Just upstream of Kilby Road	*498
		Howard Creek	Just upstream of West Road	*544
			At upstream county boundary	*594
		East Fork Mill Creek	Just downstream of confluence of Great Miami River	*490
			About 1.0 mile upstream of confluence with Eight Mile Creek.	*504
		West Fork Mill Creek	At confluence with Dry Fork Whitewater River	*558
			About 550 feet downstream of Oxford Road	*566
		Winton Woods Creek	Just downstream of Oxford Road	*568
			At City of Cincinnati corporate limits	*539
		West Fork Sycamore Creek	At City of Reading corporate limits	*540
			Just upstream of Woodlawn corporate limits	*614
		McCullough Run	Just downstream of West Fork Dam Outlet Structure	*638
			Just downstream of Covered Bridge Road	*702
		Fork of McCullough Run	Just downstream of Dam No. 1	*710
			Just upstream of Dam No. 1	*716
		Congress Run	Just upstream of Dam No. 3	*724
			Just upstream of Ripplebrook Drive	*748
		Wuff Run	About 500 feet downstream of Compton Road	*765
			Just downstream of Pippin Road	*778
		Clough Creek	About 8,450 feet downstream of Diane Lynn Road	*704
			About 7,230 feet downstream of Diane Lynn Road	*718
		Raiders Run	About 950 feet downstream of Daly Road	*755
			Just downstream of Daly Road	*759
		Wuff Run	At City of Indian Hill corporate limits	*685
			Just upstream of Miami Avenue	*719
		Clough Creek	Just downstream of Galbraith Road	*754
			At Galbraith Road	*771
		Wuff Run	At confluence with Little Miami River	*501
			At Village of Newton corporate limits	*501
		Clough Creek	At confluence with McCullough Run	*501
			At Village of Newton corporate limits	*508
		Clough Creek	About 810 feet downstream of Caldwell Drive	*525
			At City of Cincinnati upstream corporate limits	*623
		Clough Creek	About 2,900 feet downstream of North Hill Lane (downstream of culvert exit).	*766
			About 2,900 feet downstream of North Hill Lane (just upstream of culvert exit).	*783
		Clough Creek	Just downstream of North Hill Lane culvert outlet	*841
			Just upstream of North Hill Lane culvert outlet	*851
		Clough Creek	At confluence with West Fork Sycamore Creek	*701
			Just upstream of Montgomery Road	*709
		Clough Creek	Just downstream of Interstate 71 outlet	*752
			Just upstream of Interstate 71 Inlet	*780
		Clough Creek	Just upstream of Delhi Road (downstream crossing)	*786
			Just downstream of Morrue Avenue	*789
Clough Creek	Just upstream of Morrue Avenue	*803		
	At confluence with Little Miami River	*501		
Clough Creek	About 1,020 feet upstream of State Route 125	*507		
	Just upstream of Corby Road	*592		

## FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD). **Elevation in feet (MLLW).
			Just upstream of Clough Pike (about 680 feet upstream of Berkshire Road).	*611
			About 2,000 feet downstream of Five Mile Road (just upstream of Clough Pike).	*666
			About 1,420 feet downstream of Five Mile Road (just upstream of private drive).	*675
			Just downstream of Five Mile Road outlet structure.....	*696
			Just upstream of Five Mile Road outlet structure.....	*729
			Just downstream of State Road.....	*768
			About 620 feet upstream of State Road.....	*769
		Muddy Creek.....	Just upstream of Village of Addyston corporate limits....	*493
			Just downstream of Beechcreek Road.....	*748
			Just upstream of Muddy Creek Road (about 1,350 feet upstream of Beechcreek Road).	*782
			Just upstream of Sidney Road.....	*781
			About 1,080 feet upstream of Sidney Road.....	*782
		Newton (Clear) Creek.....	At confluence with Little Miami River.....	*501
			At Village of Newton corporate limits.....	*501
			Just downstream of Anderson Ferry Road.....	*825
Maps available for inspection at the Planning Department, Hamilton County Courthouse, 1000 Main Street, Cincinnati, Ohio.				
Oregon.....	Cave Junction (City), Josephine County (FEMA-6143)....	East Fork Illinois River.....	250 feet downstream from center of Redwood Highway (U.S. Highway 199).	*1,292
Maps available for inspection at City Hall, 222 Lister, Cave Junction, Oregon.				
Oregon.....	Dayton (City), Yamhill County (FEMA-6130).....	Yamhill River.....	Intersection of Water Street and Ferry Street.....	*103
		Palmer Creek.....	Intersection of creek and Dayton-Salem Highway.....	*102
Maps available for inspection at City Recorder's Office, 416 Ferry Street, Dayton, Oregon.				
Oregon.....	Josephine County (Unincorporated Areas) (FEMA-6124).	Rogue River.....	40 feet downstream from center of Robertson Bridge....	*836
			100 feet north along Roguellea Lane from intersection with Lower River Road.	*904
		Jumpoff Joe Creek.....	80 feet downstream from center of Merlin Galice Road.	*864
		Louse Creek.....	40 feet downstream from center of Monument Drive.....	*1,002
			30 feet downstream from center of Southern Pacific Railroad Bridge.	*902
		Applegate River.....	10 feet downstream from center of Monument Drive.....	*1,122
			50 feet upstream from center of U.S. Highway 199 (Redwood Highway).	*906
			75 feet downstream from center of State Highway 238 (Williams Highway).	*1,045
		Slate Creek.....	40 feet downstream from center of Fish Hatchery Road.	*819
		Murphy Creek.....	Intersection of stream and center of Southside Road (Williams Highway).	*1,072
		Illinois River.....	210 feet upstream from center of Finch Road.....	*1,251
			50 feet downstream from center of Pomeroy Dam.....	*1,279
		East Fork Illinois River.....	Intersection of stream and center of U.S. Highway 199 (Redwood Highway).	*1,293
		West Fork Illinois River.....	20 feet downstream from center of Waldo Road.....	*1,523
			150 feet downstream from center of downstream crossing of U.S. Highway 199 (Redwood Highway).	*1,320
			80 feet downstream from center of upstream crossing of U.S. Highway 199 (Redwood Highway).	*1,415
		Deer Creek.....	Intersection of stream and center of Old Redwood Highway (old U.S. Highway 199).	*1,300
Maps available for inspection at Planning Office, 510 NW 4th, Grants Pass, Oregon.				
Pennsylvania.....	Allentown, City, Lehigh County (Docket No. FEMA-6124).	Lehigh River.....	Downstream Corporate Limits.....	*243
			Confluence of Little Lehigh Creek.....	*249
			Hamilton Street downstream.....	*255
			Tilghman Street downstream.....	*264
			Upstream Corporate Limits.....	*267
		Tributary to Lehigh River.....	Confluence with Lehigh River.....	*266
			Approximately 2,800' upstream of confluence with Lehigh River.	*282
			Upstream Corporate Limits.....	*293
		Little Lehigh Creek.....	Confluence with Lehigh River.....	*249
			Basin Street upstream.....	*252
			Confluence of Jordan Creek.....	*257
			Ward Street upstream.....	*260
			Park Drive upstream.....	*270
			Bogarts Road upstream.....	*278
			Fish Hatchery Road upstream.....	*289
			Devonshire Road upstream.....	*303
			Upstream Corporate Limits.....	*306
		Trout Creek.....	Confluence with Little Lehigh Creek.....	*252
			Upstream East Susquehanna Street.....	*267
			Upstream Conrail bridge.....	*286
			South Delaware Street upstream.....	*306
			Downstream of culvert at Dixon Street.....	*328
			Upstream 2nd Street.....	*345
			Corporate Limits.....	*356
		West Branch Trout Creek.....	Confluence with Trout Creek.....	*304
			Upstream Vine Street.....	*320
			Upstream South 10th Street.....	*349
			Approximately 110' upstream of culvert under Emsus Avenue.	*363
			Approximately 970' upstream of Roy Street.....	*413
			Downstream State Route 309.....	*455
		Jordan Creek.....	Confluence with Little Lehigh Creek.....	*257
			Tilghman Street upstream.....	*263
			North 4th Street upstream.....	*267
			7th Street upstream.....	*272
			Upstream Corporate Limits.....	*274

## FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD). **Elevation in feet (MLLW).
		Cedar Creek	Confluence with Little Lehigh River	*262
			Mosser Street upstream	*266
			Hamilton Street upstream	*277
			30th Street upstream	*289
			Cedar Crest Boulevard upstream	*292
		Little Cedar Creek	Confluence with Cedar Creek	*290
			Tilghman Street upstream	*325
			Upstream Corporate Limits	*349
			Approximately 300' upstream of the Corporate Limits	*352
Maps available for inspection at the Office of the City Clerk, City Hall, 435 Hamilton Street, Room 510, Allentown, Pennsylvania.				
Pennsylvania	Daugherty, Township, Beaver County (Docket No. FEMA-6147).	Beaver River	Downstream Corporate Limits	*734
			Upstream Corporate Limits	*737
		Blockhouse Run	Downstream Corporate Limits	*808
			Confluence of Tributary to Blockhouse Run	*835
			Private Drive (Upstream side) approximately 1,230' upstream of confluence of Tributary to Blockhouse Run.	*853
			Approximately 5,880' upstream of confluence of Tributary to Blockhouse Run.	*918
		Tributary to Blockhouse Run	Confluence with Blockhouse Run	*835
			Blockhouse Run Road (Upstream side)	*889
			Frishkorn Road (Upstream side)	*916
			Silver Spring Road (Upstream side)	*981
			Approximately 700' upstream of Silver Spring Road	*1,031
Maps available for inspection at the Daugherty Municipal Building, New Brighton, Pennsylvania.				
Pennsylvania	Eltwood City, Borough, Lawrence and Beaver Counties (Docket No. FEMA-6146).	Johnson Run	Confluence with Connoquenessing Creek	*771
			Line Avenue (Upstream side)	*873
			Approximately 1,580' upstream of Line Avenue	*910
			Approximately 2,725' upstream of Line Avenue	*938
		Duck Run	Confluence with Connoquenessing Creek	*813
			Approximately 940' upstream of Private Drive	*846
			Approximately 920' downstream of upstream Corporate Limits	*884
			Upstream Corporate Limits	*914
Maps available for inspection at the Municipal Building, 525 Lawrence Avenue, Eltwood City, Pennsylvania.				
Pennsylvania	Holidaysburg, Borough, Blair County (Docket No. FEMA-6147).	Beaverdam Branch Juniata River	Upstream State Route 36	*943
			Upstream Allegheny Street	*951
			Corporate Limits, approximately 1,500' upstream Allegheny Street.	*955
		Brush Run	Upstream Corporate Limits	*967
			Upstream Scotch Valley Road	*942
			Upstream Edgar Street	*953
			Approximately 2,300' upstream Penn Street	*960
			Upstream Corporate Limits	*966
Maps available for inspection at the Borough Municipal Building, Holidaysburg, Pennsylvania.				
Pennsylvania	Milford, Township, Bucks County (Docket No. FEMA-6124).	Unami Creek	Downstream Corporate Limits	*415
			Trumbeausville Road bridge (upstream side)	*433
			Allentown Road bridge (upstream side)	*483
			Milford Square Pike bridge (upstream side)	*485
			Breisch Lane bridge (downstream side)	*501
Maps available for inspection at the Milford Township Building, Spinnerstown, Pennsylvania.				
Pennsylvania	North Sewickley, Township, Beaver County (Docket No. FEMA-6146).	Beaver River	Downstream Corporate Limits	*753
			Pennsylvania Turnpike upstream	*757
			Upstream Corporate Limits	*760
		Connoquenessing Creek	Approximately 3,520' downstream of State Route 65 bridge.	*857
			Approximately 100' upstream of State Route 65 bridge	*862
			Upstream Corporate Limits	*870
		Brush Creek	Confluence with Connoquenessing Creek	*868
			Approximately 2,260' upstream of Bilbobery Road	*875
			Approximately 5,175' upstream of Bilbobery Road bridge.	*882
Maps available for inspection at the North Sewickley Municipal Building, R.D. 2, Beaver Falls, Pennsylvania.				
Pennsylvania	Pulaski, Township, Beaver County (Docket No. FEMA-6147).	Tributary to Blockhouse Run	Downstream Corporate Limits (Upstream side of Private Drive).	*741
			Approximately 1,310' upstream of Corporate Limits	*820
			Rochester Road (Upstream side)	*899
			Upstream Corporate Limits	*957
Maps available for inspection at the Pulaski Municipal Building, New Brighton, Pennsylvania.				
Pennsylvania	Susquehanna, Township, Juniata County (Docket No. FEMA-6147).	Susquehanna River	Downstream Corporate Limits	*405
			Confluence of West Mahantango Creek	*409
		West Mahantango Creek	Confluence with Susquehanna River	*409
			Approximately 1,300' upstream of Township Route 425	*412
			Upstream Route 104 (Upstream)	*428
		West Branch Mahantango Creek	Approximately 90' downstream of confluence of Tributary A.	*463
			Dam (Upstream)	*471
			Township Route 482 (Upstream)	*485
			Approximately 750' upstream of Legislative Route 34012.	*496
		Tributary A	Confluence with West Branch Mahantango Creek	*464
			Township Route 431 (Upstream)	*490
			Approximately 1,840' upstream of Township Route 431	*520
		Dobson Run	Confluence with West Branch Mahantango Creek	*460
			Legislative Route 34012 (Upstream)	*478

## FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD). **Elevation in feet (MLLW).
			Approximately 5,270' downstream of Township Route 417.	*503
		Tributary B.....	Township Route 417 (Downstream).....	*533
			Confluence with Dobson Run.....	*478
			Approximately 2,640' upstream of Dobson Run.....	*499
		Leiningers Run.....	Confluence with West Branch Mahantango Creek.....	*469
			Township Route 416 (Downstream).....	*496
Maps available for inspection at the residence of the Township Secretary, Ma. Gay Bitting, R.D. 1, Liverpool, Pennsylvania.				
Texas.....	*City of Watauga, Tarrant County (FEMA-6143).....	Singing Hills Creek.....	Just upstream of Mackneal Drive.....	*584
			Just downstream of Chapman Road.....	*616
		Bunker Hill Creek.....	Just upstream of Starnes Road.....	*654
			Just upstream of Maurie Drive.....	*588
			Just upstream of Chapman Road.....	*613
			Just Upstream of Prewett Road.....	*637
		Whites Branch.....	Just upstream of Watauga Smithfield Road.....	*580
Maps available for inspection at City Hall, 7107 Whitley Road, Watauga, Texas 76148.				
Washington.....	Bothell (City), King County (FEMA-8124).....	Sammamish River.....	At intersection of Sammamish River and Burlington Northern Railroad.	*20
		North Creek.....	At intersection of North Creek and Northeast 195th Street.	*29
Maps available for inspection at Planning Department, City Hall, 18305 101st Avenue N.E., Bothell, Washington.				
Washington.....	Centralia (City), Lewis County (FEMA-6130).....	Chehalis River.....	100 feet downstream from center of Mellen Street.....	*173
		Skookumchuck River.....	Intersection of Donny Way and Alexander Street.....	*173
			Intersection of Eureka Avenue and Noel Avenue.....	*197
		Coffee Creek.....	200 feet upstream from center of Roanoke Street.....	*189
		Chins Creek.....	Intersection of Cedar Street and Plum Street.....	*173
		Salzer Creek.....	Intersection of Fair Street and Kresky Avenue.....	*176
Maps available for inspection at City Hall, Pearl & Maple, Centralia, Washington.				
Washington.....	Hamilton (Town), Skagit County (FEMA-6143).....	Skagit River.....	Intersection of Baker Street and Ashford Street.....	*100
			Intersection of Washington Street and Noble Avenue.....	*102
Maps available for inspection at Town Hall, Noble Street, Hamilton, Washington.				
West Virginia.....	Cedar Grove, Town, Kanawha County (Docket No. FEMA-6147).	Kanawha River.....	Downstream Corporate Limits.....	*610
			Upstream Corporate Limits.....	*611
		Kellys Creek.....	Confluence with Kanawha River.....	*611
			Downstream of Private Drive.....	*624
			Upstream Corporate Limits.....	*631
Maps available for inspection at the Town Office, Cedar Grove, West Virginia.				
West Virginia.....	Chesapeake, Town, Kanawha County (Docket No. FEMA-6147).	Kanawha River.....	Downstream Corporate Limits.....	*602
			Upstream Corporate Limits.....	*604
		Fields Creek.....	Confluence with Kanawha River.....	*604
			Upstream Corporate Limits.....	*604
Maps available for inspection at the Town Offices, Chesapeake, West Virginia.				
West Virginia.....	Dunbar, City, Kanawha County (Docket No. FEMA-6147).	Kanawha River.....	Downstream Corporate Limits.....	*591
			Approximately 1,200' downstream Interstate 64 bridge.....	*5922
			Upstream Corporate Limits.....	*593
Maps available for inspection at the City Hall, 12th and Myers Avenue, Dunbar, West Virginia.				
West Virginia.....	East Bank, Town, Kanawha County (Docket No. FEMA-6147).	Kanawha River.....	Downstream Corporate Limits.....	*608
			Upstream Corporate Limits.....	*610
		East Bank Tributary.....	Upstream of Chesale System.....	*620
			Upstream of Ferry Street.....	*625
			Downstream of State Route 61.....	*642
			Approximately 1,240' upstream State Route 61.....	*602
			Upstream Corporate Limits.....	*758
Maps available for inspection at the Town Offices, East Bank, West Virginia.				
West Virginia.....	Montgomery, City, Fayette and Kanawha Counties (Docket No. FEMA-6147).	Kanawha River.....	Downstream Corporate Limits.....	*620
			Confluence with Morris Creek.....	*622
			Montgomery Bridge (downstream side).....	*624
			Upstream Corporate Limits.....	*628
		Morris Creek.....	Confluence with Kanawha River.....	*622
			Old State Route 61 bridge (upstream side).....	*629
			Approximately 650' upstream of Old State Route 61.....	*638
Maps available for inspection at the Office of Public Works, City Hall, 133 Fifth Avenue, Montgomery, West Virginia.				
Wisconsin.....	(V), Twin Lakes, Kenosha County (Docket No. FEMA-8130).	Lake Mary.....	Within corporate limits.....	*795
		Lake Elizabeth.....	Within corporate limits.....	*795
		Bassett Creek Tributary.....	At downstream corporate limits.....	*781
			About 2,900 feet upstream of corporate limits.....	*792
Maps available for inspection at the Office of the Clerk, Village Hall, 106 East Main Street, Twin Lakes, Wisconsin.				
Wisconsin.....	(C), Whitewater, Walworth County (Docket No. FEMA-8144).	Whitewater Creek.....	About 1,400 feet downstream of Starin Road.....	*800
			Just downstream of East Main Street.....	*807
			At upstream corporate limits.....	*824
		Cravath Lake.....	Shoreline.....	*815
		Tripp Lake.....	Shoreline.....	*823
		Spring Brook.....	Just upstream of Franklin Street.....	*816
			At upstream corporate limits.....	*819
Maps available for inspection at the Office of the Building Inspector, City Hall, 312 West Whitewater Street, White water, Wisconsin.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: December 22, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-1662 Filed 1-26-82; 8:45 am]

BILLING CODE 6718-03-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 1

[Gen. Docket No. 81-499; FCC 82-7]

#### Practice and Procedure; Equal Access to Justice Act Rules

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The FCC adopts rules to implement the Equal Access To Justice Act (EAJA). The EAJA provides for the award of attorney's fees to qualified parties who prevail over the government in certain administrative proceedings.

The EAJA requires each government agency to establish uniform procedures for implementing the Act.

The rules provide instructions to eligible parties who seek to recover attorney's fees from the Commission.

**EFFECTIVE DATE:** January 25, 1982.

**FOR FURTHER INFORMATION CONTACT:** Sue Preskill, Office of General Counsel, Federal Communications Commission, Washington, D.C. (202) 632-6990.

#### SUPPLEMENTARY INFORMATION:

##### Report and Order

Adopted: January 13, 1982.

Released: January 22, 1982.

1. A Notice of Proposed Rulemaking in this proceeding was released on August 24, 1981, FCC 81-386, 46 FR 43068 (August 26, 1981). This Notice proposed rules to implement the Equal Access to Justice Act (EAJA), 5 U.S.C. 504. The EAJA provides for the award of attorney's fees and other expenses to qualified parties who prevail over the Federal Government in certain administrative and court proceedings.

2. Comments on the proposed rule were submitted by a number of parties, as noted below. No reply comments were received. Based on these comments, we are adopting the proposed rules with slight modifications.

3. The Administrative Conference of the United States and the National Association of Broadcasters (NAB) suggest that we clarify the rule dealing with coverage of the EAJA to note that revocation proceedings fall within the

scope of the Act. Since this will carry out congressional intent, we are modifying Rule 1.1503 as suggested. We believe this modification will sufficiently clarify the scope of the rules so that it is unnecessary to list the proceedings covered, as suggested by the Administrative Conference and the National Radio Broadcasters Association (NRBA).

4. The NRBA and Putbres & Hunsaker raise concerns that the goals of the EAJA might be frustrated by limiting coverage of the rules to revocation proceedings, while most of the Commission's enforcement efforts are carried out in renewal proceedings. The NRBA suggests that, since both revocation and renewal proceedings are based on the same types of alleged misconduct, exclusion of renewal proceedings is inequitable and contrary to the results apparently intended by Congress. In response, we note that the statute itself excludes from coverage "an adjudication \* \* \* for the purpose of granting or renewing a license \* \* \* 5 U.S.C. 504(b)(1)(C). We therefore lack authority to award attorney's fees in such proceedings.<sup>1</sup> Putbres and Hunsaker suggest that the Commission use revocation proceedings to adjudicate a licensee's character qualifications and that the Commission designate all pending renewal proceedings as revocation proceedings. However, the determination to proceed against a licensee in the context of a renewal or revocation proceeding is based on a number of factors, including the nature of the alleged misconduct<sup>2</sup>, and the timing of the alleged misconduct. Nothing in the EAJA suggests that agencies are obligated to restructure their proceedings in order to bring more adjudications within the purview of the Act. Since the intent of Congress, as expressed in the statute, clearly was to exempt renewal proceedings from the scope of the Act,

<sup>1</sup> The EAJA is an exception to the "American Rule," whereby each party is responsible for the payment of his own attorney's fees and other expenses incurred during litigation. Unless otherwise provided by statute, the United States is not liable for attorney's fees. See H.R. Rep. No. 96-1418, 96th Cong., 2d Sess. 8-9 (1980). Thus, except to the extent provided by the EAJA (or other laws), we are not authorized to award attorney's fees in Commission proceedings.

<sup>2</sup> Compare 47 U.S.C. 308, with 47 U.S.C. 312.

to redesignate pending renewal proceedings as revocation proceedings would in itself circumvent the statute.

5. The Maryland-District of Columbia-Delaware Broadcasters Association, Inc. (MDCD) suggests that the ceiling on hourly attorney's fees of \$75 is unreasonable in today's market. However, Congress set that ceiling, and it cannot be changed "unless the agency determines by regulation that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys \* \* \* justifies a higher fee." 5 U.S.C. 504(b)(1)(A)(ii). There is no evidence in the record to support such a determination at this time<sup>3</sup>, and we therefore decline to disturb the congressionally-set maximum.

6. MDCD also submits that the agency "which has wronged a licensee" should not "pass final judgment on the amount of reimbursement \* \* \*" Comments of MDCD at 2. It suggests that the Administrative Law Judges' decisions should be final. The EAJA states, however, that the ALJ's decision "shall be made a part of the record containing the final decision of the agency \* \* \*" 5 U.S.C. 504(a)(3) (emphasis added). This reflects a congressional determination that the agency itself has the authority to make the final determination to award appropriate fees.<sup>4</sup> The decisions of Administrative Law Judges constitute initial decisions, subject to review. 5 U.S.C. 557, 47 CFR 1.267. In response to MDCD's concern that the Commission may not treat EAJA claims objectively, we state that we intend to carry out our responsibilities under the Act, as under all statutes, fully and objectively.

7. Finally, we are modifying Rule 1.267(c) to ensure that the Administrative Law Judge who presided over the underlying proceeding will retain jurisdiction to rule initially on EAJA applications.

8. Since the EAJA went into effect on October 1, 1981, immediate implementation of these rules is appropriate. Thus, good cause is

<sup>3</sup> The rules provide for rulemaking proceedings to increase the maximum rate for attorney's fees. See Rule 1.1507.

<sup>4</sup> This determination is subject to judicial review. 5 U.S.C. 504(c)(2).

established for waiver of the 30 day effective period. 5 U.S.C. 553(d).

9. Authority for these rules is contained in sections 4(i) and 303(r) of the Communications Act of 1934, 47 U.S.C. 4(i), 303(r); and the Equal Access to Justice Act, 5 U.S.C. 504(c)(i).<sup>5</sup>

Accordingly, it is ordered, that, effective January 25, 1982, § 1.267(c) of the Commission's rules, 47 CFR 1.267(c), is amended, and Subpart K, §§ 1.1501-1.1530, 47 CFR 1.1501-1.1530, are added, as set forth in the attached appendix.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communication Commission.

William J. Tricarico,

Secretary.

## Appendix

### PART 1—PRACTICE AND PROCEDURE

1. In § 1.267, paragraph (c) is revised to read as follows:

#### § 1.267 Initial and Recommended Decisions.

(c) The authority of the Presiding Officer over the proceedings shall cease when he has filed his Initial or Recommended Decision, or if it is a case in which he is to file no decision, when he has certified the case for decision: Provided, however, That he shall retain limited jurisdiction over the proceeding for the purpose of effecting certification of the transcript and corrections to the transcript, as provided in §§ 1.260 and 1.261, respectively, and for the purpose of ruling initially on applications for awards of fees and expenses under the Equal Access to Justice Act.

2. A new Subpart K is added to read as follows:

#### Subpart K—Implementation of the Equal Access to Justice Act (EAJA) in Agency Proceedings

##### General Provisions

###### Sec.

- 1.1501 Purpose of these rules.
- 1.1502 When the EAJA applies.
- 1.1503 Proceedings covered.
- 1.1504 Eligibility of applicants.
- 1.1505 Standards for awards.
- 1.1506 Allowable fees and expenses.
- 1.1507 Rulemaking on maximum rates for attorney fees.
- 1.1508 Awards against other agencies.

##### Information Required From Applicants

- 1.1511 Contents of application.

<sup>5</sup> By letter dated August 24, 1981, the Office of Management and Budget was informed that the Commission estimates that the number of applicants requesting awards will be less than ten per year. Thus, the Paperwork Reduction Act, P.L. 96-511, does not apply to this proceeding. See 44 U.S.C. 3502(4)(A).

###### Sec.

- 1.1512 Net worth exhibit.
- 1.1513 Documentation of fees and expenses.
- 1.1514 When application may be filed.

##### Procedures for Considering Applications

- 1.1521 Filing and service of documents.
- 1.1522 Answer to application.
- 1.1523 Reply.
- 1.1524 Comments by other parties.
- 1.1525 Settlement.
- 1.1526 Further proceedings.
- 1.1527 Decision.
- 1.1528 Commission review.
- 1.1529 Judicial review.
- 1.1530 Payment of award.

Authority: Sec. 203(a)(1), Pub. L. 96-481, 94 Stat. 2325 (5 U.S.C. 504(c)(1)).

#### Subpart K—Implementation of the Equal Access to Justice Act (EAJA) in Agency Proceedings

##### General Provisions

###### § 1.1501 Purpose of these rules.

The Equal Access to Justice Act, 5 U.S.C. 504 (called "the EAJA" in this subpart), provides for the award of attorney's fees and other expenses to eligible individuals and entities who are parties to certain administrative proceedings (called "adversary adjudications") before the Commission. An eligible party may receive an award when it prevails over the Commission, unless the Commission's position in the proceeding was substantially justified or special circumstances make an award unjust. The rules in this part describe the parties eligible for awards and the proceedings that are covered. They also explain how to apply for awards, and the procedures and standards that the Commission will use to make them.

###### § 1.1502. When The EAJA applies.

The EAJA applies to any adversary adjudication pending before this agency at any time between October 1, 1981, and September 30, 1984. This includes proceedings begun before October 1, 1981, if final agency action has not been taken before that date, and proceedings pending on September 30, 1984, regardless of when they were initiated or when final agency action occurs.

###### § 1.1503 Proceedings covered.

(a) The EAJA applies to adversary adjudications conducted by the Commission. These are adjudications under 5 U.S.C. 554 in which the position of this or any other agency of the United States, or any component of an agency, is presented by an attorney or other representative who enters an appearance and participates in the proceeding. Coverage of the EAJA begins at designation of a proceeding or issuance of a show cause order. Any proceeding in which the Commission may establish or fix a rate is not

covered by the EAJA. Proceedings to grant or renew licenses are also excluded; but proceedings to revoke licenses are covered if they are otherwise "adversary adjudications."

(b) The Commission may designate a proceeding as an adversary adjudication for purposes of the EAJA by so stating in an order initiating the proceeding or designating the matter for hearing. The Commission's failure to designate a proceeding as an adversary adjudication shall not preclude the filing of an application by a party who believes the proceeding is covered by the EAJA; whether the proceeding is covered will then be an issue for resolution in proceedings on the application.

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

###### § 1.1504 Eligibility of applicants.

(a) To be eligible for an award of attorney fees and other expenses under the EAJA, the applicant must be a party, as defined in 5 U.S.C. 551(3), to the adversary adjudication for which it seeks an award. The applicant must show that it meets all conditions of eligibility set out in this paragraph and in paragraph (b) of this section.

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

- (1) An individual with a net worth of not more than \$1 million;
- (2) The sole owner of an unincorporated business who has a net worth of not more than \$5 million, including both personal and business interests, and not more than 500 employees;
- (3) A charitable association as defined in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) with not more than 500 employees;
- (4) A cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)) with not more than 500 employees;
- (5) Any other partnership, corporation, association, or public or private organization with a net worth of not more than \$5 million and not more than 500 employees.

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

(d) An applicant who owns an unincorporated business will be considered as an "individual" rather than a "sole owner of an unincorporated business" if the issues on which the

applicant prevails are related primarily to personal interests rather than to business interests.

(e) The number of employees of an applicant include all persons who regularly perform services for remuneration for the applicant, under the applicant's direction and control. Part-time employees shall be included on a proportional basis.

(f) The net worth and number of employees of the applicant and all of its affiliates shall be aggregated to determine eligibility. Any individual, corporation or other entity that directly or indirectly controls or owns a majority of the voting shares or other interest, will be considered an affiliate for purposes of this part, unless the Administrative Law Judge determines that such treatment would be unjust and contrary to the purposes of the EAJA in light of the actual relationship between the affiliated entities. In addition, the Administrative Law Judge may determine that financial relationships of the applicant other than those described in this paragraph constitute special circumstances that would make an award unjust.

(g) An applicant that participates in a proceeding primarily on behalf of one or more other persons or entities that would be ineligible is not itself eligible for an award.

#### § 1.1505 Standards for awards.

(a) An eligible prevailing applicant shall receive an award for fees and expenses incurred in connection with a proceeding, or in a significant and discrete substantive portion of the proceeding, unless the position of the Commission over which the applicant has prevailed was substantially justified. The burden of proof that an award should not be made to an eligible prevailing applicant is on the appropriate Bureau (see § 1.21 of this chapter) whose representative shall be called "Bureau counsel" in this subpart. The Bureau may avoid an award by showing that its position was reasonable in law and fact.

(b) An award will be reduced or denied if the applicant has unduly or unreasonably protracted the proceeding or if special circumstances make the award sought unjust.

#### § 1.1506 Allowable fees and expenses.

(a) Awards will be based on rates customarily charged by persons engaged in the business of acting as attorneys, agents and expert witnesses.

(b) No award for the fee of an attorney or agent under these rules may exceed \$75.00 per hour. No award to compensate an expert witness may

exceed the highest rate at which the Commission pays expert witnesses. However, an award may also include the reasonable expenses of the attorney; agent, or witness as a separate item, if the attorney, agent or witness ordinarily charges its clients separately for such expenses.

(c) In determining the reasonableness of the fee sought for an attorney, agent or expert witness, the Administrative Law Judge shall consider the following:

(1) If the attorney, agent or witness is in private practice, his or her customary fee for similar services, or, if an employee of the applicant, the fully allocated cost of the services;

(2) The prevailing rate for similar services in the community in which the attorney, agent or witness ordinarily performs services;

(3) The time actually spent in the representation of the applicant;

(4) The time reasonably spent in light of the difficulty or complexity of the issues in the proceeding; and

(5) Such other factors as may bear on the value of the service provided.

(d) The reasonable cost of any study, analysis, engineering report, test, project or similar matter prepared on behalf of a party may be awarded, to the extent that the charge for the service does not exceed the prevailing rate for similar services, and the study or other matter was necessary for preparation of the applicant's case.

(e) Fees may be awarded only for work performed after designation of a proceeding or after issuance of a show cause order.

#### § 1.1507 Rulemaking on maximum rates for attorney fees.

(a) If warranted by an increase in the cost of living or by special circumstances (such as limited availability of attorney's qualified to handle certain types of proceedings), the Commission may adopt regulations providing that attorney fees may be awarded at a rate higher than \$75 per hour in some or all of the types of proceedings covered by this part. The Commission will conduct any rulemaking proceedings for this purpose under the informal rulemaking procedures of the Administrative Procedure Act.

(b) Any person may file with the Commission a petition for rulemaking to increase the maximum rate for attorney fees, in accordance with Subpart C of this chapter. The petition should identify the rate the petitioner believes this agency should establish and the types of proceedings in which the rate should be used. It should also explain fully the reasons why the higher rate is

warranted. This agency will respond to the petition by initiating a rulemaking proceeding, denying the petition, or taking other appropriate action.

#### § 1.1508 Awards against other agencies.

If an applicant is entitled to an award because it prevails over another agency of the United States that participates in a proceeding before the Commission and takes a position that is not substantially justified, the award for an appropriate portion of the award shall be made against that agency. Counsel for that agency shall be treated as Bureau counsel for the purpose of this subpart.

#### Information Required From Applicants

##### § 1.1511 Contents of application.

(a) An application for an award of fees and expenses under EAJA shall identify the applicant and the proceeding for which an award is sought. The application shall show that the applicant has prevailed and identify the position of an agency or agencies in the proceeding that the applicant alleges was not substantially justified. Unless the applicant is an individual, the application shall also state the number of employees of the applicant and describe briefly the type and purpose of its organization or business.

(b) The application shall also include a statement that the applicant's net worth does not exceed \$1 million (if an individual) or \$5 million (for all other applicants, including their affiliates). However, an applicant may omit this statement if:

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

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

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

(d) The application may also include any other matters that the applicant wishes the Commission to consider in determining whether and in what amount an award should be made.

(e) The application shall be signed by the applicant or an authorized officer or attorney of the applicant. It shall also contain or be accompanied by a written verification under oath or under penalty

of perjury that the information provided in the application is true and correct.

**§ 1.1512 Net worth exhibit.**

(a) Each applicant except a qualified tax-exempt organization or cooperative association must provide with its application a detailed exhibit showing the net worth of the applicant and any affiliates (as defined in § 1.1504(f) of this part) at the time the proceeding was designated. The exhibit may be in any form convenient to the applicant that provides full disclosure of the applicant's and its affiliates' assets and liabilities and is sufficient to determine whether the applicant qualifies under the standards in this subpart. The Administrative Law Judge may require an applicant to file additional information to determine its eligibility for an award.

(b) Ordinarily, the net worth exhibit will be included in the public record of the proceeding. However, an applicant that objects to public disclosure of information in any portion of the exhibit and believes there are legal grounds for withholding it from disclosure may submit that portion of the exhibit directly to the Administrative Law Judge in a sealed envelope labeled "Confidential Financial Information", accompanied by a motion to withhold the information from public disclosure. The motion shall describe the information sought to be withheld and explain, in detail, why it falls within one or more of the specific exemptions from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. 552(b)(1)-(9), why public disclosure of the information would adversely affect the applicant, and why disclosure is not required in the public interest. The material in question shall be served on Bureau counsel, but need not be served on any other party to the proceeding. If the Administrative Law Judge finds that the information should not be withheld from disclosure, it shall be placed in the public record of the proceeding. Otherwise, any request to inspect or copy the exhibit shall be disposed of in accordance with the Commission's established procedures under the Freedom of Information Act, §§ 0.441-0.466 of this chapter.

**§ 1.1513 Documentation of fees and expenses.**

The application shall be accompanied by full documentation of the fees and expenses, including the cost of any study, analysis, engineering report, test, project or similar matter, for which and award is sought. A separate itemized statement shall be submitted for each professional firm or individual whose

services are covered by the application, showing hours spent in connection with the proceeding by each individual, a description of this specific services performed, the rate at which each fee has been computed, any expenses for which reimbursement is sought, the total amount claimed, and the total amount paid or payable by the applicant or by any other person or entity for the services provided. The Administrative Law Judge may require the applicant to provide vouchers, receipts, or other substantiation for any expenses claimed.

**§ 1.1514 When an application may be filed.**

(a) An application may be filed whenever the applicant has prevailed in the proceeding or in a significant and discrete substantive portion of the proceeding, but in no case later than 30 days after the Commission's final disposition of the proceeding.

(b) If review or reconsideration is sought or taken of a decision as to which an applicant believes it has prevailed, proceedings for the award of fees shall be stayed pending final disposition of the underlying controversy.

(c) For purposes of this rule, final disposition means the later of (1) the date on which an initial decision or other recommended disposition of the merits of the proceeding by an Administrative Law Judge or the Review Board becomes administratively final; (2) issuance of an order disposing of any applications for review or petitions for reconsideration of the Commission's order in the proceeding; (3) if no application for review or petition for reconsideration is filed, the last date on which such an application or petition could have been filed; (4) issuance of a final order by the Commission or any other final resolution of a proceeding, such as settlement or voluntary dismissal, which is not subject to a petition for reconsideration, or to a petition for judicial review; or (5) completion of judicial action on the underlying controversy and any subsequent Commission action pursuant to judicial mandate.

**Procedures for Considering Applications**

**§ 1.1521 Filing and service of documents.**

Any application for an award or other pleading relating to an application shall be filed and served on all parties to the proceeding in the same manner as other pleadings in the proceeding, except as provided in § 1.1512(b) for confidential financial information.

**§ 1.1522 Answer to application.**

(a) Within 30 days after service of an application Bureau counsel may file an answer to the application. Unless Bureau counsel requests an extension of time for filing or files a statement of intent to negotiate under paragraph (b) of this section, failure to file an answer within the 30-day period may be treated as a consent to the award request.

(b) If Bureau counsel and the applicant believe that the issues in the fee application can be settled, they may jointly file a statement of their intent to negotiate a settlement. The filing of this statement shall extend the time for filing an answer for an additional 30 days, and further extensions may be granted by the Administrative Law Judge upon request by Bureau counsel and the applicant.

(c) The answer shall explain in detail any objections to the award requested and identify the facts relied on in support of Bureau counsel's position. If the answer is based on any alleged facts not already in the record of the proceeding, Bureau counsel shall include with the answer either supporting affidavits or a request for further proceedings under § 1.1526.

**§ 1.1523 Reply.**

Within 15 days after service of an answer, the applicant may file a reply. If the reply is based on any alleged facts not already in the record of the proceeding, the applicant shall include with the reply either supporting affidavits or a request for further proceedings under § 1.1526.

**§ 1.1524 Comments by other parties.**

Any party to a proceeding other than the applicant and Bureau counsel may file comments on an application within 30 days after it is served or an answer within 15 days after it is served. A commenting party may not participate further in proceedings on the application unless the Administrative Law Judge determines that the public interest requires such participation in order to permit full exploration of matters raised in the comments.

**§ 1.1525 Settlement.**

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

proposed settlement. If the Administrative Law Judge approves the proposed settlement, it shall be forwarded to the Commission for final approval.

#### § 1.1526 Further proceedings.

(a) Ordinarily, the determination of an award will be made on the basis of the written record. However, on request of either the applicant or Bureau counsel, or on his or her own initiative, the Administrative Law Judge may order further proceedings, such as an informal conference, oral argument, additional written submissions or an evidentiary hearing. Such further proceedings shall be held only when necessary for full and fair resolution of the issues arising from the application, and shall be conducted as promptly as possible.

(b) A request that the Administrative Law Judge order further proceedings under this section shall specifically identify the information sought or the disputed issues and shall explain why the additional proceedings are necessary to resolve the issues.

#### § 1.1527 Decision.

The Administrative Law Judge shall issue an initial decision on the application as soon as possible after completion of proceedings on the application. The decision shall include written findings and conclusions on the applicant's eligibility and status as a prevailing party, and an explanation of the reasons for any difference between the amount requested and the amount awarded. The decision shall also include, if at issue, findings on whether the Commission's position was substantially justified, whether the applicant unduly protracted the proceedings, or whether special circumstances make an award unjust. If the applicant has sought an award against more than one agency, the decision shall allocate responsibility for payment of any award made among the agencies, and shall explain the reasons for the allocation made.

#### § 1.1528 Commission review.

Either the applicant or Bureau counsel may seek Commission review of the initial decision on the fee application, or the Commission may decide to review the decision on its own initiative, in accordance with §§ 1.276-1.282 of this Chapter. Except as provided in § 1.1525, if neither the applicant nor Bureau counsel seeks review and the Commission does not take review on its own initiative, the initial decision on the application shall become a final decision of the Commission 50 days after it is issued. Whether to review a

decision is a matter within the discretion of the Commission. If review is taken, the Commission will issue a final decision on the application or remand the application to the Administrative Law Judge for further proceedings.

#### § 1.1529 Judicial review.

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

#### § 1.1530 Payment of award.

An applicant seeking payment of an award from the Commission shall submit to the General Counsel a copy of the Commission's final decision granting the award, accompanied by a statement that the applicant will not seek review of the decision in the United States courts, or a copy of the court's order directing payment. The Commission will pay the amount awarded to the applicant unless judicial review of the award or the underlying decision of the adversary adjudication has been sought by the applicant or any other party to the proceeding.

[FR Doc. 82-2088 Filed 1-26-82; 8:45 am]

BILLING CODE 6712-01-M

### 47 CFR Part 73

[BC Docket No. 81-239; RM-2859; FCC 81-583]

#### Operation of Television Broadcast Stations by Remote Control

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission has amended its rules by deleting the requirement that TV stations operated by remote control transmit vertical interval test signals. The specific test signals listed in the rules were also deleted. The deletion will permit greater operating flexibility and reduce costs for these TV systems.

**EFFECTIVE DATE:** February 22, 1982.

**FOR FURTHER INFORMATION CONTACT:** Herbert Zeiler, Broadcast Bureau, (202) 632-9660.

#### SUPPLEMENTARY INFORMATION:

Adopted: December 17, 1981.

Released: January 14, 1982.

In the matter of amendment of Part 73, Subpart E of the Commission's Rules and Regulations concerning the operation of television broadcast stations by remote control; Report and Order, Proceeding terminated.

1. On April 9, 1981, the Commission adopted a *Notice of Proposed Rule*

*Making*<sup>1</sup> in the above entitled matter. The *Notice* proposed to amend §§ 73.676, and 73.699, and 73.1820 of the rules by deleting the specific vertical interval test signals (VITS) for remotely controlled television stations and the accompanying mandatory transmission requirement.

2. Comments were received from American Broadcasting Companies, Inc. (ABC), the National Association of Broadcasters (NAB), National Broadcasting Company, Inc. (NBC), CBS, Inc. (CBS), and the Consumer Electronics Group of the Electronic Industries Association (EIA). Reply comments were received from the Public Broadcasting Service (PBS).

3. This proceeding was initiated in response to a petition for rule making submitted by ABC. The petition proposed amending the rules to specify the use of two VITS having different configurations and characteristics from the four VITS presently required. Under the ABC proposal, the amount of space in the vertical blanking interval used for VITS would be reduced from two lines to one.

4. The Commission's *Notice* carried this proposal one step further, it proposed to delete the requirement to transmit VITS. Thus under this concept a station could transmit whatever test signal it chose whenever it chose, as long as there was no harmful interference.

5. Our proposal, while different from what was requested in the petition, was unanimously supported by the comments. The view of ABC was typical:

ABC wholeheartedly supports this sensible deregulatory approach which recognizes technological advances and the efficacy of the marketplace in ensuring high quality television transmissions.

6. The Commission is persuaded that the present rules should be amended as proposed. The comments have confirmed our perception, as stated in the *Notice*, that the "specific VITS requirements may no longer be necessary" (paragraph 9). To retain them would not be in the best interests of either licensees or the general public since they constitute a burden without benefit.

7. By deleting the specific VITS standards and the mandatory transmission requirements, however, we are in no way relieving the licensee of its responsibility to take appropriate measures to insure quality transmissions. As stated in the *Notice*, we expect all licensees to perform tests

<sup>1</sup>FCC 81-170, released April 22, 1981.

and observations as necessary to insure proper performance.

#### 8. Regulatory Flexibility Act Final Analysis

##### I. Need for Rule.

The Commission believes that the mandatory requirement that television stations operated by remote control continuously transmit Commission specified test signals during the vertical blanking interval is no longer necessary.

##### II. Purpose of Rule.

The purpose is to lessen the regulatory burden on television stations operated by remote control and allow, to a greater extent, the broadcast marketplace to regulate licensee conduct.

##### III. Flexibility Issues Raised in the Comments.

None.

##### IV. Significant Alternatives Not Adopted.

The Commission considered maintaining the status quo, however, this would keep an unnecessary burden on television stations operated by remote control.

9. Accordingly, it is ordered, pursuant to the authority contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended, that Part 73 of the Commission's Rules is amended effective February 22, 1982 as set forth in the attached Appendix. It is further ordered, that the proceeding in BC Docket No. 81-239 is hereby terminated.

10. For further information contact Herbert Zeiler, Broadcast Bureau, (202) 632-9660.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

#### Appendix

#### PART 73—RADIO BROADCAST SERVICES

##### § 73.676 [Amended]

1. Section 73.676 is amended by removing paragraph (f) in its entirety.

##### § 73.699 [Amended]

2. Section 73.699 is amended by removing Figures 13, 14, and 15, and marking them [Reserved].

##### § 73.1820 [Amended]

3. Section 73.1820 is amended by removing paragraph (a)(4)(i)(C) in its entirety.

[FR Doc. 82-2086 Filed 1-26-82; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[FCC 82-25]

#### Reregulation and Oversight of Radio and TV Broadcast Rules

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This Order amends certain broadcast station rules in Volume III, Part 73 of the rules of the Federal Communications Commission. These amendments are made to contemporize certain requirements, delete regulations that are no longer necessary and make corrections and editorial revisions as needed for purposes of clarity and ease of understanding.

**DATE:** Effective March 5, 1982.

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

**FOR FURTHER INFORMATION CONTACT:** Steve Crane, Philip Cross, John Reiser, (202) 632-5414.

##### SUPPLEMENTARY INFORMATION:

Adopted: January 13, 1982.

Released: January 25, 1982.

1. In this Order, the Commission considers the reregulation and oversight of its radio and TV broadcast rules. Modifications are made in this Order to update, delete, clarify or correct broadcast regulations as described in the following amendment summaries:

(a) Section 73.653, Operation of TV aural and visual transmitters, requires complete integration of audio and video transmissions and prohibits separate transmitter operation or the presentation of non-related program material. There are three exceptions to the requirements:

(1) For emergency fills due to either visual or aural equipment failures;

(2) For equipment tests or experimental operation; or

(3) For graveyard hours transmissions between sign-off of one day and sign-on of the next (no earlier than midnight; no later than 6:00 a.m.) when the transmitters may be operated separately, with either (i) no aural transmissions or (ii) aural transmissions of non-related, different program material.

This rule fails to serve certain needs of STV operators. These licensees, in order to provide an unscrambled signal, at minimum cost, in installing decoders and orienting receiving antennas, desire to transmit at other than graveyard hours, a crawl on the visual transmitter accompanied by music on the aural—a clear violation of the requirement to present completely related, integrated material in non-graveyard hours.

Waivers have been received and granted, permitting this practice on STV stations. Since the public interest is served by permitting this practice, and since case-by-case requests by licensees, and review and response by FCC staff is time consuming and costly, the rule will herein be amended and relaxed to permit such visual-crawl, aural-music, non-integrated transmissions in such STV operational circumstances. (See Appendix, item 1).

(b) STV operational procedures have also occasioned the consideration, and granting, of a waiver of one of the requirements of another FCC rule—station identification. Petitioners have asked for relief from applicability of the hourly station I.D. requirement during STV programming. The sole purposes of station identification are to advise the public of the station it is viewing and to aid in resolving interference problems. Monthly fee clients, viewing the STV program, know which station to which they are tuned. Non-subscribing viewers receive encoded (scrambled) signals, so any I.D. broadcast would be unintelligible to them. So hourly I.D.'s serve no useful purpose in these circumstances. Thus, the requirement to identify the station hourly during scrambled transmissions has no public interest benefit. The rule will still require the station to present non-scrambled I.D.'s hourly, during non-STV periods, and before and after STV programs. (See Appendix, item 2).

(c) From time to time the staff is queried on the exact meaning of this proviso in paragraph (a) of § 73.1930, Political editorials: "Where such editorials are broadcast within 72 hours prior to the day of the election, \* \* \*". The question posed is, does the 72 hour period exclude election day, or does the rule mean election day and the 72 hours preceding it? The proper interpretation is the latter. It is the 72 hours prior to the day of election plus election day. The Commission made this interpretation quite clear in *Bel Air Broadcasting Company, Inc., Memorandum Opinion and Order, In the Matter of Liability of Bel Air Broadcasting Co., Inc., Licensee of Radio Station WVOB, Bel Air, Md. For Forfeiture*, 47 FCC 2d 985. In that judgment, the Commission based its decision to issue a Notice of Apparent Liability on certain "apparent facts" including: "that the editorial was broadcast on each of the three days prior to the election as well as on election day and thus well within the 72-hour period established by the Rule during which licensees broadcasting such editorial oppositions must meet the Rule's affirmative obligations. \* \* \*"

§ 73.1930(a) will be amended to clarify its meaning in this respect. (See Appendix, item 3.)

(d) Two elements of the FCC's multi-faceted policy pertaining to combination advertising rates and joint sales practices have recently been subject to Commission action:

The Commission letter to Ben Lomond Broadcasting Company, Inc. clearly defining (for the first time) the amount of common ownership required under the combination rate policy to permit stations to sell in combination, and,

In another action, that part of this policy which prohibited sales representation of a station by a representative owned wholly or partially by a licensee of a competing radio or TV station in the same service in the same area was repealed July 30, 1981. In *Report and Order* in BC Docket 80-438,<sup>1</sup> these two restrictions were eliminated and representation of a station in a market by a sales rep owned by a rival station was thereafter permitted. The Report and Order is herein stated in § 73.4065, Combination advertising rates; joint sales practices. (See Appendix, item 4.)

(e) The procedures to be followed in comparative broadcast hearing cases in consideration of specialized programming formats is stated in *Memorandum Opinion and Order* released February 7, 1980, 75 FCC 2d 721. For many years Commission policy in this matter was found in *Policy Statement on Comparative Broadcast Hearings*, 1 FCC 2d 393 (1965); and *Commercial Radio Institute, Inc.*, 48 FCC 2d 323 (Rev. Bd 1974). However, in *George E. Cameron, Jr. Communications*, 71 FCC 2d 461 (1979), we retreated from our longtime approach and announced a revision in this policy area. Subsequent to *Cameron*, the Commission adopted the Report and Order in General Docket 79-137, *Revised Procedures for the Processing of Contested Broadcast Applications*, 72 FCC 2d 202, where we initiated certain procedural reforms, one of which created a contradiction between the new procedure and the *Cameron* policy. The Declaratory Ruling was given clarifying the matter in the subject Memorandum Opinion and Order. The appropriate addition is made to the Policy listings via this Order. (See Appendix, item 5.)

(f) In adopting the Report and Order in Docket 19571, 41 FCC 2d 534, the Commission elected to set policy rather than adopt a rule change in the matter of restricting transmission of the stereophonic pilot subcarrier by FM stations during periods of monophonic program transmission. Via this Order, the policy is listed as "Stereophonic

pilot subcarrier use during monophonic programming. It is numbered as § 73.4246 in the Policy listings in Part 73. (See Appendix, item 6.)

(g) With the adoption of the *Second Report and Order* in Docket 21502, 85 FCC 2d 631, the Commission established a policy that mutually exclusive applications for new TV stations, where one or more propose subscription television (STV) service, will only be compared using traditional criteria such as media diversification, integration of ownership and management, and efficient spectrum use. We herein add the policy to the Policy listings in Part 73 and designate it as § 73.4247, STV: competing applications. (See Appendix, item 7.)

(h) In notice of Inquiry on part-time programming, BC Docket 78-355, 43 FR 55804, the Commission "solicited comments on incentives to foster time brokerage arrangements and thereby further encourage minority group involvement in broadcasting." That proceeding was terminated with the issuance of a Policy Statement, 82 FCC 2, 107, encouraging time brokerage arrangements which have the potential to foster healthy program competition and enhance diversity of programming. The Policy Statement is added to the Policy listings in Part 73 as § 73.4267, Time brokerage. (See Appendix, item 8.)

2. No substantive changes are made herein which impose additional burdens or remove provisions relied upon by licensees or the public.

3. We conclude that, for the reasons set forth above, adoption of these revisions will serve the public interest, and inasmuch as these amendments impose no additional burdens and raise no issue upon which comments would serve any useful purpose, prior notice of rulemaking effective date provisions and public procedure thereon are unnecessary pursuant to the Administrative Procedure and Judicial Review Act provisions of 5 U.S.C. 553(b)(3)(B).

4. Inasmuch as a general notice of proposed rulemaking is not required, the Regulatory Flexibility Act does not apply.

5. Therefore, it is ordered, that pursuant to Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, the Commission's Rules and Regulations are amended as set forth in the attached Appendix, effective March 5, 1982.

6. For further information on this Order, contact Steve Crane, John Reiser or Philip Cross, Broadcast Bureau, (202) 632-9660.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission,  
William J. Tricarico,  
Secretary.

## Appendix

### PART 73—RADIO BROADCAST SERVICES

1. Section 73.653 is amended to add new paragraph (d) as follows:

#### § 73.653 Operation of TV aural and visual transmitters.

(d) During the non-encoded operating hours of a *Subscription TV station*, between the regularly scheduled sign-on and sign-off times in which it presents such non-encoded programming, the aural and visual transmitters shall not be operated separately, or to present different or unrelated program material, except in the following case:

(1) During installation of decoders and orientation of receiving antennas, at subscriber locations, non-integrated, different or unrelated material may be presented to aid installers in their function.

2. Section 73.1201 is amended to add new paragraph (d) as follows:

#### § 73.1201 Station identification.

(d) *Subscription television stations (STV)*. The requirements for official station identification applicable to TV stations will apply to Subscription TV stations except, during STV-encoded programming such station identification is not required. However, a station identification announcement will be made immediately prior to and following the encoded Subscription TV program period.

3. Section 73.1930, paragraph (a), is revised to read as follows:

#### § 73.1930 Political editorials.

(a) Where a licensee, in an editorial,

(1) Endorses or,

(2) Opposes a legally qualified candidate or candidates, the licensee shall, with 24 hours after the editorial, transmit to, respectively,

(i) The other qualified candidate or candidates for the same office or,

(ii) The candidate opposed in the editorial,

(A) Notification of the date and the time of the editorial,

(B) A script or tape of the editorial and

(C) An offer of reasonable opportunity for the candidate or a spokesman of the candidate to respond over the licensee's

<sup>1</sup>FCC 81-371, 87 FCC 2d —.

facilities. Where such editorials are broadcast on the day of the election or within 72 hours prior to the day of the election, the licensee shall comply with the provisions of this paragraph sufficiently far in advance of the broadcast to enable the candidate or candidates to have a reasonable opportunity to prepare a response and to present it in a timely fashion.

4. Section 73.4065 is amended to designate the present text paragraph (a), and add new paragraphs (b) and (c) as follows:

**§ 73.4065 Combination advertising rates; joint sales practices.**

(a) See Report and Order, Docket 19789, FCC 76-190, adopted February 26, 1976. 59 FCC 2d 894; 41 FR 24719, June 18, 1976.

(b) See letter to Ben Lomond Broadcasting Company, Inc., adopted January 18, 1981, FCC 81-16. 84 FCC 2d 699.

(c) See Report and Order, Docket 80-438, FCC 81-371, adopted July 30, 1981. 87 FCC 2d —, 46 FR 43681, August 31, 1981.

5. New § 73.4082 is added to the Policy listing in Subpart H, Part 73 to read as follows:

**§ 73.4082 Comparative broadcast hearings—specialized programming formats.**

(a) See Memorandum Opinion and Order, FCC 80-33, adopted January 30, 1980. 75 FCC 2d 721.

(b) See Report and Order, Docket 79-137, FCC 79-331, adopted June 1, 1979. 72 FCC 2d 202.

(c) See Memorandum Opinion and Order, FCC 79-206, adopted March 30, 1979. 71 FCC 2d 460.

6. New § 73.4246 is added to the Policy listing in Subpart H, Part 73, to read as follows:

**§ 73.4246 Stereophonic pilot subcarrier use during monophonic programming.**

See Report and Order, Docket 19571, FCC 73-680, adopted June 21, 1973. 41 FCC 2d 534; 38 FR 17021, June 28, 1973.

7. New § 73.4247 is added to the Policy listing in Subpart H, Part 73, to read as follows:

**§ 73.4247 STV: Competing applications.**

See Second Report and Order, Docket 21502, FCC 81-13, adopted January 8, 1981. 85 FCC 2d 631; 46 FR 19937, April 2, 1981.

8. New § 73.4267 is added to the Policy listings in Subpart H, Part 73, to read as follows:

**§ 73.4267 Time brokerage.**

See Policy Statement, Docket 78-355, FCC 80-621, adopted October 21, 1980. 82 FCC 2d 107.

[FR Doc. 82-2065 Filed 1-26-82; 8:45 am]

BILLING CODE 6712-01-M

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 351**

**Whaling; Amendments to Schedule of the International Convention for Regulation of Whaling**

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final rule.

**SUMMARY:** Section 916k of the Whaling Convention Act, 16 U.S.C. 916 et seq., requires that the Secretary of Commerce publish the Schedule of the International Convention for the Regulation of Whaling, 1946, in the *Federal Register*, so that the Schedule will "become effective with respect to all persons and vessels subject to the jurisdiction of the United States in accordance with the terms of such regulations \* \* \*". This final rule publishes the most recent amendments to the Schedule of the International Convention for the Regulation of Whaling as required even though 50 CFR Part 351 (except as provided for in § 351.36) relates to commercial whaling which is currently proscribed for all persons and vessels subject to the jurisdiction of the United States. Subsistence whaling by U.S. citizens will be the subject of a separate rulemaking to be published in 50 CFR Part 230.

**EFFECTIVE DATE:** The amendments to the Schedule became effective on November 10, 1981. This final rule becomes effective January 27, 1982.

**FOR FURTHER INFORMATION CONTACT:** Dean Swanson, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service, NOAA, Department of Commerce, Washington, D.C. 20235, Telephone—(202) 634-1792.

**SUPPLEMENTARY INFORMATION:** At its 33rd Annual Meeting held in Brighton, England, July 20-25, 1981, the International Whaling Commission (IWC) adopted amendments to the Schedule to establish catch limits for the 1981-82 pelagic and 1982 coastal whaling seasons and to extend the ban on the commercial use of cold grenade (nonexploding) harpoons to kill minke

whales from the beginning of the 1982-83 pelagic and 1983 coastal whaling seasons.

Notification of amendments to the Schedule was made by the Secretary of the IWC on August 11, 1981, and clarifications to the notice were made on September 24, 1981. By terms of the convention, the amendments become effective at the end of a 90 day objection period except for any to which one or more Contracting Parties file objection. If any amendment is the subject of an objection, it becomes effective with respect to all Contracting Parties which have not objected to it at the conclusion of a second 90 day objection period or 30 days after the last objection is filed, whichever is later.

At the conclusion of the initial objection period, November 9, 1981, two Schedule amendments had been the subject of objection: That extending the ban on the commercial use of cold grenade harpoons to kill minke and that relating to the catch limit on the Western Stock of sperm whales in the North Pacific. This publication incorporates all other amendments to the Schedule that were adopted by the 33rd Annual Meeting and therefore became binding on the United States as of November 10, 1981.

Regulations under the Whaling Convention Act relating to the 1982 harvest of bowhead whales by Alaskan Natives will be published at a later date and will appear in 50 CFR Part 230.

16 U.S.C. 916k requires the Secretary to promulgate IWC Schedule amendments. These amendments result from a process in which NOAA provided ample opportunity for public comment in the development of the U.S. position for the most recent IWC meeting. Because of the perfunctory nature of this publication and in view of the public's participation in preparing for the IWC meeting that produced the subject Schedule amendments, I for good cause find that a delay of 30 days in effectiveness under 5 U.S.C. 553 is impracticable and contrary to the public interest. Also, this promulgation is exempt from the NEPA environmental document requirements pursuant to Section 6(c)(3) of the revised NOAA Directive (NDM 02-10; 45 FR 49312-49321) implementing NEPA because it constitutes a programmatic function with no potential for significant environmental impact.

The Administrator has reviewed this final rule in accordance with the specifications of Executive Order 122291, "Federal Regulation," and the Department guidelines implementing that Order and determined that it has no



Table 1. Baleen Whale Stock Classifications and Catch Limits (excluding Bryde's whales)—Continued

[Southern Hemisphere—1981-82 pelagic season and 1982 coastal season]

Area	Longitudes	Sei		Minke		Fin		Blue	Hump-back	Right Bowhead, Pygmy Right	Gray	
		Classification	Catch limit	Classification	Catch limit	Classification	Catch limit	Classification	Classification	Classification	Classification	Catch limit
Spain—Portugal—British Isles Stock		—	—	—	—	SMS	210	—	—	—	—	—
Northeastern Stock		—	—	SMS	1,790	—	—	—	—	—	—	—
West Norway—Faroe Islands Stock		—	—	—	—	PS	0	—	—	—	—	—
North Norway Stock		—	—	—	—	SMS	61	—	—	—	—	—
Eastern Stock		—	0	—	—	—	—	—	—	—	—	—
Northern Indian Ocean		—	—	IMS	0	—	—	PS	PS	PS	—	—

<sup>1</sup> The total catch of minke whales shall not exceed 1,678 in the five years 1980 to 1984 inclusive.  
<sup>2</sup> Provisionally listed as SMS for 1982.  
<sup>3</sup> The total catch of minke whales shall not exceed 3,634 in the five years 1980 to 1984 inclusive.  
<sup>4</sup> Pending a satisfactory estimate of stock size.  
<sup>5</sup> Available to be taken by aborigines or a Contracting Government on behalf of aborigines pursuant to paragraph 13b.  
<sup>6</sup> The total catch of minke whales shall not exceed 1,778 in the five years 1981 to 1985 inclusive.  
<sup>7</sup> Pending submission of data leading to an adequate assessment.  
<sup>8</sup> The total catch of sei whales shall not exceed 504 in the six years 1980 to 1985 inclusive.

TABLE 2. BRYDE'S WHALE STOCK CLASSIFICATIONS AND CATCH LIMITS

[Southern Hemisphere and Northern Indian Ocean 1981-82 pelagic season and 1982 coastal season]

	Classification	Catch Limit
South Atlantic Stock	—	0
Southern Indian Ocean Stock	IMS	197
Solomon Islands Stock	IMS	0
Western South Pacific Stock	IMS	237
Eastern South Pacific Stock	IMS	188
Peruvian Stock	SMS	<sup>1</sup> 244
		<sup>2</sup> 76
South African Inshore Stock	—	0
North Pacific—1982 season:		
Eastern Stock	IMS	0
Western Stock	IMS	507

TABLE 2. BRYDE'S WHALE STOCK CLASSIFICATIONS AND CATCH LIMITS—Continued

[Southern Hemisphere and Northern Indian Ocean 1981-82 pelagic season and 1982 coastal season]

	Classification	Catch Limit
East China Sea Stock	<sup>4</sup> SMS	19
North Atlantic—1982 season	IMS	<sup>5</sup> 0
Northern Indian Ocean—1982 season	—	0

<sup>1</sup> Available to be taken in a six month period starting in November 1981.  
<sup>2</sup> Special remainder from 1981 coastal season that may be taken in a six month period starting in November 1981 making a total of 320 whales which may be taken during this period pursuant to this footnote and footnote 1.  
<sup>3</sup> Pending a satisfactory estimate of stock size.  
<sup>4</sup> Provisionally listed as SMS for 1982.

Table 3. Toothed Whale Stock Classifications and Catch Limits

[Southern Hemisphere 1981-82 pelagic season and 1982 coastal season]

	Longitudes	Sperm		Bottlenose
		Classification	Catch limit	Classification
1	60° W-30° W	—	0	—
2	30° W-20° E	—	0	—
3	20° E-60° E	—	0	—
4	80° E-90° E	—	0	—
5	90° E-130° E	—	0	—
6	130° E-160° E	—	0	—
7	160° E-170° W	—	0	—
8	170° W-100° W	—	0	—
9	100° W-60° W	—	0	—
Northern Hemisphere—1982 season				
North Pacific				
Western Division		—	—	—
Eastern Division		—	0	—
North Atlantic		—	<sup>1</sup> 0	<sup>2</sup> PS
Northern Indian Ocean		—	0	—

<sup>1</sup> Provided that the remainder of 130 male sperm whales from the 1981 coastal season may be taken during the 1982 coastal season.  
<sup>2</sup> Provisionally listed as PS for 1982 pending the accumulation of sufficient information for classification.

6. By revising § 351.35 to read as follows:

§ 351.35 Catch limits for baleen whales.

(a) The number of baleen whales taken in the Southern Hemisphere in the 1981/82 pelagic season and the 1982 coastal season shall not exceed the limits shown in Tables 1 and 2. However, in no circumstances shall the

sum of the Area catches exceed the total catch limit for each species.

(b) The number of baleen whales taken in the North Pacific Ocean and dependent waters in 1982 and in the North Atlantic Ocean in 1982 shall not exceed the limits shown in Tables 1 and 2.

7. By revising § 351.39 to read as follows:

§ 351.39 Catch limits for sperm whales.

Catch limits for sperm whales of both sexes shall be set at zero in the Southern Hemisphere for the 1981/82 pelagic season and 1982 coastal seasons and following seasons, and at zero in the Northern Hemisphere for the 1982 and following coastal seasons; except that the catch limits for the 1982 coastal season and following seasons in the Western Division of the North Pacific shall remain undetermined and subject to decision by the Commission following special or annual meetings of the Scientific Committee. These limits shall remain in full force until such time as the Commission, on the basis of the scientific information which will be reviewed annually, decides otherwise in accordance with the procedures followed at that time by the Commission.

Appendix A—[Amended]

8. By amending Appendix A to Part 351 by insertion of the following title page between the captions "Appendix A" and "Table 1.—Daily Record Sheet":

International Convention for the Regulation of Whaling 1946, Schedule Appendix A—Title Page

(One logbook per catcher per season)  
 Catcher name \_\_\_\_\_ Year built \_\_\_\_\_  
 Attached to expedition/land station \_\_\_\_\_  
 Season \_\_\_\_\_  
 Overall length \_\_\_\_\_ Wooden/steel hull \_\_\_\_\_  
 Gross tonnage \_\_\_\_\_  
 Type of engine \_\_\_\_\_ H.P. \_\_\_\_\_  
 Maximum speed \_\_\_\_\_ Average \_\_\_\_\_  
 searching speed \_\_\_\_\_  
 Asdic set, make and model no. \_\_\_\_\_  
 Date of installation \_\_\_\_\_  
 Make and size of cannon \_\_\_\_\_  
 Type of first harpoon used \_\_\_\_\_ explosive/non-explosive  
 Type of killer harpoon used \_\_\_\_\_  
 Length and type of forerunner \_\_\_\_\_  
 Type of whaleline \_\_\_\_\_  
 Height of barrel above sea level \_\_\_\_\_  
 Speedboat used, Yes/No \_\_\_\_\_  
 Name of Captain \_\_\_\_\_

Number of years experience \_\_\_\_\_  
 Name of gunner \_\_\_\_\_  
 Number of years experience \_\_\_\_\_  
 Number of crew \_\_\_\_\_  
 [FR Doc. 82-2102 Filed 1-26-82; 8:45 am]  
 BILLING CODE 3510-22-M

**50 CFR Part 652**

**Atlantic Surf Clam and Ocean Quahog Fisheries**

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Increase in fishing time.

**SUMMARY:** This notice increases the allowable fishing time from 12 to 24 hours per week for fishing vessels harvesting surf clam within the mid-Atlantic area of the fishery conservation zone. Action is taken to allow vessel operators sufficient fishing time to harvest the quarterly allocation of surf clams. This action should increase the opportunity of fishermen to harvest surf clam in the mid-Atlantic area.

**EFFECTIVE DATE:** January 3, 1982.

**FOR FURTHER INFORMATION CONTACT:** Bruce Nicholls, Plan Coordinator, Northeast Region, National Marine Fisheries Service, State Fish Pier, Gloucester, Massachusetts 01930-3097; telephone 617-281-3600.

**SUPPLEMENTARY INFORMATION:** The emergency interim rule implementing portions of Amendment 3 to the Fishery Management Plan for Atlantic Surf Clam and Ocean Quahog Fisheries FMP requires the Secretary of Commerce at the beginning of each calendar fishing quarter to publish in the Federal Register the allowable fishing time for the quarter so that fishing for surf clam may be conducted throughout the entire quarter with the minimum number of changes to fishing times (§ 652.22(a)(3)).

The Regional Director has reviewed harvest statistics from the latter part of 1981 and has determined that fishing time for surf clams should be increased from the 12 hours per week currently in effect to 24 hours, to facilitate the harvest of the full quarterly quota for surf clams, expected to be approximately 585,000 bushels. The Regional Director recognizes that harvest rates fluctuated dramatically during the last year, and intends continually to review progress toward attainment of the quarterly quota so that he can make timely adjustments to the allowable fishing time.

This management action is prescribed under § 652.22(a)(3) of the regulations and as such is exempt from Sections 3, 4, and 7 of Executive Order 12291.

(16 U.S.C. 1801 *et seq.*)

Date: January 21, 1982.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 82-2008 Filed 1-26-82; 8:45 am]

BILLING CODE 3510-22-M

**50 CFR Part 654**

**Stone Crab Fishery**

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final rule.

**SUMMARY:** NOAA issues a final rulemaking amending the regulations for the Stone Crab Fishery of the Gulf of Mexico. This amendment changes the size of the biodegradable panel on stone crab traps and provides the Regional Director with the authority to allow research activities otherwise prohibited in the management area. The amendment will minimize alteration of commercial traps, by fishermen and dealers; consequently reducing regulatory compliance costs.

**EFFECTIVE DATE:** February 26, 1982.

**FOR FURTHER INFORMATION CONTACT:** Mr. Harold B. Allen (Acting Regional Director, NMFS), 813-893-3141.

**SUPPLEMENTARY INFORMATION:** The Fishery Management Plan for the Stone Crab Fishery (FMP) was approved by the Assistant Administrator for Fisheries, NOAA, on March 19, 1979. Final regulations, were effective September 30, 1979 (44 FR 53519). The Secretary of Commerce published on August 6, 1981 (46 FR 40062), a proposed rulemaking amending regulations, with the public comment period ending September 21, 1981. No comments were received during this period.

These regulations reduce the size of the biodegradable panel required in wooden stone crab traps fished in the fishery conservation zone from 4" by 6½" to 2½" by 5". This smaller size panel still allows escapement of crabs from traps that become severed from trot or buoy lines (ghost traps). Commercially constructed traps may be adapted more easily to meet the proposed opening by removing only one

slat instead of the two as previously required.

A new section allows the Regional Director, National Marine Fisheries Service, to authorize certain otherwise prohibited activities for the purpose of scientific research.

The Assistant Administrator for Fisheries, NOAA, has determined that this amendment to the regulations complies with the national standards, other provisions of the Magnuson Fisheries Conservation and Management Act, and other applicable law.

The Administrator, NOAA, has determined that this amendment is not a major rule requiring the preparation of a regulatory impact analysis under Executive Order 12291.

Finally, this amendment does not call for additional information and thus does not increase the Federal paperwork burden for individuals, small businesses, or other persons as defined by 44 U.S.C. 3501 *et seq.*

Dated: January 20, 1982.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

**PART 654—STONE CRAB FISHERY**

50 CFR Part 654 is amended as follows:

1. The authority citation for Part 654 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. Section 654.2 is amended by revising the definition of Biodegradable Panel to read as follows:

**§ 654.2 Definitions.**

\* \* \* \* \*

*Biodegradable Panel* means a panel constructed of wood or cotton material and located on the trap, at least two slats above the bottom, or on the top of the trap, which, when removed, will leave an opening in the trap measuring at least 2½" x 5".

\* \* \* \* \*

3. A new § 654.24 is added to read as follows:

**§ 654.24 Specifically authorized activities.**

The Regional Director may authorize, for the acquisition of information and data, activities otherwise prohibited by these regulations.

[FR Doc. 82-2007 Filed 1-26-82; 8:45 am]

BILLING CODE 3510-22-M

# Proposed Rules

Federal Register

Vol. 47, No. 18

Wednesday, January 27, 1982

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

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 50

#### Emergency Planning and Preparedness for Research and Test Reactors; Extension of Submittal Dates; Correction

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Proposed rule; correction.

**SUMMARY:** This document corrects a proposed rule extending the submittal dates by which a licensee must submit emergency plans for research and test reactors published December 31, 1981 (46 FR 63315).

**DATES:** Comment period expires February 1, 1982. Comments received after this date will be considered if it is practical to do so, but assurance of consideration may not be given except as to comments received on or before this date.

**ADDRESS:** Submit comments to: The Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555; Attention: Docketing and Service Branch.

**FOR FURTHER INFORMATION CONTACT:** Steve L. Ramos, Technical Assistant to the Director, Division of Emergency Preparedness, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (Telephone: 301-492-9602).

**SUPPLEMENTARY INFORMATION:** The following corrections are made in the proposed rule published in the Federal Register on December 31, 1981 on page 63315.

1. The DATES entry is corrected to read as set forth above.
2. The first sentence in the fourth paragraph in the third column on page 63315 is corrected to read:

"The other proposed change offered for public consideration is in the thermal power level threshold—from 500 KW to 2 MW—which governs the applicable date for submittal of emergency plans."

3. On page 63316, the second sentence in the paragraph immediately preceding the Regulatory Flexibility Certification is corrected to read: "For licensees under 500 KW thermal, the submittal date of November 3, 1982 would remain unchanged."

Dated at Bethesda, Md. this 18th day of January, 1982.

For the Nuclear Regulatory Commission,  
William J. Dircks,  
Executive Director for Operations.

[FR Doc. 82-2076 Filed 1-26-82; 8:45 am]

BILLING CODE 7590-01-M

## FEDERAL ELECTION COMMISSION

### 11 CFR Part 110

[Notice 1982-1]

#### Communications; Advertising

**AGENCY:** Federal Election Commission.

**ACTION:** Notice of proposed rulemaking

**SUMMARY:** The Commission requests comments on the proposed revision of 11 CFR 110.11 (Communications; advertising) to clarify when disclaimer notices must be included on solicitations and on communications which expressly advocate the election or defeat of a clearly identified Federal candidate. This revision is intended to more closely conform the regulation to the Federal Election Campaign Act and to incorporate recent advisory opinions issued by the Commission.

**DATE:** Comments must be received on or before February 26, 1982.

**ADDRESS:** Susan E. Propper, Assistant General Counsel, 1325 K Street, N.W., Washington D.C. 20463

**FOR FURTHER INFORMATION CONTACT:** Susan E. Propper, Assistant General Counsel, (202) 523-4143 or toll free at (800) 424-9530.

**SUPPLEMENTARY INFORMATION:** The Commission is considering several proposed changes in 11 CFR 110.11(a), to clarify certain aspects of that section and to follow recent advisory opinions issued by the Commission. The proposed rules being published today include revisions which would require

that the appropriate disclaimer notice be displayed on posters and on solicitations or express advocacy communications that are paid for by "any person" but are not authorized by any candidate. The proposed rules would also make clear that no disclaimer is necessary on solicitations made by a separate segregated fund to its permissible class of solicitees under 11 CFR Part 114.

Posters are a commonly used form of general public political advertising and solicitation. Persons seeking to comply with the Act and the Commission's regulations have not always been certain, however, whether posters are required to contain the disclaimer notice. The proposed rules would specifically include posters on the list of media which must include the disclaimer notice when used for solicitations or express advocacy communications.

The proposed rules would revise current § 110.11(a)(1)(iv) to conform with the Act and the remaining provisions of § 110.11(a)(1) by requiring that solicitations and express advocacy communications paid for by "any person," which communications or solicitations are not authorized by a candidate, include the appropriate disclaimer notice. See proposed § 110.11(a)(1)(iii).

A second revision contained in proposed § 110.11(a)(1)(iii) would add the phrase "or in opposition to", to make clear that independent expenditure advertisements which expressly advocate the election or defeat of a clearly identified candidate must carry the required notice.

The proposed regulations would also state that a solicitation by a separate segregated fund made to its permissible class need not contain a disclaimer notice. This revision would follow a recent Commission advisory opinion in this area, AO 1980-71.

Finally, a proposed addition to § 110.11(a)(2) has been drafted. This new provision would provide a second exception from the requirement to display a disclaimer notice. The new exemption would apply to advertisements on very tall structures, such as water towers, and for skywriting since the disclaimer would be unreadable.

## PART 110—CONTRIBUTION AND EXPENDITURE LIMITATIONS AND PROHIBITIONS

It is proposed to revise 11 CFR 110.11(a) as follows:

### § 110.11 Communications; advertising.

(a)(1) Except as provided at 11 CFR 110.11(a)(2), whenever any person makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate, or solicits any contribution, through any broadcasting station, newspaper, magazine, outdoor advertising facility, poster, direct mailing or any other form of general public political advertising, a disclaimer meeting the requirements of paragraph (a)(1) (i), (ii), (iii) or (iv) of this section shall appear or be presented in a clear and conspicuous manner to give the reader, observer or listener adequate notice of the identity of persons who paid for or who authorized the communication. Such person is not required to place the disclaimer on the front face or page of any such material, except on communications, such as billboards, that contain only a front face.

(i) Such communication, including any solicitation, if paid for and authorized by a candidate, an authorized committee of a candidate, or its agent, shall clearly state that the communication has been paid for by such authorized political committee; or

(ii) Such communication including any solicitation, if authorized by a candidate, an authorized committee of a candidate or an agent thereof, but paid for by any other person, shall clearly state that the communication is authorized by such candidate, authorized committee or agent and is paid for by such other persons; or

(iii) Such communication including any solicitation, if made on behalf of or in opposition to a candidate, but paid for by any other person and not authorized by a candidate, authorized committee of a candidate or its agent, shall clearly state that the communication has been paid for by such person and is not authorized by any candidate.

(iv)(A) For solicitations directed to the general public on behalf of an unauthorized political committee, such solicitation shall clearly state the full name of the person who paid for the communication.

(B) For purposes of this section, whenever a separate segregated fund solicits contributions to the fund from those persons it may solicit under the applicable provisions of 11 CFR Part 114, such communication shall not be

considered a form of general public advertising and need not contain the disclaimer set forth in paragraph (a)(1)(iv)(A) of this section.

(2) The requirements of 11 CFR 110.11(a)(1) do not apply to bumper stickers, pins, buttons, pens and similar small items upon which the disclaimer cannot be conveniently printed. The requirements of paragraph (a)(1) of this section do not apply to skywriting, watertowers or other advertisements of such a nature that the use of a disclaimer is impracticable.

### Certification of no Effect Pursuant to 5 U.S.C. 605(b) Regulatory Flexibility Act

I certify that the attached proposed rules will not, if promulgated, have a significant economic impact on a substantial number of small entities. The basis for this certification is that no entity is required to make any expenditures under the proposed rules.

Dated: January 21, 1982.

Frank P. Reiche,

Chairman, Federal Election Commission.

[FR Doc. 82-2000 Filed 1-26-82; 8:45 am]

BILLING CODE 5715-01-M

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### 36 CFR Part 7

### Cuyahoga Valley National Recreation Area; Alcoholic Beverages

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

**SUMMARY:** The purpose of this regulation is to establish restrictions on the consumption of beer and alcoholic beverages within Cuyahoga Valley National Recreation Area, to reduce the adverse impact on the park resources and to ensure the safety of park visitors.

**DATE:** Written comments, suggestions, or objections will be accepted until February 26, 1982.

**ADDRESS:** Comments should be directed to: Superintendent, Cuyahoga Valley National Recreation Area, P.O. Box 158, Peninsula, Ohio 44264.

**FOR FURTHER INFORMATION CONTACT:** Lewis S. Albert, Superintendent, Cuyahoga Valley National Recreation Area, Telephone: (216) 650-4414.

#### SUPPLEMENTARY INFORMATION:

##### Background

This regulation being proposed by the National Park Service, is designed to provide greater resource and visitor

protection. Cuyahoga Valley National Recreation Area was established to preserve the scenic, cultural, natural, and historic qualities of the Cuyahoga river valley for all time and for the benefit and enjoyment of the people. Visitors from throughout the States come to rediscover the beauty of nature, the peace of the countryside or the substance of the past, relax in the open spaces set aside for recreation, and enjoy the cultural experiences available in the park.

With increasing regularity, persons who visit the park to enjoy the natural setting find that many of the available parking spaces are occupied by persons pursuing interests not compatible with the stated purposes of the park. The open consumption of beer and alcoholic beverages has had an adverse impact on the use and enjoyment of the park as an important natural and historic area. The excessive levels of this activity seem to be partially caused by prohibitions against consuming alcoholic beverages in State and local parks, and the strict enforcement of these prohibitions by local law enforcement agencies. Given these circumstances, Cuyahoga Valley National Recreation Area has become an attraction to many people simply because it is a park where consumption of alcoholic beverages is not prohibited.

Additionally, the use of alcohol leads, in many cases, to disruptive behavior which conflicts with other uses of the park. Possession of marijuana and other controlled substances, vandalism, motor vehicle violations, unsafe acts, obstreperous behavior and disorderly conduct are all associated with the consumption of alcoholic beverages in the park to the detriment of the visitor who would benefit from the park's legislated program. Violations of the liquor laws and related incidents in the visitor use areas. In 1979, 605 written warnings or courtesy tags were written in Virginia Kendall, the only developed unit for visitor use operated by the NPS. Of these, 358 were for alcohol violations. The same year, 190 citations were written, and of these, 56 were for violations of the liquor laws. Six disorderly conduct cases, all related in the consumption of alcohol, occurred in 1979.

The implementation of this proposal restricting the consumption of alcoholic beverages will significantly reduce problems associated with heavy use of the park. This will have the effect of making the park more readily usable by visitors who want to relax in the pristine, natural environment and will produce a more peaceful atmosphere

complimentary to the natural and historic setting.

#### Public Participation

The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed regulation to the address noted at the beginning of the rulemaking.

#### Drafting Information

The following persons participated in the writing of this regulation: Robert J. Byrne, Chief Ranger; Gordon Wissinger, Park Ranger; and Judith L. Chovan, Resource Management Technician.

#### Compliance with Other Laws

Pursuant to the National Environmental Policy Act (42 U.S.C. 4332), the Service has prepared a draft environmental assessment. Copies of the environmental assessment are available for public review and comment in the office of the park superintendent.

This rulemaking contains no provisions that would entail the collection of information in such manner as would be subject to the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

The Service has determined that this rulemaking is not a "major rule" within the meaning of Executive Order 12291 (46 FR 13193, February 19, 1981), and that this rulemaking would not have a "significant economic effect on a substantial number of small entities," nor will they require the preparation of a regulatory analysis within the meaning of the Regulatory Flexibility Act, 94 Stat. 1164, 5 U.S.C. 601 *et seq.*

(Section 3 of the Act of August 25, 1916, 39 Stat. 535, as amended (16 U.S.C. 3))

J. Craig Potter,

*Acting Assistant Secretary for Fish and Wildlife and Parks.*

#### PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

In consideration of the foregoing, it is proposed to amend Part 7 of Title 36 of the Code of Federal Regulations by the addition of a new section as follows:

##### § 7.17 Cuyahoga Valley National Recreation Area, Ohio.

(a) *Alcoholic beverages.* (1) *Possession.* The possession of a bottle, can, or other receptacle, containing an alcoholic beverage which has been opened, or a seal broken or the contents of which have been partially removed is prohibited, except in residence or other

areas specifically authorized by the superintendent as to time and place.

(2) *Definition.—Alcoholic beverages.* Any liquid beverage containing ½ to 1 percent or more of alcohol by weight.

[FR Doc. 82-2091 Filed 1-26-82; 8:45 am]

BILLING CODE 4310-70-M

#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Part 180

[PH-FRL-2036-1; PP 9E2220/P210]

#### Sodium Chlorate; Proposed Exemption From the Requirement of a Tolerance

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** This notice proposes that the defoliant, desiccant, and fungicide sodium chlorate be exempted from the requirement of a tolerance for residues when used on the raw agricultural commodity guar beans. This proposal was submitted by the Interregional Research Project No. 4 (IR-4). This amendment to the regulation would eliminate the need to establish a maximum permissible level for residues of sodium chlorate in or on guar beans.

**DATE:** Written comments must be received on or before February 26, 1982.

**ADDRESS:** Written comments to: Donald R. Stubbs, Emergency Response Section, Registration Division (TS-767C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** Donald Stubbs (703-557-7123).

**SUPPLEMENTARY INFORMATION:** The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition number 9E2220 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Arizona, Oklahoma, and Texas.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of an exemption from the requirement of a tolerance for residues of sodium chlorate in or on guar beans when it is used in accordance with good agricultural practice as a desiccant in guar bean (seed) production.

The data submitted in the petition and all other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought.

The only part of the guar plant which is consumed by humans is a gum which is extracted from the seeds and used as a stabilizer in ice cream. After the gum is extracted, the remaining part of the seed is used as an animal feed supplement in a manner similar to that of cottonseed meal in livestock rations. Residues have been found on guar plants but they are of no concern because the plants are left in the field and will not be grazed or fed to livestock. No detectable residues are expected in guar seeds or processed products of guar seeds, nor secondary residues in meat, milk, poultry, or eggs. Any increase in human dietary exposure from this use would be nominal.

The metabolism of sodium chlorate in plants is adequately understood for the proposed use. The analytical method is nonspecific and unsuitable for enforcement purposes. However, little need for enforcement action is anticipated under an exemption and the analytical method is suitable for determination of gross misuse. There are presently no actions pending against the continued registration of this chemical.

Based on the above information considered by the Agency, the exemption from the requirement of a tolerance for residues of sodium chlorate in or on guar beans established by amending 40 CFR 180.1020 would protect the public health. It is proposed, therefore, that the exemption be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request, on or before February 26, 1982, that this proposed rulemaking be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on this proposed regulation. Comments must bear a notation indicating the document control number "[PP 9E2220/P210]". All written comments filed in response to this petition will be available in the Emergency Response Section at the address given above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

As required by Executive Order 12291, the EPA has determined that this proposed rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this proposed regulation from

the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

Dated: January 12, 1982.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

#### PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, it is proposed that 40 CFR 180.1020 be revised by adding and alphabetically inserting the raw agricultural commodity guar beans to read as follows:

##### § 180.1020 Sodium chlorate; exemption from the requirement of a tolerance.

Sodium chlorate is exempted from the requirement of a tolerance for residues in or on chili peppers, corn fodder, corn forage, corn grain, cottonseed, grain sorghum, guar beans, rice, rice straw, safflower seed, sorghum fodder, sorghum forage, soybeans, and sunflower seed when used as a defoliant, desiccant, or fungicide in accordance with good agricultural practice in the production of chili peppers, corn, cotton, guar beans, rice, safflower seed, sorghum, soybeans, and sunflower seed.

[FR Doc. 82-1850 Filed 1-28-82; 8:45 am]

BILLING CODE 6560-32-M

#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Parts 2, 15 and 90

[Gen. Docket No. 82-9; RM-3747; FCC 82-4]

##### Regulatory Recognition of Power Line Carrier Operations of Electric Utilities Operating in a Certain Frequency Band

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Federal Communications Commission is proposing to revise its Rules in response to a petition for

rulemaking to provide regulatory recognition for power line carrier (PLC) operations of electric utility companies. PLC systems are designed to provide protection and control for the electric transmission systems which supply the nation's electrical power needs and presently operate on an unlicensed basis. This action will not alter the present unlicensed and unallocated status of PLC's. The proposed changes involve the initiation of a notification procedure and associated data base to interface operations with licensed users of the spectrum. The need to establish a Frequency Table Footnote is also discussed. The rulemaking should benefit all concerned by helping establish a mechanism to help anticipate and avoid mutual interference problems.

**DATES:** Comments are due by April 6, 1982 and replies by May 6, 1982.

**ADDRESS:** Federal Communications Commission, 2025 "M" Street, N.W., Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:** Mr. Sam Tropea/Mr. George Sarver, Office of Science and Technology, 2025 "M" Street NW., Washington, D.C. 20554, (202) 653-8167.

##### SUPPLEMENTARY INFORMATION:

Adopted: January 13, 1982.

Released: January 29, 1982.

In the matter of amendment of Parts 2, 15 and 90 of the Commission's Rules to provide regulatory recognition for power line carrier operations of electric utilities in the bands 10-490 kHz, Gen. Docket No. 82-9, RM-3747.

##### I. Introduction

1. The Commission has under consideration a petition in the above-entitled matter filed by the Utilities Telecommunications Council<sup>1</sup> (hereinafter UTC). The petition requests that Parts 2, 15 and 90 of the Commission's Rules be amended to provide appropriate regulatory recognition for electric power utility Power Line Carrier (PLC) systems in the 10 to 490 kHz frequency band. The petition also suggests the establishment of a data base and a notification procedure so that band occupants can cooperate in minimizing or eliminating mutual interference.

2. Sixty-three Comments and three Reply Comments were filed in the proceeding. Both supportive and opposing Comments were received and a list of the commenters is contained in Appendix A. One late Comment was accepted for filing two days after the

February 4, 1981, closing date for submission of Reply Comments.

##### II. System Description

3. Power Line Carrier (PLC) is a telecommunications technique used by the electric power utility entities for protective relaying, general supervision of their power systems, and voice communications. The technique uses the power transmission lines as the propagation medium for the radio frequency signals with the PLC transmitters and receivers being coupled to the power transmission lines by means of matching networks. PLC systems serve to protect, control, and operate the bulk power systems from the generating plants to the load centers. Because power transmission lines and equipment are subject to lightning damage, storm disruption, insulation failure and other fault causing conditions, PLC systems are needed as the communications link for quick and automatic isolation of malfunctions from the rest of the power system.

4. The electrical power system includes the electric transmission system which transport the energy from the generating plant to the substation segment and the electric distribution system which connects the substation to the customer. The petitioner, in his November 4, 1980 Reply Comments to AT&T, agreed that distribution and transmission systems could be considered separately and for the purpose of this proceeding Commission action will be limited to consideration of electric transmission systems.

5. PLC systems operate between 10 and 490 kHz using low power transmitters. Both Government and non-Government PLC systems operate in this band and there are more than 2000 electrical entities using approximately 20,000 PLC terminals. In addition to delivering energy to various points in the U.S., transmission lines also transport energy between the U.S. and Canada and between the U.S. and Mexico and, accordingly, the use of the PLC techniques does have international implications.

##### III. Regulatory History

6. While PLCs have operated on an unlicensed basis, the Commission has had much contact with these systems. The Commission's rules with regard to low power devices including carrier current systems date from 1938. Formal rulemaking proceedings commenced on August 26, 1938. The Commission invited interested parties to comment on proposed regulations governing the operation of low power devices and to

<sup>1</sup>UTC is the national representative on telecommunications matters for the nation's electric, gas, water and steam utilities.

attend an informal conference on September 19, 1938. On November 21, 1938<sup>2</sup> the Commission adopted Rules and Regulations concerning the operation of low power radio frequency electrical devices. That rulemaking action established Part 25 of the Rules which in 1939 was renumbered Part 2, and in 1948 became what is now Part 15 of the Commission's Rules. In the early years, while the need to regulate low power devices was accentuated by a growing problem with interference, the governing principle of regulation was that if the low power devices in question limited radiation to a level that would not cause harmful interference to established radio services, there would appear to be no engineering reason to suppress their use.

7. In an information bulletin<sup>3</sup> concerning low power radio frequency electrical devices for control purposes, dated October 27, 1939, the term "carrier current systems" was used in discussing energy coupled to power lines. Again in the NPRM in Docket 9288 adopted April 13, 1949<sup>4</sup> carrier current systems were classified as restricted radiation devices<sup>5</sup> and it was proposed that they be allowed to operate between 10 to 200 kHz. That Docket also recognized that many types of unlicensed low power operation existed including those power line maintenance.

8. A Further Notice of Proposed Rule Making<sup>6</sup> in Docket 9288 adopted on April 14, 1954, noted opposition to limiting carrier current devices to the 10-200 kHz band and proposed to permit their use between 10 to 425 kHz. The Commission in its Third Notice of Proposed Rule Making<sup>7</sup> in Docket 9288, adopted on November 8, 1956, proposed to define a "low power communications device" as a restricted radiation device used for the transmission of signs, signals (including control signals), writing, images and sounds or intelligence of any nature by radiation of electromagnetic energy. Operation of low power communications devices below 500 kHz was proposed between

10-490 kHz. The Third Report and Order<sup>8</sup> in Docket 9288 adopted on July 18, 1957, adopted this definition and provided for the operation of unlicensed low power communications devices in the band 10-490 kHz.

9. On April 14, 1976, the Commission adopted a Notice of Proposed Rule Making<sup>9</sup> in Docket 20780 to amend Part 15 of the Rules to redefine and clarify the rules governing restricted radiation devices and low power communications devices. Paragraph 12 of that proceeding states in part:

"Public utilities use carrier current systems extensively for performing a number of switching and controlling functions. Typically these systems are designed to have minimal interference effects. Experienced technicians maintain these systems, performance is checked periodically and any interference problem caused by such operation receives immediate attention."

While that rulemaking proceeding has not been finalized as yet, the document recognizes the importance of the functions performed by carrier current systems and suggests the need for specific rules concerning their operation.

#### IV. Problems Confronting PLC Systems

10. Power line carriers technically operate as wireline systems since they superimpose signals on electrical transmission lines. At the same time they do radiate and receive radio frequency energy and, thus, there is the possibility of interference between PLC and other radio systems operating on the same frequencies. As restricted radiation devices under Part 15 of the Commission's Rules, PLC systems can only operate on an unprotected, noninterference basis to licensed stations and receive no protection from licensed radio stations. UTC states that because of the low power used by PLC systems, interference from PLC to other users in the band will normally occur within about one mile or less from the transmission line. It is anticipated that this interference can be minimized if advance information is made available regarding the frequency of operation and the location of the other radio facility.

11. On the other hand, UTC also states that interference to PLC systems from high powered radio communication and radio navigation systems operating on the same frequency is possible at much greater distances, up to 150 miles. In most cases the only remedial course of action available to the utility company

is to shift its PLC system to a different frequency than that used by the interfering station. Locating an available frequency, if any, and making the necessary equipment modifications can have a substantial cost effect on the electric utility company.

12. The matter of interference potential between PLC and other users of the 10 to 490 kHz band has been highlighted by the establishment of an Ad Hoc Group by the Interdepartment Radio Advisory Committee (IRAC) to investigate the matter. The Group, designated as Ad Hoc 162, was formed by IRAC to address interference problems among carrier current systems, existing radio systems and proposed radio systems below 535 kHz. Ad Hoc 162 has submitted a report dated April 7, 1981, to IRAC recording its findings and recommendations concerning PLC. The recommendations and information contained in that report are discussed below in paragraph 28 et seq.

#### V. Action Requested by Petitioner

13. In an effort to provide a resolution to the mutual interference problems between PLC and radio users of the band, UTC's petition proposes a regulatory framework so most interference situations can be anticipated and avoided. At the same time UTC recognizes that PLC operation in the band is only on an unprotected, noninterference basis and it does not propose that electric utilities be afforded allocation status. In this regard the petitioner acknowledges that PLC systems will still be required to change frequencies in those cases where such action is the only reasonable way of solving an interference situation with licensed users. Accordingly, without seeking allocation status, UTC proposes that means be considered to make band occupants aware of the presence of PLC systems and the important function they serve in fulfilling the nation's power utility needs and thereby achieve some measure of cooperation to resolve interference situations.

14. UTC in its petition suggested that the following four options were available to the Commission in the matter:

- Maintain status quo—do nothing.
- Include PLC systems in a frequency data base and require informal prior notification of new radio communications or radio navigation stations.
- Provide co-equal allocation status for PLC.
- Add a U.S. Footnote to the allocation table to recognize and protect PLC systems.

<sup>2</sup>The date was determined from FCC Press Release No. 30678, dated 11/21/38.

<sup>3</sup>FCC release number 37186 entitled "Information Relative to the Operation of Radio Controlled Phonograph Record Players and Other Types of Low Power Radio Frequency Electrical Devices Used for Control Purposes Over Very Short Distances."

<sup>4</sup>FCC Notice of Proposed Rule Making, April 23, 1947 (14 FR 203).

<sup>5</sup>A restricted radiation device is an unlicensed device in which the generation of radio frequency energy is intentionally incorporated into the design and in which the radio frequency energy is conducted along lines or is radiated.

<sup>6</sup>Further Notice of Proposed Rule Making, April 21, 1954 (19 FR 2319).

<sup>7</sup>See Third Notice of Proposed Rule Making, November 16, 1956 (21 FR 8950).

<sup>8</sup>See Third Report and Order, July 25, 1957 (22 FR 5895).

<sup>9</sup>See Notice of Proposed Rule Making, April 29, 1976 (41 FR 17936).

UTC indicated its preference was the fourth option since a U.S. Footnote in the Table of Allocations would provide the necessary recognition of the importance of PLC, and suggested a draft footnote to reflect its concerns. In a letter dated April 20, 1981, UTC, by its attorneys, suggested a modification of its proposed footnote which incorporates provisions of the second and fourth options together. The letter suggests that the draft footnote provide recognition of PLC systems along with the provision that applicants for new or revised radio and PLC systems provide each other with prior notification concerning proposed facilities and cooperate in minimizing potential interference to the degree practicable.

15. To effect the prior notification procedure, UTC suggests the establishment and maintenance of a national PLC data base to oversee the notification process. Prior notification would include the submission of information by the utilities to a notification activity which would advise the Government radio licensing agencies (for both Government and non-Government authorized users) of plans to install new or modified PLC facilities. Conversely, the process would include prior notification to the notification activity by the Government licensing agencies of plans to install new or modified licensed facilities.

#### VI. Summary of Comments

16. All supporting comments expressed agreement that PLC regulatory recognition is essential to insure continued reliability of electric service. The Department of Energy indicated its support for the petition and said it agrees with UTC regarding the use of PLC, how it works, the functions PLC's perform, their importance, and the continuing and growing need for PLC to protect and control electric transmission systems. The Tennessee Valley Authority (TVA) stated that there are inadequate regulatory provisions in the present Commission's Rules for PLC and the Union Electric Company submitted that this is an important use of the spectrum and vital to providing electric power to the public. The Southern California Edison Company indicated that PLC operation is in the public interest and that other systems such as those using microwave communications are not a viable alternative, particularly in congested urban areas. In this regard, the Northern States Power Company stated that it is critical to protect energy transmission lines and that PLC is the only practical and economic alternative that offers the needed protection. Commenters such as the New York

State Electric and Gas Company, and the Public Service Electric and Gas Company stressed that future growth in usage of electricity will require more generating and transmission facilities resulting in the need for increased PLC usage. Some commenters, e.g. the Allegheny Power System, stressed the importance of the technical operation aspects of PLC such as the isolation of electrical faults in 50 to 100 milliseconds to prevent damage to transmission facilities thereby maintaining power system stability and enhancing reliability of service to customers. The National Electric Manufacturers Association agreed that recognizing the existence and importance of PLC operation in the 10 to 490 kHz band is necessary and that a prior notification procedure would be beneficial to PLC system planning.

17. Opposing comments were filed by licensed users of the band, unlicensed low power users of the band including The American Telephone and Telegraph Company (AT&T) and the Atlantic Research Corporation, Aeronautical Radio Incorporated (ARINC), Air Transport Association of America (ATA), and the Airline Operators and Pilots Association expressed the concerns of aircraft users that depend on nondirectional radiobeacons (NDB) operating in the 190 to 415 kHz band for navigational information during flight. These concerns include opposition to allocation status for PLC's, delay of license processing for NDB's due to coordination requirements, and possible impediment to the licensing of new users due to PLC recognition. In this regard, Atlantic Research also expressed its concern over the effect PLC recognition would have on existing and potential new users of the band. In addition, the United States Coast Guard (USCG), while it supports the idea of entering PLC's into a data base, expressed its concerns regarding PLC's effects on Omega, LORAN, radiobeacon and radio directional finding stations. Megapulse, Inc., also expressed its concern for possible interference to LORAN-C operations and suggested that PLC operation be excluded from operating between 90-110 kHz.

18. The majority of the opposing comments were submitted by unlicensed low power radio remote control device users who operate under Part 15 of the Rules. The comments of Dynascan Corp., which manufactures and sells radio remote control devices to control overhead traveling bridge cranes and other equipment to move heavy materials, are representative of the problems anticipated by the low power

users. The concerns include the possibility of interference to radio remote control devices by PLC operations, the eventual institution of licensing requirements to regulate presently unlicensed operations, and the unfair advantage that would be afforded to PLC over other low power users of the 200-490 kHz band. Finally, AT&T in its comments stated that while it does not oppose a footnote regarding PLC use for transmission facilities, it does object to the use of PLC for power distribution facilities. In this regard AT&T contends that the UTC does not address the different problems and needs of distribution PLC's or the interference potential to local telephone subscribers.

19. Reply Comments were filed by UTC and the Electronics Industry Association (EIA) in support of the petition and by the Manufacturers Radio Frequency Advisory Committee, Inc. (MRFAC) in opposition to the petition. MRFAC is a trade association representing licensees in the Manufacturers Radio Service and its comments reiterated the concerns stated by Dynascan Corp. regarding low power remote controls of material handling equipment. MRFAC restated its concerns that interference from PLC operations could result in malfunctioning of the lift equipment or could result in a hazard to safety of life and property. It also commented that the low power, unlicensed, efficient and cost effective use of the spectrum by remote control type equipment deserves recognition by the Commission and should not be disrupted by PLC systems. The Ad Hoc Power Line Communications and Load Management Committee of the EIA Communications Division indicated its support for the UTC petition as it concerns transmission facilities applications. However, EIA also stated that it shares some of the concerns of the opponents of the measure and that the rights of the other spectrum users in the band need to be protected.

20. UTC in its Reply Comments responded to the concerns of the airline industry by reaffirming that it is not seeking co-equal allocation status and that throughout the 10-490 kHz band it desires and intends to retain a secondary status for PLC systems when they would interfere with existing or needed radio communication or radionavigation systems. While UTC originally requested a type of "permitted" status for PLC's, it did modify its request to continue operations on a noninterference basis. Concerning AT&T's comments, UTC had no objection to handling PLC

distribution systems in a separate rulemaking action. Here again, UTC originally intended to include both PLC distribution and transmission systems in its petition, but, as mentioned earlier, in its reply comments it agreed that distribution and transmission systems could be considered separately. UTC also cited some test results made in New Jersey by an AT&T subsidiary, the equipment manufacturer and Bell Labs. The test allegedly demonstrated that when the distribution power line carrier system and the telephone company system were both operated under normal operating conditions there was no detectable harmful interference to telephone services. In reply to the USCG and Megapulse comments, UTC stated that in the record of the proceeding there is no documented evidence of interference into LORAN-C maritime radionavigation operations from PLC systems. UTC further points out its proposals are intended to provide a mechanism to anticipate and avoid interference and not to cause interference by PLC systems. Responding to the comments of unlicensed remote control device users such as Dynascan, UTC stated that no documented cases of interference from PLC were cited. It also pointed out that most transmission line PLC systems would be sufficiently distant from the areas where the control devices would be in use. Further, it said that control device users in large industrial areas are served by dedicated transformer banks that heavily attenuate PLC signals. In addition, UTC stated that its petition should not result in the licensing of remote control devices and that in regard to interference concerns, access to the proposed data base would be available to control device users and could help in anticipating and avoiding interference situations.

## VII. Discussion

### A. Recognition of PLC

21. The Commission recognizes the importance of PLC operations in monitoring and protecting the electrical transmission systems that supply energy to the nation's homes and businesses. We also agree that because of the nationwide functions performed by PLC operations more regulatory provision is desirable and in the public interest. However, since PLC has operated under the unlicensed provisions of Part 15, the Commission's first concern is that any recognition of PLC systems not be interpreted as the promotion of PLC at the expense of other unlicensed Part 15 users. Further, we agree with the comments of the Atlantic Research

Corp. that regulatory action must not deny the use of the band 10-490 kHz either to new radio users, or to improved facilities by existing users. In addition, the Commission is in agreement with the comments that request avoidance of regulatory action that results in licensing delays.

22. The Commission is concerned with the problems confronting PLC operators and seeks a solution that abates the problems experienced by power companies as well as being equitable to other users of the spectrum. UTC in its reply comments stated that it does not seek allocation status and the Commission agrees that continued operation in the band must be on an unprotected, noninterference basis to licensed users and at the same time on an equal basis to other unlicensed users operating under Part 15 provisions. Accordingly, the Commission agrees that regulatory recognition of PLC systems is desirable provided that a framework can be established that is equitable to all band occupants. On this basis, we will evaluate UTC's request that a U.S. Footnote to the Table of Allocations and a notification procedure be enacted as the basis for recognizing PLC systems.

### B. Interference Concerns

23. The major concern of commenters both from licensed and unlicensed users of the 10-490 kHz band involved the question of alleged interference from PLC operations. The U.S. Coast Guard in its comments indicated that it operates four radionavigation systems susceptible to interference in the band—OMEGA (10-14 kHz); LORAN (90-110 kHz); Radiobeacons (285-325 kHz), and Radio Direction-Finding (405-415 kHz). The aircraft interests expressed their concerns regarding the interference potential from PLC's to the aeronautical radionavigation aids operating between 190-415 kHz. Likewise, MRFAC and the low power equipment handling devices use the frequencies between 200-400 kHz and suspect that increased interference from PLC systems may occur.

24. According to the Department of Energy, some of the findings apparent from the investigation conducted by IRAC Ad Hoc 162, previously mentioned, indicate that:

1. There are no specific cases showing PLC disruptive interference to existing radio communication and navigation systems. Military, LORAN-C, and OMEGA are specifically mentioned.

2. There has been only one identifiable case of interference to an aeronautical beacon. The beacon was installed after the PLC system was

already in service so the power company could not predict the problem.

3. A frequency separation of 4 kHz and appropriate geographical separation between NDB and PLC systems would preclude interference problems.

4. Some errors in Automatic Direction Finding (ADF) compasses in aircraft may be due to electric transmission lines, but not necessarily to PLC systems.

5. Since PLC systems operate at low powers the probability that they will cause interference to authorized radio services is low.

The Commission considers the information submitted by DOE to be an affirmative indication that PLC and other radio or radionavigation systems can continue to operate compatibly. In addition, it would appear that compatibility would be further served by a prior notification procedure designed to anticipate and avoid interference situations before they arise. The USCG in its comments also recommended and agreed to cooperate in the establishment of an information exchange mechanism to reduce the economic and scheduling burdens on PLC and other carrier current system users.

25. Concerning the interference to radio remote control device users, it appears the petitioner has helped mitigate those concerns by agreeing to limit its proposals to transmission line PLC systems by withdrawing its proposals pertaining to distribution line PLC for the purpose of this rulemaking. The radio remote control devices in question have an effective operating range of 150 feet or less and most transmission line PLC systems would therefore be sufficiently distant from the areas where control devices would be in use. In addition, if most plants in industrial areas are serviced by single customer transformer banks, the PLC would be attenuated by 30 to 40 db according to UTC's reply comments. Also, careful frequency selection and higher receiver sensitivity levels could be effective measures in avoiding interference.

26. In regard to interference from PLC operations, several favorable observations can be noted for PLC. First, the near absence of reported interference from PLC systems appears to indicate that the present operations are reasonably compatible with other users of the band. Secondly, the petitioner is not proposing any modification to the existing mode of operation, i.e., increased operating power; or to operating authority, i.e., licensing of PLC systems. Lastly,

operation will continue on an unprotected, noninterference basis to licensed users and on an equal basis with unlicensed users. We also realize that the near absence of documented interference complaints does not guarantee that there haven't been more interference problems or that there will be none in the future. However, continued operation on a noninterference basis along with implementation of a notification procedure as proposed should help alleviate interference concerns even in view of expected increases in band usage.

27. At the same time, the Commission proposes to consider any data regarding the effects of PLC on LORAN-C and OMEGA operations to determine if adequate protection is provided. Should future information so indicate, the Commission could consider halting future expansion of PLC in the 10-14 kHz<sup>10</sup> and 90-110 kHz band segments or even gradually eliminate PLC from those segments if justifiable. Specific comments are requested regarding the need and effects of continued use of these bands by PLC systems.

#### C. IRAC Input

28. Because the frequencies between 10 to 490 kHz are allocated for Government as well as non-Government users, IRAC comments on behalf of Government users are considered to be very important to the proceeding. As indicated earlier, the IRAC appointed a special committee designated Ad Hoc 162 to study, among other things, carrier current systems in the LF band. The Committee had representation from the Departments of Army, Navy, Air Force, Interior (Tennessee Valley Authority), Energy, and Transportation; The U.S. Coast Guard, The Federal Aviation Administration, the National Telecommunication and Information Administration and the FCC. In its report to the IRAC which was adopted with some amendments, Ad Hoc 162 listed sixteen findings that it considered "major" based on information presented to the Committee. The following findings are listed because of their importance to this proceeding:

a. PLC systems have an important and continuing impact on the national use of the spectrum below 535 kHz.

b. Projections of growth for radio and PLC systems in this band show that usage will increase substantially in the future in most portions of the band.

c. There have been a number of known and/or suspected cases of interference from PLC systems to radio services; however, only four cases (two in the U.S. and two international) have been adequately documented before the IRAC.

d. Theoretical and experimental studies as referenced in this report confirm that the potential for mutual interference between PLC systems and authorized radio services exist and the number of cases of interference is expected to increase as the number of all types of systems using the band grows.

e. While PLC systems are regulated under NTIA Manual of Regulations and Procedures for Federal Radio Frequency Management Chapter 7 and Part 15 of the FCC Rules and Regulations, no formal procedures exist within the spectrum management community to resolve conflicts and to coordinate the use of frequencies between PLC systems and the authorized radio services since PLC have no allocated status.

f. If there is to be technical regulation of PLC systems, the provisions of NTIA Manual of Regulations and Procedures for Federal Radio Frequency Management Chapter 7 and FCC Part 15 are inadequate for technical regulation of PLC systems.

g. There does not exist within Government or industry a centralized data base containing the location and technical characteristics of each existing PLC system. All Government frequency assignments are documented.

The Ad Hoc Group recommendations included establishment of a data base for PLC systems in which all members agreed. The recommendations also included discussion of whether a footnote should be added to the National Table of Allocations to provide for recognition of PLC systems. The military members of the group objected to the inclusion of a footnote because they considered it would confer some type of allocation status for PLC. Regarding frequency provisions for PLC's, DOI/TVA and DOE recommended allowing PLC continued access to the entire band on a noninterference basis. The majority of the Ad Hoc Group members recommended that PLC have access to the entire 10-490 kHz except those portions allocated to OMEGA and LORAN-C (10-14 kHz and 90-110 kHz, respectively).

29. While a consensus was not reached within IRAC regarding the Ad Hoc 162 Report, NTIA advised the Commission that the vast majority of the

IRAC members concur in the following NTIA recommendation that:

a. As a matter of general policy, allocation status should not be provided to uses which have been developed on an unprotected non-interference basis under Part 15 of the FCC rules or Chapter 7 of the NTIA Manual of Regulations and Procedures for Federal Radio Frequency Management.

b. PLC system may continue to operate on an unprotected, noninterference basis under existing FCC and NTIA rules and regulations.

c. The use of frequencies by PLC's will be made known to radio service users in advance of such usage.

d. Assignments of frequencies by the FCC and NTIA to radio service users will be made known to PLC users in advance of such use.

e. Both PLC and radio service users will consider the exchanged data and will cooperate to the extent practicable to prevent major disruptions to services being conducted by each other.

f. In the event of conflicting use of the spectrum, the PLC users will adjust to meet the requirements of the radio service users, or accept any interference as now required under existing rules and regulations.

g. Language be placed in the appropriate portions of the FCC Rules and Regulations and the NTIA Manual of Regulations and Procedure for Federal Radio Frequency Management. (The recommended language appears later on in this notice. See paragraph 32.)

h. New uses of the spectrum by PLC systems in the bands 9-14 and 90-110 kHz shall be discouraged because of the contemplated expanded use of the OMEGA and LORAN systems in these bands.

i. These procedures have been developed as an exception, recognizing the importance of PLC systems to the electric utilities in providing power to the U.S. These exceptions shall not be a precedent to other users under FCC Part 15 and NTIA Chapter 7.

j. PLC users be encouraged to continue to develop and employ alternate means to transmit the necessary control of communications signals.

30. The work of Ad Hoc 162 and the NTIA recommendations emphasize the importance of this proceeding and the need for regulatory action to deal with the situation. The Commission also believes it is in close agreement with the recommendations of Ad Hoc 162 to IRAC concerning the need for a data base and notification procedure to minimize spectrum utilization problems.

<sup>10</sup> If the Final Acts of the 1979 World Administrative Radio Conference are adopted as proposed, the radionavigation band would become 9-14 kHz.

As we have previously indicated, any such action should not be interpreted to afford allocation status to PLC and they would continue to operate on a unprotected, noninterference basis.

#### D. Footnote Implementation

31. UTC in its petition and subsequent revisions thereto<sup>11</sup> suggests that a footnote be included in the Table of Frequency Allocations and recommended the following wording:

U.S.—. In the band 10–490 kHz, electric utilities operate Power Line Carrier (PLC) systems under the provisions of Part 15 of the Federal Communications Commission's Rules and Regulations and Chapter 7 of the National Telecommunications and Information Administration's Manual of Regulations and Procedures for Federal Radio Frequency Management on a noninterference basis to Services operating in accordance with the Table. These PLC systems utilize Hertzian waves conducted on power transmission lines for the purpose of telecontrol, teleprotection, telemetry and other communications important to the reliability and security of electric service to the public. Licensed users and prospective licensees in these bands as well as the electric utilities should be aware that their operations can cause mutual interference. Applicants for stations to be licensed in this band and electric utilities shall provide each other with prior notification of proposed new or modified facilities and will cooperate in minimizing potential interference. Nothing in this Footnote shall be construed to afford PLC systems allocation status.

32. As indicated in the NTIA recommendations, the majority of the IRAC members favor appropriate language regarding PLC to be placed in the FCC and NTIA rules. While there is no unanimity whether the language should be in the form of a footnote or a remark to the allocation table or in some other rule part, IRAC suggests the following wording for such language:

"In the spectrum below 490 kHz, electric utilities operate Power Line Carrier (PLC) systems on power transmission lines for communications important to the reliability and security of electric service to the public. These PLC systems operate under the provisions of Part 15 of the Federal Communications Commission's Rules and Regulations or Chapter 7 of the National Telecommunications and Information Administration's Manual of Regulations and Procedures for Federal Radio Frequency Management, on an unprotected, noninterference basis to authorized radio services. Notification of intent to place new or revised radio assignments or PLC frequency uses in the bands below 490 kHz shall be made in accordance with the Rules and Regulations of the FCC or NTIA, and users are urged to minimize potential

interference to the degree practicable. Nothing in this remark shall be construed to afford PLC systems allocation status."

33. IRAC members opposing the implementation of a U.S. Footnote expressed their concern that such action would provide a measure of allocation status to PLC systems. On the other hand, they could agree to the placement of an NG (Non-Government) Footnote in the Commission's rules along with similar language added to the NTIA Manual. The Commission's feeling is that an NG note is, by definition, a stipulation applicable only to non-Government stations (See § 2.105(h)(3)). Also, it would remain unclear how this proposal would establish any permanent obligation on the part of the Government users to implement any changes with regard to PLC systems. The Commission therefore sees this alternative to be inadequate to accomplish the intended purpose.

34. Accordingly, while the Commission agrees that descriptive language is necessary in specific FCC and NTIA rule parts, particularly with regard to the requirements and procedures for notification, we also consider it desirable to reference or initiate awareness to the specific rules by the use of a U.S. footnote in the FCC or NTIA frequency allocation tables. The purpose of such a footnote would not be to confer allocation status to PLC systems but rather to inform table users of the presence of PLC systems and to clearly set forth the basis for their usage of the frequencies. A footnote could possibly provide the most abbreviated and least cumbersome means of informing users of the affected portions of the radio spectrum of the presence of PLC systems in the band. Further, it would appear desirable to use the strength of a footnote to assure authorized users that PLC operation must be conducted on an unprotected, noninterference basis to services with allocated frequencies. Additionally, the language of the NTIA remarks has been agreed upon by a consensus of authorized government radio users and closely resembles the UTC language suggested. The Commission considers it appropriate for use if a U.S. Footnote were implemented. For these reasons the Commission believes the use of a U.S. Footnote as the mechanism to clearly set forth the basis for the recognition of PLC operations in the 10–490 kHz band would be advantageous.

#### E. Notification Procedure and Data Base Implementation

35. The proposed footnote and remarks as discussed above state that notification be given of intent to

establish new or revised radio assignments or PLC uses. The purpose of notification is to provide a mechanism through which both PLC and radio service users can exchange particulars of their proposed station operations prior to commencement of operation. By cooperating in this notification procedure a means can be established to resolve frequency usage conflicts and to prevent major disruption to services. Cooperation between parties should be to the extent practicable and, in any event, the PLC users must realize that in the event conflicts on spectrum usage cannot be resolved on a cooperative basis, their operation on a nonallocated basis must adjust to meet the requirements of the authorized radio services.

36. A two-way notification procedure is considered necessary for the approach to be effective. First it would require that the use of frequencies by PLC systems would be revealed to radio service users in advance of such use. To do this, notification of intended PLC frequency usage could be provided to the frequency liaison office for the FCC and NTIA by some notification activity for the utilities. Secondly, it would also require that the assignment of frequencies by the FCC (for non-government users) and NTIA (for government users) be made known to PLC users in advance of such use. The FCC and NTIA could supply appropriate application and licensing information concerning the radio user to the notification activity for the utilities as a means of notification. Thirdly, the procedure should be as simple and unburdensome as possible to the filer and the intended user should be able to expect to be alerted to a possible problem in a reasonable amount of time. The detailed procedure, including the handling of classified assignments, would be developed jointly by the FCC and NTIA.

37. To effect this notification procedure, it is proposed that the FCC and NTIA jointly designate a notification activity to establish a central point for the receipt and assembling of data regarding frequency usage. Since the FCC does not possess the resources to fulfill this function and since the services to be provided will be of great benefit to the power companies, they have indicated a willingness to assume this responsibility through a representative agency. The establishment of a data base would help the users of PLC systems anticipate and avoid interference situations and minimize the cost of changing frequency when interference results. This

<sup>11</sup> UTC in its reply comments dated 11/4/80 and in a letter dated 4/20/81 submitted modifications to language contained in its petition.

procedure would provide for the expeditious dissemination of frequency usage information and avoid unnecessary FCC or NTIA regulatory involvement with an unlicensed user, which is consistent with current deregulatory objectives. Specific comments are invited concerning the proposed notification procedure and the notification activity discussed.

#### F. Conditions of Operation

38. Although not specifically identified, PLC Systems are subject to the general operating and noninterference requirements of a restricted radiation device under Part 15 of FCC Rules. These systems, in general, have not been a source of harmful interference to radio reception, due in part to the cooperation and degree of responsibility shown by public utilities to correct identified radio interference problems. Therefore, we will continue to require the operation of these systems on a noninterference basis; i.e., the public utility will be held responsible for correcting radio interference problems. To make it clear that these systems are subject to this condition of operation, we are proposing a new § 15.8 for PLC operation. UTC in its petition did not propose specific technical standards for PLC operations. However, the Commission is aware of activities being conducted by the Power Engineering Society of the Institute of Electrical and Electronics Engineers concerning technical standards for PLC operations. Part of the objective of this new voluntary standard is to include specific technical guidelines to minimize the interference potential of PLC systems to other users of the radio spectrum. The Commission welcomes this effort by the industry and is hopeful that these standards can serve as guidelines to minimize interference. Thus, the Commission is not proposing additional standards at this time since allocation status is not being requested and continued operation on an unprotected, noninterference basis is contemplated for PLC's under a new rule section in Part 15 of the rules.

#### VIII. Proposals

39. Because PLC's provide protection and control to the electric transmission systems essential to supplying the nation's electrical power needs, the Commission considers regulatory recognition of these systems to be in the public interest. To effect this recognition, the Commission proposes to amend Parts 15 and 90 of its rules to cover non-government entities. Changes involving government stations would be implemented by the NTIA in their

Manual of Regulations and Procedures for Federal Frequency Management. No rule change will be proposed that requires the licensing of PLC or other Part 15 users. Specifically, the Commission proposes to permit a notification activity to be created to exchange the operating parameters of PLC and licensed radio users in the band below 490 kHz; to develop those rules necessary to establish a notification procedure, and to maintain PLC's in an unlicensed status operating on an unprotected, noninterference basis to licensed users but on an equal basis to other unlicensed users who are authorized to operate under the provisions of Part 15.

40. Although the Commission as discussed earlier considers the U.S. Footnote approach to have merit, the Commission is hesitant to propose the establishment of a U.S. Footnote without the support of IRAC since the majority of the users affected are Government administered. Accordingly, the Commission is requesting comments from the public on the proposed need and impact of a Footnote governing PLC operations. Specifically, the Commission is requesting comments regarding the following alternatives:

- a. Establish a U.S. Footnote to afford regulatory recognition to PLC's.
  - b. Establish an NG Footnote to afford regulatory recognition to PLC's with similar language placed in the NTIA manual.
  - c. Establish no footnote but incorporate the language and necessary elements of the footnote into Parts 15 and 90 of the Commission's rules as proposed and into the NTIA manual.
- The Commission will also consider other alternatives that may be submitted. Based on the comments received, the Commission will evaluate the response to the alternatives and determine the course of action necessary with regard to footnote implementation and modification of Part 2.

41. Accordingly, it is proposed to amend Part 2, § 2.106, on the basis of the alternatives suggested above regarding PLC systems if public response so warrants. It is also proposed to amend Parts 15 and 90 of the Commission's rules as follows:

- A. Section 15.3 is amended to indicate general operating conditions involving PLC systems.
- B. Section 15.7 is amended to exclude PLC devices.
- C. A new § 15.8 is added to Subpart A titled Operation of a PLC System.
- D. Section 90.63 is amended to add a new paragraph (h) to govern the

notification and data base requirements applicable to PLC systems.

#### IX. Procedural Matters

42. For further information concerning procedures to follow with respect to this rulemaking proceeding, contact Sam Tropea (202) 653-8167.

43. The proposed amendments to Parts 15 and 90 of the rules as set forth in Appendix B, are issued pursuant to the authority contained in sections 4(i) and 303(c), (h) and (r) of the Communications Act of 1934, as amended.

44. Pursuant to applicable procedures set forth in § 1.415 of the Commission's Rules, interested persons may file comments on or before April 6, 1982, and reply comments on or before May 6, 1982. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing 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.

45. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rulemaking 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 proceedings. 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 face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's rules, 47 CFR 1.1231. A summary of these Commission procedures governing *ex parte* presentations in informal rulemaking is available from the Commission's Consumer Assistance Office, FCC, Washington, D.C. 20554.

46. The rulemaking action contained herein does not propose any change to the present use of the frequencies in the 10-490 kHz band and since operation by PLC users will continue to be on an unprotected, noninterference basis to all present and potential licensed users, large or small, no significant impact on primary users is expected. Accordingly, the Commission certifies that sections 603 and 604 of the Regulatory Flexibility Act do not apply to this proceeding. See U.S.C. 605(b). It is ordered, that a copy of this Notice shall be sent to the Chief Council for Advocacy of the Small Business Administration.

47. In accordance with the provisions of § 1.419 of the Commission's Rules, an original and 5 copies of all statements, briefs or comments filed shall be furnished the Commission. Responses will be available for public inspection during business hours in the Commission's Public Reference Room in its headquarters in Washington, D.C.

(Secs. 4, 303, 307, 48 Stat., as amended 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

#### Appendix A

##### Comments Filed By:

Aeronautical Radio Inc. (ARINC) and Air Transport Association of America (ATA)  
Airline Operator and Pilots Association (AOPA)

Alabama Power Company  
Alleghany Power Company  
Allis-Chalmers Corporation  
Alumax Mill Products, Incorporated  
American Electric Power Service Corporation  
American Steel Foundries  
American Telephone and Telegraph Company (AT&T)  
Art Iron, Incorporated  
Arvin Automotives  
Atlantic Research Corporation  
Bridgeport Brass Company  
Butler Manufacturing Company  
Carolina Power and Light Company  
The Cleveland-Cliffs Iron Company  
The Cleveland Electric Illuminating Company  
Colt Industries  
Cyloops Corporation

Detroit Edison Company  
Department of Energy  
DRW Chemical, USA  
Dynascan Corporation  
Edison Electric Institute  
Enamel Products and Plating Company  
Eveleth Mines  
General Electric Company (Fairfield, CN)  
General Electric Company (Pittsfield, MA)  
Intalco Aluminum Corporation  
Iowa Electric Light and Power Company  
Jemez Mountains Electric Cooperative, Incorporated  
Kerr-McGee Corporation  
Libbey-Owens-Ford Company  
Lukens Steel Company  
Marmon/Keystone Corporation  
The Master Products Company  
Megapulse, Incorporated  
Midco—Pipe and Tube, Incorporated  
National Electric Manufacturers Association  
New York State Electric and Gas Corporation  
Northern States Power Company  
Patapsco and Back Rivers Railroad Company  
Pittsburgh Tube Company  
Power Engineering Society, IEEE  
Public Service Electric and Gas Company  
Revere Copper Products, Incorporated  
Robertson and Swartz Incorporated  
Sholtz Equipment and Sales Company, Incorporated  
Southern California Edison Company  
The Stacey Manufacturing Company  
Standard Tube of Detroit Corporation  
Tennessee Valley Authority (TVA)  
True Temper  
Union Camp Corporation  
Union Electric Company  
United Illuminating Company  
United States Coast Guard (USCG)  
VARCO Prudent Metal Building Systems  
Virginia Electric Power Company  
Weyerhanser Company  
Weeling Pittsburg Steel Corporation  
The Wild Goose Association

##### Reply Comments Filed By:

Electronics Industry Association (EIA)  
Manufacturers Radio Frequency Advisory Committee (MRFAC)  
Utilities Telecommunications Council (UTC)

##### Late Comments Filed By:

Bethlehem Steel Corporation

#### Appendix B

Parts 15 and 90 of Chapter I of Title 47 of the Code of Federal Regulations are proposed to be amended as follows:

#### PART 15—RADIO FREQUENCY DEVICES

1. Section 15.3 is revised to read as follows:

##### § 15.3 General conditions of operation.

Persons operating restricted or incidental radiation devices (including Power Line Carrier Systems) shall not be deemed to have any vested or recognizable right to the continued use of any given frequency by virtue of prior

registration or certification of equipment, or on the basis of prior notification of use pursuant to § 90.63(h) of this chapter. Operation of these devices is subject to the conditions that no harmful interference is caused and that interference must be accepted that may be caused by other incidental or restricted radiation devices, industrial scientific or medical equipment, or from any authorized radio service.

2. In § 15.7, the note is revised to read as follows:

##### § 15.7 General requirement for restricted radiation devices.

(e) \* \* \*

Note.—Radio receivers, cable television systems, Class I TV devices, low power communications devices, and power line carrier systems are regulated elsewhere in this chapter and are not regulated by this section.

3. A new § 15.8 is added to Subpart A to read as follows:

##### § 15.8 Operation of a Power Line Carrier System.

(a) A Power Line Carrier System is a system of telecommunications used by the electric power utility entities for protective relaying, telemetering, general supervision of the power system and voice communications and operates by the transmission of radio frequency signals in the 10 to 490 kHz band by conduction over the power transmission lines of the system.

(b) A power utility proposing to add a Power Line Carrier System or to make changes in an existing system shall submit the details of such installation or change to a notification activity as set forth in § 90.63(h) of this chapter. No notification to the FCC is required.

(c) The operating parameters of a Power Line Carrier System (particularly the frequency) shall be selected to achieve the highest degree of compatibility with licensed users of the radio spectrum. A Power Line Carrier System shall operate on an unprotected, noninterference basis in accordance with § 15.3 of this Part. If interference occurs, the power utility shall discontinue or adjust its operation, as required, to remedy the interference.

(d) Power Line Carrier System apparatus shall be operated with the minimum power possible to accomplish the desired purpose.

(e) The best engineering principles shall be utilized in the generation of radio frequency currents by Power Line Carrier Systems so as to guard against

interference to established radio services, particularly on the fundamental and harmonic frequencies.

(f) Power Line Carrier System apparatus shall conform to such engineering standards as may from time to time be promulgated by the Commission.

#### PART 90—PRIVATE LAND MOBILE RADIO SERVICES

1. Section 90.63 is amended by the addition of a new paragraph (h) to set forth the frequencies available for and the limitations placed on the use of power line carrier systems as follows:

##### § 90.63 Power Radio Service.

(h) The frequencies 10-490 kHz are used to operate electric utility Power Line Carrier (PLC) Systems on power transmission lines for communications essential to the reliability and security of electric service to the public, in accordance with Part 15 of this chapter. Any electric utility fulfilling requirements in paragraph (a)(1) of this section may operate PLC systems and shall supply to a Federal Communications Commission/National Telecommunications and Information Administration recognized notification activity, information on all existing and proposed systems for inclusion in a data base, such as the frequency, power, location of transmitter(s), and other technical and operational parameters, which would characterize the system's potential both to interfere with users in authorized radio services, and to receive destructive interference from these users. The notification activity shall notify the National Telecommunications and Information Administration and the Commission of these system characteristics prior to implementation of any proposed PLC system. The Federal Communications Commission and National Telecommunications and Information Administration shall supply appropriate application and licensing information to the notification activity regarding licensed radio stations operating in the band. PLC systems in this band operate on a noninterference basis to radio systems assigned frequencies by the NTIA or licensed by the FCC and are not protected from interference due to these radio operations.

#### 47 CFR Part 74

[BC Docket No. 81-793]

#### Experimental, Auxiliary, and Special Broadcast and Other Program Distributional Services; Current Policy and Procedure; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of reply comment period.

SUMMARY: The FCC extends the time for filing reply comments by two weeks in order to allow adequate time for comment on the merits of a petition for rule making filed by the Cetec Vega Corporation concerning re-channelization of certain frequencies available pursuant to Subpart H of Part 74 of the Commission's Rules. It is felt that the Cetec Vega petition does not warrant an individual rule making proceeding and it has been included as a comment in this matter. However, due to a clerical oversight, the Cetec Vega petition was not placed in the BC Docket No. 81-793 file until five days after the comment period. The two week extension, made on the Commission's own motion, should afford all interested parties an adequate reply comment period.

DATES: The period for filing reply comments is hereby changed from January 19, 1982, to and including February 2, 1982.

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

FOR FURTHER INFORMATION CONTACT: Steven D. Linn, Broadcast Bureau, (202) 632-7698.

##### SUPPLEMENTARY INFORMATION:

Adopted: January 11, 1982.

Released: January 13, 1982.

In the matter of revision of Subparts D, E, F and H of Part 74 of the Commission's rules to reflect current policy and procedure; order extending time for filing reply comments.

1. On November 12, 1981, the Commission adopted a *Notice of Proposed Rule Making* (FCC 81-535) in the above-entitled matter which was released on November 25, 1981, and published in the *Federal Register* (46 FR 60222) on December 9, 1981.

2. Subsequently, the Commission received a petition for rule making dated December 7, 1981, by Earnest W. Pappenfus, President, Cetec Vega Corporation (Cetec Vega). Cetec Vega is a manufacturer of wireless microphones operated as low power auxiliary

stations pursuant to Subpart H of Part 74 of the Commission's Rules.

3. Cetec Vega notes that presently § 74.802(b) of the Commission's Rules provides for assignment of channels in 200 kHz increments starting 600 kHz above the lower edges of Channels 7 through 13 and ending 600 kHz below the upper frequency limits of these channels. This yields 24 assignable frequencies per TV channel for low power auxiliary station operation; but in practice, the number of channels usable at a given location is limited to 6 due to adverse effects of transmitter and receiver intermodulation products. The number of usable channels can be doubled, says Cetec Vega, if certain midband channels are offset by 25 kHz or multiples thereof. For example, twelve intermodulation-free channels within TV Channel 7 (174-180 MHz) could be assigned as follows: 174.600, 174.800, 175.025, 175.275, 175.550, 175.850, 176.175, 176.550, 176.950, 177.400, 178.275 and 178.825 MHz. It should be noted that the present 200 kHz minimum spacing between assignable frequencies would be satisfied under this proposal.

4. In a December 22, 1981, letter to Cetec Vega, the Commission noted that while it has not yet had an opportunity to verify the calculations in the petition, the overall approach seemed straightforward and noncontroversial. Accordingly, rather than originate another rule making proceeding in response to the petition, it would be included as a comment in the above-mentioned proceeding, where its merits could be addressed in comments and reply comments.

5. However, due to clerical oversight, the Cetec Vega petition and the Commission's December 22nd reply letter, were not placed in the BC Docket 81-793 file until January 9, 1982, five days after the close of the comment period.

6. We wish to solicit reply comments on the merits of the Cetec Vega petition but we believe that the present reply comment period, which expires on January 19, 1982, is inadequate for this purpose; and that the public interest would be served by a two week extension.

7. Accordingly, it is ordered, that the time for filing reply comments in BC Docket 81-793 is extended to and including February 2, 1982.

8. This action is taken pursuant to authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

Federal Communications Commission.  
**Martin A. Blumenthal,**  
*Acting Chief, Policy and Rules Division,*  
*Broadcast Bureau.*

[FR Doc. 82-2089 Filed 1-26-82; 8:45 am]

BILLING CODE 6712-01-M

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 652

#### Atlantic Surf Clam and Ocean Quahog Fisheries

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of proposed quotas and request for comments.

**SUMMARY:** Quotas for the surf clam and ocean quahog fisheries for 1982 are proposed for public review and comment. The quotas have been selected from a range defined as the optimum yield for each fishery. The quotas establish allowable harvests of surf clams and ocean quahogs from the fishery conservation zone in 1982.

**EFFECTIVE DATE:** Comments will be accepted for 30 days, through February 26, 1982.

**ADDRESS:** Comments should be sent to: Management Division, Northeast Region, National Marine Fisheries Service, State Fish Pier, Gloucester, Massachusetts 01930-3097. A copy of a report on establishing the quotas is available for public inspection at this address; copies may be requested in writing.

**FOR FURTHER INFORMATION CONTACT:** Frank Grice, (Chief, Management Division), 617-281-3600.

**SUPPLEMENTARY INFORMATION:** Portions of Amendment 3 to the Fishery Management Plan for the Surf Clam and Ocean Quahog Fisheries were implemented by emergency interim regulations published on October 28, 1981 (46 FR 53181). One of the provisions of the amendment directs the Secretary, in consultation with the Mid-Atlantic Fishery Management Council, to specify quotas for surf clams and ocean quahogs on an annual basis from within ranges

which have been identified as optimum yield for each fishery.

The harvest of surf clams during 1981 exceeded the adjusted annual quota for the year by approximately 525,000 bushels. Resource managers and scientists recognized that this overharvest would occur, but believed that available information on harvests and the status of the resource showed that while optimum yield as specified was exceeded, harvest was consistent with the availability of the resource and the ability of the stock to sustain further, and perhaps greater, removals in the future. A retroactive increase in the 1981 quota to accommodate the overharvest was considered, but was found to be impractical and of little real value. To permit management to proceed with a clean slate under the provisions of the recent comprehensive amendment, the overharvest in 1981 will not be deducted from quotas for the 1982 fishing year. The 1982 quotas were developed with full knowledge of the expected 1981 overharvest, and reflect the ramifications of that harvest on the condition of the resource. NOAA believes this action to be consistent with the requirements for conservation of the resource, and the intent and desire of the Council.

To implement this regulatory provision for establishing quotas, the Regional Director has considered the following information: stock assessments; catch records and other relevant information concerning exploitable biomass and spawning biomass; fishing mortality rates; incoming recruitment; projected effort and catches; and areas likely to be reopened to fishing. Proposed quotas based on the information are published here for public review and comment:

(Quotas in bushels)	
Fishery	1982 quota
Mid-Atlantic Surf Clam.....	2,350,000
New England Surf Clam.....	50,000
Ocean Quahog.....	4,000,000

Much of the increase in the mid-Atlantic surf clam quota for 1982 is attributed to the Regional Director's expectation that portions of the area now closed to surf clam fishing off Atlantic City, New Jersey will be

reopened during the year, and that significant amounts of surf clams will be taken from the reopened portions.

Comments on these proposed quotas will be accepted for 30 days, through the date given above. Comments will be considered by the Secretary, who will determine appropriate final annual quotas for each fishery and publish those quotas in the *Federal Register*.

A final supplement to the Environmental Input Statement was filed with the Environmental Protection Agency on January 8, 1982.

#### Classification

This action is a prescribed management action taken under 50 CFR 652.21 and is exempt from Sections 3, 4, and 7 of Executive Order 12291.

The action is expected to have an incremental effect on the economy of less than \$1 million annually, and is not expected to lead to an increase in costs or prices of more than 10 percent. The action will not adversely affect competition, investment, or productivity. Each of the recommended management measures is likely to produce net benefits to the fishery, the region, and the national economy. The measures have positive general impacts in that they tend to increase stability in the fishery and encourage the highest value use of the resource.

The Administrator certified that Amendment 3 does not have a significant economic impact on a substantial number of small business entities and, therefore, does not require a regulatory flexibility analysis. This action is prescribed by Amendment 3, and consequently, is covered by the certification of Amendment 3. The conclusion of the regulatory impact review prepared for Amendment 3 was that determination of annual quotas is expected to result in net benefits to the fishery (i.e., small businesses), the region, and the national economy.

No reporting and recordkeeping requirements are imposed by this action.

(16 U.S.C. 1801 et seq.)

Dated: January 21, 1982.

**Robert K. Crowell,**  
*Deputy Executive Director, National Marine Fisheries Service.*

[FR Doc. 82-2089 Filed 1-26-82; 8:45 am]

BILLING CODE 3510-22-M

# Notices

Federal Register

Vol. 47, No. 18

Wednesday, January 27, 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.

## CIVIL AERONAUTICS BOARD

[Order 82-1-94]

### Application of Reeve Aleutian Airways for Certificate Amendment Under Subart Q

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause (82-1-94).

**SUMMARY:** The Board is proposing to authorize Reeve Aleutian Airways to provide all-cargo air transportation in Alaska between and among the points listed in its application.

**DATES:** Objections: All interested persons having objections to the Board issuing the proposed certificate amendment shall file, and serve upon all persons listed below no later than February 16, 1982, a statement of objections, together with a summary of testimony, statistical data, and other material expected to be relied upon to support the objections.

**ADDRESSES:** Objections to the issuance of a final order should be filed in Docket 40266, and should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served on Reeve Aleutian Airways; the mayor and airport manager of each city to which the pleading refers; and the Alaska Transportation Commission.

**FOR FURTHER INFORMATION CONTACT:** Anne W. Stockvis, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5335.

**SUPPLEMENTARY INFORMATION:** The complete text of Order 82-1-94 is available from our Distribution Section, Room 100, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 82-1-94 to that address.

By the Bureau of Domestic Aviation:  
January 20, 1982.

Phyllis T. Kaylor,  
Secretary.

[FR Doc. 82-2003 Filed 1-26-82; 8:45 am]

BILLING CODE 6320-01-M

### Commuter Fitness Determination; Astec Air East, Inc., et al.

The Board is proposing to find the following carriers fit willing and able to provide commuter air carrier service under Section 419(c)(2) of the Federal Aviation Act, as amended, and that aircraft used in this service conform to applicable safety standards.

#### Order, Applicant and Response Date

82-1-75, Astec Air East, Inc. d.b.a. Astec Air East, Inc. and Republic Air Charter, February 8, 1982.

82-1-76, Gold Coast Air, Inc., February 8, 1982.

82-1-79, Bemidji Aviation Service, Inc. d.b.a. Bemidji Airlines, February 8, 1982.

82-1-86, Interstate Airlines, February 9, 1982.

82-1-87, Trans-Mo Airlines, Inc., February 9, 1982.

All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed in Attachment A of the respective orders and file response or additional data for Orders 82-1-75-76, -86, and -87 with the Special Authorities Division, Room 915, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

The complete text of the orders is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request to the above address.

**FOR FURTHER INFORMATION CONTACT:** Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, Washington, D.C. 20428 for Orders 82-1-76, 79, & 87: Mr. J. Kevin Kennedy, (202) 673-5918, for Order 82-1-75: Mr. John McCamant, (202) 673-5082, and for Order 82-1-87: Ms. Patti Szrom, (202) 673-5088.

By the Civil Aeronautics Board: January 21, 1982.

Phyllis T. Kaylor,  
Secretary.

[FR Doc. 82-2002 Filed 1-26-82; 8:45 am]

BILLING CODE 6320-01-M

[Docket 40269]

### Visit USA Fare/Export Inland Contract Rate Investigation; Postponement of Prehearing Conference

On January 19, 1982, Japan Air Lines Company, Ltd., Lufthansa German Airlines, Philippine Airlines, Inc., Singapore Airlines, Limited, and Swissair, Swiss Air Transport Company, Ltd., (collectively "Foreign Carriers"), moved for an extension of time to file their prehearing conference submissions. They request this extension in light of their pending petition for reconsideration of Board Order 81-11-182, which could affect the scope of this proceeding, and the length of time needed for consultation with overseas clients. Their motion states that counsel for each of the U.S. carriers in this proceeding, for the other foreign carrier, and for the Bureau of International Aviation are aware of the motion and do not object to the extension of time provided the filing date for their submissions would also be extended.

Accordingly:

Notice is hereby given that the prehearing conference in the above-entitled matter scheduled to be held on January 28, 1982 (46 FR 60866, December 14, 1981) is hereby postponed until February 11, 1982, at 9:30 a.m. (local time) in Hearing Room "A", Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C. before the undersigned administrative law judge.

The Bureau of International Aviation has already submitted its prehearing conference materials. All other parties shall submit their prehearing conference materials on or before February 5, 1982. Their submissions shall be limited to points on which they differ with the Bureau's submission and shall use the marking and lettering used by the Bureau to facilitate cross-referencing. The February 5 date is for actual delivery of materials and is not a mailing date.

Dated at Washington, D.C., January 19, 1982.

John M. Vittono,  
Administrative Law Judge.

[FR Doc. 82-2004 Filed 1-26-82; 8:45 am]

BILLING CODE 6320-01-M

**COMMISSION ON CIVIL RIGHTS****Florida Advisory Committee; Agenda and Notice of Open Meeting**

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Florida Advisory Committee to the Commission will convene at 1:00 p.m., and will end at 6:00 p.m., on February 26, 1982, at the Howard Johnson, 200 Second Avenue, South East, Miami, Florida 33131. The purpose of this meeting is to conduct orientation for the new members; discuss program planning for fiscal year 1982; and appoint members to subcommittee(s).

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Teresa Saldise, 815 South West, 13th Court, Miami, Florida, (305) 856-1363 or the Southern Regional Office, Citizens Trust Bank Building, 75 Piedmont Avenue, North East, Room 362, Atlanta, Georgia 30303, (414) 221-4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 22, 1982.

John I. Binkley,

*Advisory Committee Management Officer.*

[FR Doc. 82-2005 Filed 1-26-82; 8:45 am]

BILLING CODE 6335-01-M

**Indiana Advisory Committee; Agenda and Notice of Open Meeting**

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Indiana Advisory Committee to the Commission will convene at 7:00 p.m., and will end at 10:00 p.m., on February 22, 1982, at the Northwest Indiana Open Housing Center, 650 South Lake Street, Gary, Indiana, 46403. The purpose of this meeting is to present an update of the Commission's and Committee's program plans and budget status; and discuss the Indiana Housing Discrimination study.

Persons desiring additional information or planning a presentation to the Committee, should contact the Acting Chairperson, Lotte Meyerson, 650 North Tippecanoe Street, Gary, Indiana, 46403, (219) 938-3910 or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois, 60604, (312) 353-7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 22, 1982.

John I. Binkley,

*Advisory Committee Management Officer.*

[FR Doc. 82-2006 Filed 1-26-82; 8:45 am]

BILLING CODE 6335-01-M

**DEPARTMENT OF COMMERCE****Foreign-Trade Zones Board**

[Docket No. 6-82]

**Proposed Foreign-Trade Zone and Subzone, Portsmouth, New Hampshire; Application and Public Hearing**

Notice is hereby given that the New Hampshire State Port Authority has submitted an application to the Foreign-Trade Zones Board (the Board) for authority to establish a general-purpose foreign-trade zone in Portsmouth, New Hampshire, within the Portsmouth Customs port of entry, and requesting special-purpose subzone status for Nashua Corporation facilities in Nashua and Merrimack, New Hampshire, adjacent to the Lawrence, Massachusetts, Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on January 22, 1982. The applicant is authorized to make this proposal under Section 271-A:11 of the New Hampshire RSA.

The general-purpose zone will cover 10 acres within the Port Authority's deep water port facility at 555 Market Street on Portsmouth Harbor. Two multi-purpose buildings totaling 50,000 square feet are available for warehousing, display and processing operations. Open space is also available for the construction of new facilities. The Port Authority plans to operate the zone initially, but may select an independent operator as the project develops.

The application contains evidence of the need for general zone services in the Portsmouth area. Prospective tenants have indicated an interest in using the zone for warehousing, distribution, testing and processing of industrial machinery, business machines and equipment, cable, electrical instruments, electronic items and leather goods.

The proposed subzone sites are at Nashua Corporation's facilities in Nashua and nearby Merrimack. The corporation is an international manufacturer and distributor of photocopier and computer products and supplies, with its headquarters in Nashua. Its Nashua facility covers 14 acres at 44 Franklin Street, Nashua, and

the one in Merrimack, some 5 miles distant, is located on a 101-acre parcel on Daniel Webster Highway, both being used for processing and international distribution. Zone procedures would be used mainly to assist the company in its reexport of service parts for copiers it has sold abroad and in the storage of chemicals used in the production of carbonless paper. The savings will help the company resist cost pressures to move these operations overseas.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consist of: John J. Da Ponte, Jr. (Chairman), Director, Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; Edward A. Goggin, Assistant Regional Commissioner (Operations), U.S. Customs Service, Region I, 100 Summer Street, Boston, Massachusetts 02110; and Colonel C. E. Edgar, III, Division Engineer, U.S. Army Engineer Division New England, 424 Trapelo Road, Waltham, Massachusetts 02154.

As part of its investigation, the Examiners Committee will hold a public hearing on February 25, 1982, beginning at 9:00 a.m., in the City Council Chambers, City Hall, 126 Daniels Street, Portsmouth. The purpose of the hearing is to help inform interested persons about the proposal, to provide an opportunity for their expression of views, and to obtain information useful to the examiners.

Interested parties are invited to present their views at the hearing. They should notify the Board's Executive Secretary of their desire to be heard in writing at the address below or by phone (202/377-2862) by February 19, 1982. Instead of an oral presentation, written statements may be submitted in accordance with the Board's regulations to the examiners committee, care of the Executive Secretary, at any time from the date of this notice through March 29, 1982. Evidence submitted during the post-hearing period is not desired unless it is clearly shown that the matter is new and material and that there are good reasons why it could not be presented at the hearing. A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

New Hampshire Port Authority, 555 Market Street, Portsmouth, New Hampshire 03801  
Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 3721,

14th and E Streets, NW., Washington, D.C. 20230

Dated: January 22, 1982.

John J. Da Ponte, Jr.,  
Executive Secretary.

[FR Doc. 82-2069 Filed 1-26-82; 8:45 am]

BILLING CODE 3510-25-M

### International Trade Administration

#### Ceramic Wall Tile From the United Kingdom; Preliminary Results of Administrative Review of Antidumping Finding and Intent To Revoke

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Notice of preliminary results of administrative review of antidumping finding and of intent to revoke.

**SUMMARY:** The Department of Commerce has conducted an administrative review of the antidumping finding on ceramic wall tile from the United Kingdom. The review covers the one known exporter of this merchandise to the United States covered by the finding and the period January 1, 1980 through March 20, 1981. All sales by this exporter, H & R Johnson, Ltd., were made at not less than fair value for the above period. There is no indication of any sales at less than fair value since that time.

As a result of this review the Department intends to revoke the finding. Interested parties are invited to comment on these preliminary results.

**EFFECTIVE DATE:** January 27, 1982.

**FOR FURTHER INFORMATION CONTACT:** Jonathan Seiger or Robert J. Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-2704/2496).

#### SUPPLEMENTARY INFORMATION:

##### Background

On March 20, 1981, the Department of Commerce ("the Department") published in the *Federal Register* the preliminary results of its first administrative review of and tentative determination to revoke the antidumping finding on ceramic wall tile from the United Kingdom. The review covered the period December 1, 1975 through December 31, 1979. On June 11, 1981, the Department published the final results of the administrative review and announced its intent to conduct the next administrative review by the end of May 1982 (46 FR 30841). As required by section 751 of the Tariff Act of 1930 ("the Tariff Act") the Department has now conducted that administrative review.

#### Scope of the Review

Merchandise covered by this review is glazed ceramic wall tile, currently classifiable under item 532.2400 of the Tariff Schedules of the United States Annotated (TSUSA). The Department knows of only one exporter of ceramic wall tile from the United Kingdom to the United States still covered by the finding. That firm is H & R Johnson, Ltd. The review covers the period January 1, 1980 through March 20, 1981, the date of the Department's tentative determination to revoke.

#### United States Price

In calculating United States price the Department used purchase price or exporter's sales price, as defined in section 772 of the Tariff Act. Purchase price was based on the F.O.B. packed price to unrelated purchasers. Where applicable, we deducted cash discounts and U.K. inland freight from this price. Exporter's sales price was calculated on the basis of the delivered price from the related U.S. party to unrelated U.S. purchasers. Where applicable, deductions were made for cash discounts, U.K. inland freight, ocean freight, U.S. duty insurance, and U.S. selling expenses. No other adjustments were claimed or allowed.

#### Foreign Market Value

In calculating foreign market value the Department used home market price, as defined in section 773 of the Tariff Act, since sufficient quantities of such or similar merchandise were sold in the home market to provide a basis for comparison. H & R Johnson sold 86% of its total production in the home market during the covered period. The home market prices here are based on delivered prices with adjustments, where applicable, for cash discounts, U.K. inland freight, and a packing differential. Where appropriate, we made adjustments, based on differences in value, for physical differences in merchandise, under 19 CFR 353.16. Adjustments for differences in circumstances of sale, in accordance with § 353.15 of the Commerce Regulations, were made for the costs of technical services and assumption of purchasers' advertising. When home market price was compared to exporter's sales price, we made an additional adjustment for home market selling expenses as an offset to selling expenses paid in the U.S. market, in accordance with § 353.15(c) of the Commerce Regulations. No other adjustments were claimed or allowed.

#### Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value, we have concluded that there were no sales at less than fair value by H & R Johnson, Ltd. for the period January 1, 1980 through March 20, 1981. There is no indication of any sales at less than fair value by this firm since March 20, 1981.

As provided for in § 353.54(e) of the Commerce Regulations, H & R Johnson, Ltd. has agreed in writing to an immediate suspension of liquidation and reinstatement of the finding if circumstances develop which indicate that ceramic wall tile produced by H & R Johnson and thereafter imported into the United States is being sold at less than fair value.

#### Intent To Revoke

As a result of our review we intend to revoke the finding on ceramic wall tile from the United Kingdom. If the finding is revoked it shall apply to unliquidated entries entered, or withdrawn from warehouse, on or after March 20, 1981. Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 15 days of the date of publication. Any request for an administrative protective order must be made no later than five days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing. The Department will issue appraisement instructions for this exporter directly to the Customs Service.

This administrative review, intent to revoke, and notice are in accordance with section 751 (a)(1) and (c) of the Tariff Act (19 U.S.C. 1675 (a)(1), (c)) and §§ 353.53 and 353.54 of the Commerce Regulations (19 CFR 353.53, 353.54).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

January 22, 1982.

[FR Doc. 82-2070 Filed 1-26-82; 8:45 am]

BILLING CODE 3510-25-M

#### Elemental Sulphur From Canada; Final Results of Administrative Review and Partial Revocation of Antidumping Finding

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Notice of Final Results of Administrative Review and Partial Revocation of Antidumping Finding.

**SUMMARY:** On April 9, 1981, the Department of Commerce published the preliminary results of its administrative review of and tentative determination to revoke in part the antidumping finding on elemental sulphur from Canada (46 FR 21214). The review covered 5 of the 52 known exporters: Canadian Superior Oil, Ltd., Chevron Standard, Ltd., Hudson's Bay Oil & Gas, Ltd., Shell Canada, Ltd., and Gulf Oil Canada, Ltd. For Shell Canada and Hudson's Bay Oil & Gas, the review covered the period January 1, 1977 through February 8, 1979. For Chevron Standard, Canadian Superior Oil, and Gulf Oil Canada, the review covered the period May 1, 1977 through February 8, 1979. This notice covers two of the five exporters: Shell Canada, Ltd., and Canadian Superior Oil, Ltd. The remaining three companies will be covered in a separate notice. Interested parties were provided an opportunity to submit written comments on request disclosure and/or a hearing. Based on comments made by the petitioner in the course of a public hearing, the Department reviewed additional information from Shell Canada on shipments made during our period of review pursuant to contracts entered into prior to that period. After review of that submission, the Department still finds that all sales by Shell Canada and Canadian Superior Oil were made at not less than fair value. Accordingly, we are revoking the finding with respect to these firms.

**EFFECTIVE DATE:** January 27, 1982.

**FOR FURTHER INFORMATION CONTACT:** Jonathan Seiger of Robert Maranick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-2074/2496).

**SUPPLEMENTARY INFORMATION:**

**Background**

On December 17, 1973, a dumping finding with respect to elemental sulphur from Canada was published in the *Federal Register* as Treasury Decision 74-1 (38 FR 34655). On April 9, 1981, the Department of Commerce ("the Department") published in the *Federal Register* the preliminary results of its administrative review of and tentative determination to revoke the finding (46 FR 21214) with respect to five firms.

The Department has now completed its administrative review of the finding for two of those firms.

**Scope of the Review**

Merchandise covered by this review is elemental sulphur, currently classifiable under item 415.4500 of the Tariff Schedules of the United States Annotated (TSUSA). The review is limited to Shell Canada, Ltd. and Canadian Superior Oil, Ltd. For Shell Canada the review covers the period January 1, 1977 through February 8, 1979. For Canadian Superior Oil the review covers the period May 1, 1977 through February 8, 1979.

**Analysis of Petitioner's Comments**

(1) *Comment:* Petitioner argued that the issue whether these two firms had made home market sales at less than the cost of production in 1975 and 1976 had never been resolved.

*Position:* The Treasury Department had previously determined that no sales at less than cost had been made for that period. The Department's review is limited to a later period for which no allegation of less than cost sales has been made. As a result, the Department did not solicit additional cost of production information from the companies for the current period of review.

(2) *Comment:* Petitioner objected to the lack of adequate non-confidential summaries for our review period from these two companies.

*Position:* In view of the subsequent release of the companies' confidential submissions under administrative protective order, we believe this issue has been adequately resolved. For Canadian Superior, we have adequate non-confidential versions of the response material for the Treasury review period from January through April 1977.

(3) *Comment:* Petitioner requested that for Shell Canada the Department conduct sales comparisons for shipments made pursuant to contracts entered into prior to the Department's period of review.

*Position:* After reviewing information from this firm, the Department made these comparisons, and still finds that no sales were made at less than fair value by this firm.

(4) *Comment:* Petitioner also requested a written agreement, required by § 353.54(e) of the Commerce Regulations, from Canadian Superior along the lines of that submitted by Shell Canada.

*Position:* The Department is satisfied that the agreement filed by Canadian Superior is consonant with our current standards. The Shell Canada agreement is less precise than those now required, having been submitted at an earlier

time. Nonetheless, it is also acceptable to the Department.

(5) *Comment:* Petitioner objected to the Department's failure to request additional information from the companies for the period since February 8, 1979.

*Position:* Section 353.54(a) of the Commerce Regulations gives the Department discretion to determine whether to revoke an antidumping finding. Section 353.54(b), which requires that two years of no sales at less than fair value be demonstrated, does not require that the two year period immediately precede the date of publication of the notice of proposed revocation. It has been the practice of the Department to view earlier Treasury notices of tentative revocation as valid, and as fixing the effective date of revocation unless substantial evidence is presented to the contrary. Petitioner has not shown that any sales at less than fair value are currently being made by these firms.

**Final Results of Review**

After analysis of the comments and supplemental information received, we conclude that all sales were made at not less than fair value by Shell Canada, Ltd., for the period January 1, 1977 through February 8, 1979, and that all sales were made at not less than fair value by Canadian Superior Oil, Ltd., from May 1, 1977 through February 8, 1979. For Canadian Superior Oil, prior review by the Treasury Department demonstrated no sales at less than fair value from July 1, 1976 through April 30, 1977.

**Determination**

As a result of this review, the Department revokes the antidumping finding on elemental sulphur from Canada with respect to Canadian Superior Oil, Ltd., and Shell Canada, Ltd.

This revocation applies to all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after February 8, 1979. Since all sales by Shell Canada between January 1, 1977 and February 8, 1979, and all sales by Canadian Superior Oil from May 1, 1977 through February 8, 1979 were made at not less than fair value, the Department shall instruct the Customs Service to liquidate all entries in those periods without regard to dumping duties. The Department will issue appraisal instructions directly to the Customs Service.

This administrative review, revocation in part, and notice are in accordance with sections 751(a)(1) and

(c) of the Tariff Act of 1930 (19 U.S.C. 1875(a)(1), (c)) and §§ 353.53 and 353.54 of the Commerce Regulations (19 CFR 353.53, 353.54).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

January 22, 1982.

[FR Doc. 82-2071 Filed 1-26-82; 8:45 am]

BILLING CODE 3510-25-M

### Kraft Condenser Paper From Finland; Final Results of Administrative Review of Antidumping Finding

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Notice of Final Results of Administrative Review of Antidumping Finding.

**SUMMARY:** On October 14, 1981, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on kraft condenser paper from Finland. This review covers the only known exporter of this merchandise to the United States, Tervakoski Osakeyhtiö, for two consecutive periods from February 20, 1979 through August 31, 1980.

Interested parties were given an opportunity to submit oral or written comments or request a hearing on the preliminary results. On December 2, 1981, we held a public hearing and, based on comments received, we have made adjustments which result in new weighted average margins for both periods.

**EFFECTIVE DATE:** January 27, 1982.

#### FOR FURTHER INFORMATION CONTACT:

F. Patrick Pope or David R. Chapman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-4697/2657).

#### SUPPLEMENTARY INFORMATION:

##### Background

On September 21, 1979, a dumping finding with respect to kraft condenser paper from Finland was published in the *Federal Register* as Treasury Decision 79-245 (44 FR 54696-7). On October 14, 1981, the Department of Commerce ("the Department") published in the *Federal Register* as Treasury Decision 79-245 (44 FR 54696-7). On October 14, 1981, the Department of Commerce ("the Department") published in the *Federal Register* the preliminary results of its administrative review of the finding (46 FR 50576). The Department has now completed that administrative review.

#### Scope of the Review

The imports covered by this review are shipments of kraft condenser paper, meaning capacitor tissue or condenser paper containing 80% or more by weight chemical sulphate or soda wood pulp based on total fiber content. Kraft condenser paper is currently classifiable under items 252.4000, 252.4200 and 256.3080 of the Tariff Schedules of the United States Annotated (TSUSA). Tervakoski Osakeyhtiö is the only known exporter to the United States of Finnish kraft condenser paper. This review covers two consecutive time periods from February 20, 1979, the date of suspension of liquidation, through August 31, 1980.

#### Analysis of Comments Received

1. Tervakoski requests that the Department make an overall adjustment to the foreign market value for "broke" (wastage due to slitting) in those comparisons where an adjustment was made to the United States price for broke.

*Position:* Tervakoski has furnished requisite data to make the adjustment and we agree that an adjustment is appropriate.

2. The domestic industry agrees that broke is a cost commonly associated with the manufacture and slitting of kraft condenser paper. However, they are concerned that the amounts claimed by Tervakoski are "implausibly high" and thus would result in an excessive adjustment to foreign market value. In addition, they believe that the sample rates selected by Tervakoski are not properly representative and actually vary for substantially identical products.

*Position:* Because we did not verify the broke percentages by paper size submitted by Tervakoski, we have decided to make the adjustment to Tervakoski's foreign market value using information submitted by respondent on its overall "broke" for the periods involved, that is 15 percent. This is lower than the rates of concern to petitioners.

3. Tervakoski claims that the preliminary margin for the second period that was to be used to establish the estimated duty deposit rate (0.7381 percent) is *de minimis* and that the Department should declare it so because there is no fixed policy for determining what is *de minimis*.

*Position:* We disagree. The Department has consistently used 0.50 percent as its benchmark for establishing a *de minimis* margin. The Department knows of no reason why a different standard should be used for this industry. At the same time, because

of our recalculations the rate for the second period is now less than 0.50 percent and therefore *de minimis*.

4. The domestic industry claims that the Department's circumstance of sale adjustment for differences in credit terms is improper because it fails to take into account interest expenses incurred between the date of shipment from Finland and the date of sale in the United States.

*Position:* We disagree. Expenses incurred for maintaining merchandise in inventory prior to sale, including the time during which the merchandise is in transit, are not directly related to the sale of that merchandise and, therefore, are not a circumstance of that sale. However, the Department recognizes that Tervakoski, U.S.A., Inc. (TUSA) has incurred an indirect expense relative to holding the merchandise from the time it was received by TUSA until it was sold and shipped in the United States. We have calculated the weighted average and deducted that expense as a part of the General, Administrative and Selling Expenses.

#### Final Results of Review

As a result of adjustments made based on comments received, and our subsequent analysis, we determine that the following margins exist on shipments by Tervakoski Osakeyhtiö:

Time period	Percent margin
Feb. 20, 1979 to Dec. 31, 1979	2.03
Jan. 1, 1980 to Aug. 31, 1980	0.02

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on applicable entries made with purchase dates or export dates, as appropriate, during the periods involved. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisal instructions for this exporter directly to the Customs Service.

The Department has decided to waive the cash deposit requirement, as provided for in § 353.48(b) of the Commerce Regulations, since the most recent weighted-average margin is less than 0.5 percent and therefore *de minimis*. This waiver shall apply to all entries, or withdrawals from warehouse, for consumption on or after the date of publication of this notice and shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of September 1982.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

January 22, 1982.

[FR Doc. 82-2072 Filed 1-26-82; 8:45 am]

BILLING CODE 3510-25-M

### Metal-Walled Above Ground Swimming Pools From Japan; Preliminary Results of Administrative Review of Antidumping Finding

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Notice of preliminary results of Administrative Review of Antidumping finding.

**SUMMARY:** The Department of Commerce has conducted an administrative review of the antidumping finding on metal-walled above ground swimming pools from Japan. The review covers the four known manufacturers/exporters and various periods from April 4, 1977 through August 31, 1980. This review indicates the existence of dumping margins for all firms with shipments during the review periods.

As a result of this review, the Department has preliminarily determined to assess dumping duties for two firms equal to the calculated differences between purchase price and foreign market value on shipments during the periods of review. Where company-supplied information was inadequate, the Department has used the best information available to establish the margins shown in this notice. The Department has preliminarily determined not to assess dumping for a third firm pending receipt and analysis of additional data. The margin shown in this notice for that firm will be used only for cash deposit purposes.

Interested parties are invited to comment on these preliminary results.

**EFFECTIVE DATE:** January 27, 1982.

**FOR FURTHER INFORMATION CONTACT:** Arthur N. DuBois or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-3814/5289).

**SUPPLEMENTARY INFORMATION:**

#### Background

On September 7, 1977, a dumping finding with respect to metal-walled above ground swimming pools from

Japan was published in the **Federal Register** as Treasury Decision 77-223 (42 FR 44811). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511-20512) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on metal-walled above ground swimming pools from Japan. The substantive provisions of the 1921 Act and the appropriate Customs Service regulations apply to all unliquidated entries made prior to January 1, 1980.

#### Scope of the Review

Imports covered by this review are shipments of Japanese metal-walled above ground swimming pools, currently classifiable under item numbers 657.2560 and 774.5500 of the Tariff Schedules of the United States Annotated (TSUSA).

Metal-walled above ground swimming pools exported from third countries which contain components manufactured in Japan are within the scope of the finding if the pool parts, as shipped to the third country, are capable of functioning as a pool.

The Department knows of four firms engaged in the manufacture and exportation of Japanese metal-walled above ground swimming pools to the United States. The Department has preliminarily determined not to assess dumping duties for Asahi Chemical Industry Co., Ltd. ("Asahi"), pending receipt of additional data. The margin shown in this notice for Asahi will be used only for cash deposit purposes. Another firm, Kenny, had no shipments during its review period. The rate for cash deposit purposes will be based on Kenny's last shipments. A third firm, Seiwa Sangyo Co., Ltd., provided an adequate response for the period April 4, 1977 through March 1978. Since Seiwa Sangyo was non-responsive for the period April 1978 through August 1980 we shall use the rate from the prior period for assessment and cash deposit purposes. A fourth firm, Hakuyo Sangyo, Ltd., was non-responsive for the entire period. Since it was not investigated during the original fair value

investigation and we have no previous information on the firm, we shall use, for both assessment and cash deposit purposes, the highest current rate for responding firms, since it is higher than the sole fair value rate.

Eleven third-country firms possibly transshipped Japanese pools and/or pool parts to the U.S. and will be covered in a subsequent review. This review covers various periods from April 4, 1977 through August 31, 1980. Treasury reviewed all prior periods.

The issue of the Department's obligation to conduct administrative review of entries, unliquidated as of January 1, 1980 and covered by previously issued appraisal instructions ("master lists"), is under review. Liquidation has been suspended pending disposition of the issue.

#### Purchase Price

Purchase price, as defined in section 203 of the 1921 Act, was based on the ex-factory, packed price to unrelated purchasers in the United States. No adjustments were claimed or allowed.

#### Foreign Market Value

In calculating foreign market value the Department used home market price, as defined in section 205 of the 1921 Act. The home market prices were based upon ex-factory, packed prices. No adjustments were claimed or allowed.

#### Preliminary Results of the Review

As a result of our comparison of purchase price to foreign market value, we preliminarily determine that the following margins exist:

Manufacturer/exporter	Time period	Margin (per-cent)
Asahi Chemical Industry Co., Ltd.	11/1/77-10/31/78	43.74
Seiwa Sangyo Co., Ltd.	4/4/77-3/31/78 4/1/78-8/31/80	72.00
Kenny	2/18/78-8/31/80	72.00
Hakuyo Sangyo	4/4/77-8/31/80	3.5

<sup>1</sup> No shipments during this period.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 15 days of the date of publication. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties, where appropriate, on all entries of metal-walled above ground swimming pools manufactured/exported by any of the above-listed firms, except Asahi Chemical Industry Co., Ltd., with purchase dates during the time periods involved. The Department shall issue appraisal instruments separately on these firms directly to the Customs Service.

Further, as provided for in § 353.48(b) of the Commerce Regulations, a cash deposit based upon the most recent of the margins calculated above shall be required on all shipments by these four firms of metal-walled above ground swimming pools from Japan entered, or withdrawn from warehouse, for consumption or after the date of publication of the final results. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

January 21, 1981.

[FR Doc. 82-2073 Filed 1-26-82; 8:45 am]

BILLING CODE 3510-25-M

## Minority Business Development Agency

### Financial Assistance Application Announcement; Louisville, Ky., SMSA

**AGENCY:** Minority Business Development Agency, Commerce.

**ACTION:** Notice.

**SUMMARY:** The Minority Business Development Agency (MBDA) announces that it is soliciting applications for a cooperative agreement under its Business Development Center (BDC) program to operate a pilot project for a 12-month period beginning May 1, 1982, in the Louisville, Kentucky, SMSA. The cost of the project is estimated to be \$170,000. The maximum federal participation amount is \$153,000. The minimum amount required for non-federal participation is \$17,000. The project number is 04-10-82013-01.

Applicants shall be required to contribute at least 10% the total program costs through non-federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

**CLOSING DATE:** February 26, 1982.

**ADDRESS:** Atlanta Regional Office, Minority Business Development Agency, 1371 Peachtree Street, NE., Suite 505, Atlanta, Georgia 30309.

**FOR FURTHER INFORMATION CONTACT:** Mr. Charles F. McMillan, Regional Director, (404) 881-4091.

#### SUPPLEMENTARY INFORMATION:

##### A. Scope and Purpose of This Announcement

Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The BDC program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA offers Cooperative Agreements that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit through which and from which information and assistance to and about minority businesses are funneled.

##### B. Eligible Applicants

Awards shall be open to all individuals, non-profit organizations, for-profit firms, local and state governments, American Indian tribes and educational institutions.

##### C. Evaluation Process

All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

##### D. Evaluation Criteria for Business Development Center Application

The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Business Development Center program.

MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

**I. Capability and Experience of Firm/Staff.**—Provide information that demonstrates the organization's capabilities and prior experiences in addressing the needs of minority

business individuals and firms. Provide information that demonstrates the staff's capabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: inventorying resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

##### Firm

—The organization's receptivity in the MBE community to be served, i.e., business contacts in the public and private sector; leadership responsibilities; and experience in assisting MBE business persons and firms. (References from clients assisted are pertinent.)

—Background credentials and references for the owners of the organization and a capability statement of what the organization can do.

—Knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local, public, and private entities that can possibly enhance the BDC program effort i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUD, state, city and county government agencies, etc.

##### Staff

—List personnel to be used. Indicate their salaries, educational level and previous experiences. Provide resumes for all professional staff personnel.

—Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint ventures.

—Provide organization chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.

—If any contractors are to be utilized, identify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

**Note.**—All contracting proposed should be in accordance with procurement standards in Attachment O of OMB Circulars A-110 or A-102.

**II. Techniques and Methodology.**—Specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the BDC responsibilities as guides and will become part of the award document. Include start-up plan and example of work plan format. Fully

explain the procedures for: outreach, screening, assisting and monitoring clients; developing and maintaining the profile inventory of minority business; and brokering of new business ownership, market and capital opportunities. In summary, address how, when and where work will be done and by whom. Include level of performance.

**III. Resources.**—Address technical and administrative resources, i.e., computer facilities, voluntary staff time and space; and financial resources in terms of meeting MBDA's 10% cost sharing requirement to include a fee for services for assistance provided clients. The fee for services will be 10% for firms with gross sales of \$500,000 or less and 25% for firms with gross sales of over \$500,000.

Cost sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost sharing are key factors that will be considered in determining the merit of this section. The cost sharing requirement can be met through the following order of priority: 1. Cash contributions; 2. fee for services; and 3. in-kind contributions.

**A. Cash contribution.**—Cash that is contributed or donated by the recipient, by other non-federal, public agencies and institutions, private organizations, corporations and individuals.

**B. Fee for services.**—A fee will be charged to clients for assistance provided by BDC.

**C. In-Kind contribution.**—Represent the value of non-cash contributions provided by the recipient and non-federal parties. The order of priority for in-kind contributions are: high technology systems to be utilized to achieve program objectives; top level staff personnel and real and personal property donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient's in-kind contribution.

**IV. Costs.**—Demonstrate in narrative format that costs being proposed will give the minority business client and the government the most effective program possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs involved for achieving work plan under Cooperative Agreement by completing Part III—the Budget Information Section of the Request for Application.

Provide cost sharing plan information in terms of methodology and format for billing the cost of management and technical assistance to clients.

Total project costs will be evaluated in terms of:

—Clear explanations of all expenditures proposed, and

—The extent to which the applicant can leverage federal program funds and operate with *economy and efficiency*.

In conclusion, the applicant's schedule for start of BDC operation should be included in Part Two. Part Two will be known as the applicant's plan of operation and will be incorporated into the Cooperative Agreement award.

A detailed justification all proposed costs is required for Part Four and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered non-responsive and consequently, dropped from competition.

All information submitted is subject to verification by MBDA.

#### E. Disposition of Proposals

Notification of awards will be made by the Grants Officer. Organizations whose proposals are unsuccessful will be advised by the Regional Director.

#### F. Proposal Instructions and Forms

Questions concerning the preceding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants. The program is subject to OMB Circular A-95 requirements.

G. A Pre-Application conference to assist all interested applicants will be held at the above address on February 12, 1982, at 1:00 p.m.

(Catalog of Federal Domestic Assistance 11.800 Minority Business Development)

Dated: January 18, 1982.

Charles F. McMillan,  
Regional Director.

[FR Doc. 82-1982 Filed 1-26-82; 8:45 am]

BILLING CODE 3510-21-M

#### Financial Assistance Application Announcement; Memphis, Tenn., SMSA

**AGENCY:** Minority Business  
Development Agency, Commerce.

**ACTION:** Notice.

**SUMMARY:** The Minority Business Development Agency (MBDA) announces that it is soliciting applications for a cooperative agreement under its Business Development Center (BDC) program to operate a pilot project for a 12-month period beginning May 1, 1982, in the

Memphis, Tennessee, SMSA. The cost of the project is estimated to be \$250,000. The maximum federal participation amount is \$225,000. The minimum amount required for non-federal participation is \$25,000. The project number is 04-10-82001-01.

Applicants shall be required to contribute at least 10% the total program costs through non-federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

**CLOSING DATE:** February 26, 1982.

**ADDRESS:** Atlanta Regional Office,  
Minority Business Development Agency,  
1371 Peachtree Street, NE., Suite 505,  
Atlanta, Georgia 30309.

**FOR FURTHER INFORMATION CONTACT:**  
Mr. Charles F. McMillan, Regional  
Director, (404) 881-4091.

#### SUPPLEMENTARY INFORMATION:

##### A. Scope and Purpose of This Announcement

Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The BDC program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA offers Cooperative Agreements that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit through which and from which information and assistance to and about minority businesses are funneled.

##### B. Eligible Applicants

Awards shall be open to all individuals, non-profit organizations, for-profit firms, local and state governments, American Indian tribes and educational institutions.

##### C. Evaluation Process

All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

##### D. Evaluation Criteria for Business Development Center Application

The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Business Development Center program.

MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right

when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

**I. Capability and Experience of Firm/Staff.**—Provide information that demonstrates the organization's capabilities and prior experiences in addressing the needs of minority business individuals and firms. Provide information that demonstrates the staff's capabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: inventorying resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

#### *Firm*

—The organization's receptivity in the MBE community to be served, i.e., business contacts in the public and private sector; leadership responsibilities; and experience in assisting MBE business persons and firms. (References from clients assisted are pertinent.)

—Background credentials and references for the owners of the organization and a capability statement of what the organization can do.

—Knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local public and private entities—that can possibly enhance the BDC program effort—i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUD, state, city and county government agencies, etc.

#### *Staff*

—List personnel to be used. Indicate their salaries, educational level and previous experiences. Provide resumes for all professional staff personnel.

—Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint-ventures.

—Provide organization chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.

—If any contractors are to be utilized, identify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

**Note.**—All contracting proposed should be in accordance with procurement standards in Attachment O of OMB Circulars A-110 or A-102.

**II. Techniques and Methodology.**—Specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the BDC responsibilities as *guides* and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: Outreach, screening, assisting and monitoring clients; developing and maintaining the profile inventory of minority business; and brokering of new business ownership, market and capital opportunities. In summary, address how, when and where work will be done and by whom. Include level of performance.

**III. Resources.**—Address technical and administrative resources, i.e., computer facilities, voluntary staff time and space; and financial resources in terms of meeting MBDA's 10% cost sharing requirement to include a fee for services for assistance provided clients. The fee for services will be 10% for firms with gross sales of \$500,000 or less and 25% for firms with gross sales of over \$500,000.

Cost sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost sharing are key factors that will be considered in determining the merit of this section. The cost sharing requirement can be met through the following order of priority: 1. Cash contributions; 2. fee for services; and 3. in-kind contributions.

**A. Cash contribution.**—Means cash that is contributed or donated by the recipient, by other non-federal, public agencies and institutions, private organizations, corporations and individuals.

**B. Fee for services.**—Are charges to the client for assistance provided by BDC.

**C. In-Kind contribution.**—Represent the value of non-cash contributions provided by the recipient and non-federal parties. The order of priority for in-kind contributions are: high technology systems to be utilized to achieve program objectives; top level staff personnel and real and personal property donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient's in-kind contribution.

**IV. Costs.**—Demonstrate in narrative format that costs being proposed will give the minority business client and the government the most effective program

possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs involved for achieving work plan under Cooperative Agreement by completing Part III—the Budget Information Section of the Request for Application.

Provide cost sharing plan information in terms of methodology and format for billing the cost of management and technical assistance to clients.

Total project costs will be evaluated in terms of:

—Clear explanations of all expenditures proposed, and

—The extent to which the applicant can leverage federal program funds and operate with *economy* and *efficiency*.

In conclusion, the applicant's schedule for start of BDC operation should be included in Part Two. Part Two will be known as the applicant's plan of operation and will be incorporated into the Cooperative Agreement award.

A detailed justification for all proposed costs is required for Part Four and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered nonresponsive and consequently, dropped from competition.

All information submitted is subject to verification by MBDA.

#### **E. Disposition of Proposals**

Notification of awards will be made by the Grants Officer. Organizations whose proposals are unsuccessful will be advised by the Regional Director.

#### **F. Proposal Instructions and Forms**

Questions concerning the preceding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants. The program is subject to OMB Circular A-95 requirements.

G. A Pre-Application conference to assist all interested applicants will be held at the above address on February 12, 1982, at 1:00 p.m.04 (Catalog of Federal Domestic Assistance 11.800 Minority Business Development)

Dated: January 18, 1982.

Charles F. McMillan,

Regional Director.

[FR Doc. 82-1981 Filed 1-26-82; 8:45 am]

BILLING CODE 3510-21-M

### Financial Assistance Application Announcement; Nashville/Davidson County, Tenn.; SMSA

**AGENCY:** Minority Business Development Agency, Commerce.

**ACTION:** Notice.

**SUMMARY:** The Minority Business Development Agency (MBDA) announces that it is soliciting applications for a cooperative agreement under its Business Development Center (BDC) program to operate a pilot project for a 12-month period beginning May 1, 1982 in the Nashville/Davidson County, Tennessee SMSA. The cost of the project is estimated to be \$170,000. The maximum federal participation amount is \$153,000. The minimum amount required for non-federal participation is \$17,000. The project number is 04-10-82007-01.

Applicants shall be required to contribute at least 10% the total program costs through non-federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

**CLOSING DATE:** February 26, 1982.

**ADDRESS:** Atlanta Regional Office, Minority Business Development Agency, 1371 Peachtree Street, NE., Suite 505, Atlanta, Georgia 30309.

**FOR FURTHER INFORMATION CONTACT:** Mr. Charles F. McMillan, Regional Director, (404) 881-4091.

#### SUPPLEMENTARY INFORMATION:

##### A. Scope and Purpose of This Announcement

Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The BDC program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA offers Cooperative Agreements that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit—through which and from which information and assistance to and about minority businesses are funneled.

##### B. Eligible Applicants

Awards shall be open to all individuals, non-profit organizations, for-profit firms, local and state governments, American Indian tribes and educational institutions.

##### C. Evaluation Process

All proposals received as a result of this announcement will be evaluated by an MBDA review panel.

##### D. Evaluation Criteria for Business Development Center Application

The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Business Development Center program.

MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

**I. Capability and Experience of Firm/Staff.**—Provide information that demonstrates the organization's capabilities and prior experiences in addressing the needs of minority business individuals and firms. Provide information that demonstrates the staff's capabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: inventorying resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

##### Firm

—The organization's receptivity in the MBE community to be served, i.e., business contacts in the public and private sector; leadership responsibilities; and experience in assisting MBE business persons and firms. (References from clients assisted are pertinent.)

—Background credentials and references for the owners of the organization and a capability statement of what the organization can do.

—Knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local public and private entities—that can possibly enhance the BDC program effort—i.e., Chambers of Commerce, trade associations, venture capital organization, banks, SBA, HUD, state, city and county government agencies, etc.

##### Staff

—List personnel to be used. Indicate their salaries, educational level and previous experiences. Provide resumes for all professional staff personnel.

—Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint-ventures.

—Provide organization chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.

—If any contractors are to be utilized, identify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

**Note.**—All contracting proposed should be in accordance with procurement standards in Attachment O of OMB Circulars A-110 or A-102.

**II. Techniques and Methodology.**—Specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the BDC responsibilities as *guides* and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: outreach, screening, assisting and monitoring clients; developing and maintaining the profile inventory of minority business; and brokering of new business ownership, market and capital opportunities. In summary, address how, when and where work will be done and by whom. Include level of performance.

**III. Resources.**—Address technical and administrative resources, i.e., computer facilities, voluntary staff time and space; and financial resources in terms of meeting MBDA's 10% cost sharing requirement to include a fee for services for assistance provided clients. The fee for services will be 10% for firms with gross sales of \$500,000 or less and 25% for firms with gross sales of over \$500,000.

Cost sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost sharing are key factors that will be considered in determining the merit of this section. The cost sharing requirement can be met through the following order of priority: 1. Cash contributions; 2. fee for services; and 3. in-kind contributions.

**A. Cash contribution.**—Means cash that is contributed or donated by the recipient, by other non-federal, public agencies and institutions, private organizations, corporations and individuals.

**B. Fee for services.**—Are charges to the client for assistance provided by BDC.

**C. In-Kind contribution.**—Represent the value of non-cash contributions provided by the recipient and non-federal parties. The order of priority for in-kind contributions are: high technology systems to be utilized to achieve program objectives; top level staff personnel and real and personal property donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient's in-kind contribution.

**IV. Cost.**—Demonstrate in narrative format that costs being proposed will give the minority business client and the government the most effective program possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs involved for achieving work plan under Cooperative Agreement by completing Part III—the Budget Information Section of the Request for Application.

Provide cost sharing plan information in terms of methodology and format for billing the cost of management and technical assistance to clients.

Total project costs will be evaluated in terms of:

—Clear explanations of all expenditures proposed, and

—The extent to which the applicant can leverage federal program funds and operate with *economy* and *efficiency*.

In conclusion, the applicant's schedule for start of BDC operation should be included in Part Two. Part Two will be known as the applicant's plan of operation and will be incorporated into the Cooperative Agreement award.

A detailed justification of all proposed costs is required for Part Four and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered nonresponsive and consequently, dropped from competition.

All information submitted is subject to verification by MBDA.

#### **E. Disposition of Proposals**

Notification of awards will be made by the Grants Officer. Organizations whose proposals are unsuccessful will be advised by the Regional Director.

#### **F. Proposal Instructions and Forms**

Questions concerning the preceding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to

divide available funds among all qualified applicants. The program is subject to OMB Circular A-95 requirements.

G. A Pre-Application conference to assist all interested applicants will be held at the above address on February 12, 1982, at 1:00 PM.

(Catalog of Federal Domestic Assistance 11.800 Minority Business Development)

Dated: January 18, 1982.

Charles F. McMillan,

Regional Director.

[FR Doc. 82-1962 Filed 1-26-82; 8:45 am]

BILLING CODE 3510-21-M

### **National Bureau of Standards**

#### **Advisory Committee for International Legal Metrology; Open Meeting**

The Advisory Committee for International Legal Metrology will meet from 9:30 a.m. to 5:00 p.m. on Tuesday, February 16, 1982, and from 9:00 a.m. to 12:00 noon on Wednesday, February 17, 1982. The meeting will be held in Lecture Room A, Administration Building, National Bureau of Standards, Gaithersburg, Maryland.

The Committee, initially established in March 1974 (39 FR 6136), advises the Department, through the Director, National Bureau of Standards (NBS), on technical and policy matters relating to NBS' assigned general responsibilities for the development of U.S. positions on technical issues arising in the International Organization of Legal Metrology (OIML). The Committee consists of approximately 40 members selected to ensure balanced representation among government, professional metrologists, national standards bodies, industry and trade associations, and consumers.

The purpose of the February meeting of the Committee is to establish U.S. positions for the 18th Meeting of the International Committee of Legal Metrology (CIML) to be held March 24-26, 1982, in Paris, France. The agenda includes the following items:

1. Update of OIML activities since last meeting of the Committee:
  - (a) Report on results of the 1980 International Conference of Legal Metrology.
  - (b) Highlights of OIML Technical Program.
  - (c) Report on Joint BIPM, ISO, IEC, OIML International Measurement Vocabulary.
2. 18th CIML agenda and issues:
  - (a) Changes to "Working Methods of Secretariats".
  - (b) Creation of new secretariats.
  - (c) Examination of the status of certain secretariats.
  - (d) Use of work from other organizations.
  - (e) Establishment of OIML certification system.

3. U.S. priorities in OIML for 1982-83.

4. Guidelines for U.S. delegations to OIML meetings.

The meeting will be open to public observation, and a period will be set aside for oral comments or questions by the public which do not exceed ten minutes each. More extensive questions or comments should be submitted in writing before February 9, 1982. Other public statements regarding committee affairs may be submitted at any time before or after the meeting. Approximately 20 seats will be available for the public on a first-come, first-served basis.

Copies of the minutes will be available on request 30 days after the meeting.

Inquiries may be addressed to the Committee Control Officer, Mr. David E. Edgerly, Office of Domestic and International Measurement Standards, National Bureau of Standards, Washington, D.C. 20234, telephone: 301-921-3307.

Dated: January 21, 1982.

Ernest Ambler,

Director, National Bureau of Standards.

[FR Doc. 82-1985 Filed 1-26-82; 8:45 am]

BILLING CODE 3510-13-M

### **COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS**

#### **Announcing an Increase in the Import Restraint Level for Certain Cotton Textile Products From Pakistan**

**AGENCY:** Committee for the Implementation of Textile Agreements.

**ACTION:** Increasing by 50,000 dozen the level of restraint for women's, girls' and infants' cotton shirts, other than T and sweatshirts, in Category 339pt. (only T.S.U.S.A. numbers 382.0669 and 382.0671), produced or manufactured in Pakistan and exported during the eighteen-month period which began on January 1, 1981. The adjusted level will be 374,270 dozen.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963), and October 27, 1981 (46 FR 52409).)

**SUMMARY:** The Governments of the United States and Pakistan have agreed to amend the Bilateral Cotton Textile Agreement of January 4 and 9, 1978, as amended, to increase the level of

restraint for cotton textile products in Category 339pt. (only T.S.U.S.A. numbers 382.0669 and 382.0671) during the agreement period which began on January 1, 1981 and extends through June 30, 1982.

**EFFECTIVE DATE:** January 20, 1982.

**FOR FURTHER INFORMATION CONTACT:**

Gordana Slijepcevic, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-2184).

**SUPPLEMENTARY INFORMATION:** On December 24, 1980, there was published in the *Federal Register* (45 FR 85140) a letter dated December 19, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton textile products, including Category 339 and its subcelling, produced or manufactured in Pakistan and exported to the United States during the eighteen-month period which began on January 1, 1981 and extends through June 30, 1982. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements, pursuant to an amendment to the bilateral agreement, directs the Commissioner of Customs to increase the level for Category 339pt. (only T.S.U.S.A. numbers 382.0669 and 382.0671) to 374,270 dozen.

Paul T. O'Day,

*Chairman, Committee for the Implementation of Textile Agreements.*

**Committee for the Implementation of Textile Agreements**

Commissioner of Customs,  
Department of the Treasury,  
Washington, D.C.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive issued to you on December 19, 1980 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports in the United States of certain cotton textile products, produced or manufactured in Pakistan.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton Textile Agreement of January 4 and 9, 1978, as amended, between the Governments of the United States and Pakistan, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on January 20, 1982, and for the eighteen-month period beginning on January 1, 1981 and extending through June 30, 1982, entry into the United

States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 339pt.,<sup>1</sup> produced or manufactured in Pakistan, in excess of 374,270 dozen.<sup>2</sup>

The action taken with respect to the Government of Pakistan and with respect to imports of cotton textile products from Pakistan has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the *Federal Register*.

Sincerely,

Paul T. O'Day,

*Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 82-1983 Filed 1-26-82; 6:45 am]

BILLING CODE 3510-25-M

**Adjusting Import Restraint Levels for Certain Cotton and Man-Made Fiber Apparel Products From the Dominican Republic**

January 22, 1982.

**AGENCY:** Committee for the Implementation of Textile Agreements.

**ACTION:** Reducing the levels of restraint established for men's and boy's woven cotton shirts in Category 340 from 139,678 dozen to 130,968 dozen and man-made fiber brassieres in Category 649 from 1,500,000 dozen to 1,453,501 dozen to account for carryforward used during the twelve-month period which began on June 1, 1980 and extended through May 31, 1981. These adjustments apply to Categories 340 and 649, produced or manufactured in the Dominican Republic and exported during the current agreement year which began on June 1, 1981.

[A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963) and October 27, 1981 (46 FR 52409)].

**SUMMARY:** The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 7 and 8, 1979, as amended, between the Governments of the United States and the Dominican Republic

<sup>1</sup>In Category 339, only T.S.U.S.A. numbers 383.2730 and 383.2731.

<sup>2</sup>The level of restraint has not been adjusted to account for any imports after December 31, 1981.

provides, among other things, for the borrowing of yardage from the following agreement year (carryforward) with the amount used being deducted from the level in the following year. In accordance with the terms of the bilateral agreement, the import restraint levels established for Categories 340 and 649 are being adjusted for carryforward used during the previous agreement year.

**EFFECTIVE DATE:** January 27, 1982.

**FOR FURTHER INFORMATION CONTACT:**

Carl Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

**SUPPLEMENTARY INFORMATION:** On May 26, 1981, there was published in the *Federal Register* (46 FR 28206) a letter dated May 20, 1981 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established import restraint levels for certain specified categories of cotton and man-made fiber textile products, including Categories 340 and 649, produced or manufactured in the Dominican Republic and exported to the United States during the twelve-month period which began on June 1, 1981 and extends through May 31, 1982. In accordance with the terms of the agreement, the Chairman of the Committee for the Implementation of Textile Agreements, in the letter published below, directs the Commissioner of Customs to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of textile products in Categories 340 and 649 in excess of the adjusted levels of restraint.

Paul T. O'Day,

*Chairman, Committee for the Implementation of Textile Agreements.*

January 22, 1982.

Commissioner of Customs,  
Department of the Treasury,  
Washington, D.C.

Dear Mr. Commissioner: On May 20, 1981, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry for consumption or withdrawal from warehouse for consumption, during the twelve-month period which began on June 1, 1981 and extends through May 31, 1982 of cotton and man-made fiber textile products in certain specified categories, produced or manufactured in the Dominican Republic, in excess of designated levels of restraint. The

Chairman further advised you the levels of restraint are subject to adjustment.<sup>1</sup>

Effective on January 22, 1982, the levels of restraint established for Categories 340 and 649 in the directive of May 20, 1981 are adjusted to the following:

*Category and Adjusted Twelve-Month Level of Restraint*<sup>2</sup>

340—130,968 dozen  
649—1,453,501 dozen

The actions taken with respect to the Government of the Dominican Republic and with respect to imports of cotton and man-made fiber textile products from the Dominican Republic have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the *Federal Register*.

Sincerely,

Paul T. O'Day,

*Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 82-2074 Filed 1-26-82; 8:45 am]

BILLING CODE 3510-25-M

## DEPARTMENT OF DEFENSE

### Department of the Army

#### Army Science Board; Cancellation of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) and AR 15-1, Committee Management, notice of cancellation of a meeting of the Army Science Board on January 28 and 29, 1982 (47 FR 843, January 7, 1982) is hereby given.

Due to extenuating circumstances the meeting of the Army Science Board Summer Study Group on Science and Engineering Personnel was called off and is being rescheduled.

Helen M. Bowen,

*Administrative Officer.*

January 21, 1982.

[FR Doc. 82-2054 Filed 1-26-82; 8:45 am]

BILLING CODE 3710-08-M

#### Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB)

Dates of Meeting: February 16, 1982 and February 17, 1982

Times: 0830-1700 hours (Closed)—February 16, 1982; 0830-1500 hours (Closed)—February 17, 1982

Place: Pentagon Room 3A486, Washington, DC

Proposed Agenda: The Army Science Board Group conducting a Summer Study on Science and Engineering Personnel will meet to present and receive briefings and hold discussions. This meeting will be closed to the public in accordance with section 552(b)(3) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C. App. 1, subsection 10(d). The classified and non-classified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Helen M. Bowen, may be contacted for further information at (202) 697-9703 or 695-3039.

Helen M. Bowen,

*Administrative Officer.*

[FR Doc. 82-2055 Filed 1-26-82; 8:45 am]

BILLING CODE 3710-08-M

## DEPARTMENT OF EDUCATION

### Direct Grant Programs; Application Notices for Fiscal Year 1982; Correction

**AGENCY:** Department of Education.

**ACTION:** Amendments to application notices for direct grant programs for fiscal year 1982.

The Secretary of Education makes changes in certain application notices previously announced for fiscal year 1982.

On October 28, 1981 a notice containing application announcements for certain direct grant programs was published in the *Federal Register* (46 FR 53278-53317). For various reasons, changes are made to the following notices.

(1) 84.060—*Indian Education Grants to Local Educational Agencies and Tribal Schools*—Closing date: December 4, 1981

The closing date for transmittal of applications for new and noncompeting continuation projects under the Indian Education Program entitlement grants to local educational agencies and tribal schools is extended to February 12, 1982.

(2) 84.003A—*Bilingual Education Act—Desegregation Support Program*—Closing date: January 15, 1982

Although the original application notice correctly listed \$768,000 as the total amount of money available for new awards; the amount of money listed as available for the two types of projects supported under this program were incorrect and are corrected as follows:

The amount of money available for bilingual-bicultural curriculum development projects (34 CFR 520.10(a)) is \$200,000.

The amount of money available for implementation of instructional programs of bilingual-bicultural education (34 CFR 520.10(b)) is \$568,000.

(3) 84.101—*Programs for Indian Tribes and Indian Organizations—New Projects*—Closing date: January 11, 1982

The competition for this program is cancelled for fiscal year 1982 due to funding limitations.

T. H. Bell,

*Secretary of Education.*

January 20, 1982.

[FR Doc. 82-2031 Filed 1-26-82; 8:45 am]

BILLING CODE 4000-01-M

## Office of Postsecondary Education

### Special Needs Program; Application Notice for New Projects for Fiscal Year 1982

Applications are invited for new projects under the Special Needs Program.

Authority for this program is contained in sections 321-324 and 341-347 of Title III of the Higher Education Act of 1965 as amended.

(20 U.S.C. 1060-1063, and 1066-1069c)

The Special Needs Program assists eligible institutions of higher education to become self-sufficient by providing funds to improve their academic quality and strengthen their planning, management, and fiscal capabilities. To this end, the Secretary awards planning grants and non-renewable development grants to eligible two and four year, public and private institutions of higher education. The purpose of the planning grants is to assist institutions to develop their long-range plans. The purpose of the development grants is to assist institutions to implement portions of their long-range plans, thereby becoming self-sufficient.

*Closing Date for Transmittal of Applications:* An application for a planning or development grant must be mailed or hand delivered by April 2, 1982.

*Applications Delivered by Mail:* An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center,

<sup>1</sup>The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 7 and 8, 1979, as amended, between the Governments of the United States and the Dominican Republic, which provide, in part, that: (1) specific limits may be exceeded by designated percentages to account for swing with comparable amounts being deducted from other specific limits; (2) specific limits may also be increased for carryover and carryforward up to 11 percent of applicable category limits; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

<sup>2</sup>The levels of restraint have not been adjusted to account for any imports after May 31, 1981.

Attention: 84.031B, Washington, D.C. 20202-3561.

An applicant must show proof of mailing consisting of one of the following:

- (1) A legibly dated U.S. Postal Service postmark.
- (2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.
- (3) A dated shipping label, invoice, or receipt from a commercial carrier.
- (4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

**Applications Delivered by Hand:** An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

#### Program Information

**General.** In general, the Secretary will accept an application for a planning grant or a development grant from any institution designated eligible for the Special Needs Program in Fiscal Year 1982.

#### Planning Grants

1. The Secretary will not accept an application for a planning grant from institutions applying as a cooperative arrangement unless the purpose of the grant is to develop a separate long-range plan for each participating institution.
2. Approval of a planning grant does not commit the Secretary to fund a subsequent application for a development grant.

**Requests for Designation as an Eligible Institution:** Potential applicants must submit a request for designation as an eligible institution by the established date published separately in the Federal Register. Those institutions that do not

submit a request by the established date or are not designated by the Secretary as eligible to apply for a grant in FY 1982 will not be considered for funding.

**Available Funding:** The Third Continuing Resolution, which expires on March 31, 1982, authorizes \$57,600,000 to be made available for the Special Needs Program for Fiscal Year 1982. Although processing of applications will proceed on this basis, it should be noted that these estimates do not bind the Department of Education. Final resolution of spending limits for FY 1982 may result in a change of available funds.

The Secretary intends to award not less than \$27,035,000 of the amount available to institutions with special needs that have historically served substantial numbers of black students. Further, the Secretary intends to award not less than 30 percent of the amount available to junior or community colleges with special needs. Approximately \$384,000 will be used to fund planning grants.

Planning grants will range between \$10,000 and \$25,000 while development grants will range between \$100,000 and \$800,000 per year. These estimates, however, do not bind the Secretary as to the minimum amount of any grant.

**Application Forms:** Application forms and program information packages are expected to be ready for mailing by January 26, 1982. They may be obtained by writing to the Institutional Aid Programs, U.S. Department of Education, L'Enfant Plaza Station, Post Office Box 23868, Washington, D.C. 20024.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Secretary strongly urges that (1) the individual parts of the application not exceed the page limitations identified in the application materials, and (2) applicants not submit information that is not requested.

**Applicable Regulations:** Regulations applicable to the program include the following:

- (a) The regulations in 34 CFR Part 624;
- (b) The regulations in 34 CFR Part 626; and
- (c) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 75 (Direct Grant Programs) and 34 CFR Part 77 (Definitions), except that 34 CFR 75.128(a)(2) and 34 CFR 75.129(a) do not apply to cooperative arrangements. These parts were previously codified as 45 CFR Part 100a and 45 CFR Part 100c respectively.

Parts 624 and 626 of Title 34 of the Code of Federal Regulations were

published in the Federal Register of January 5, 1982, 47 FR 540-557.

**Further Information:** For further information contact Dr. Claude A. Mayberry, Director, Division of Institutional Development, U.S. Department of Education (Room 3919, Regional Office Building 3), 400 Maryland Avenue, SW., Washington, D.C. 20202-3311. Telephone: (202) 245-9691.

(20 U.S.C. 1060-1063 and 1066-1069c)

Dated: January 21, 1982.

(Catalog of Federal Domestic Assistance No. 84.031B—Special Needs Program)

T. H. Bell,

Secretary of Education.

[FR Doc. 82-2077 Filed 1-26-82; 8:45 am]

BILLING CODE 4000-01-M

#### Strengthening Program; Application Notice for New Projects for Fiscal Year 1982

Applications are invited for new projects under the Strengthening Program.

Authority for this program is contained in sections 311-313 and 341-347 of Title III of the Higher Education Act of 1965 as amended.

(20 U.S.C. 1057-1059, and 1066-1069c)

The Strengthening Program assists eligible institutions of higher education to become self-sufficient by providing funds to improve their academic quality and strengthen their planning, management, and fiscal capabilities. To this end, the Secretary awards planning grants and renewable and non-renewable development grants to eligible two and four year, public and private institutions of higher education. The purpose of the planning grants is to assist institutions to develop an institutional long-range plan or an application for a development grant. The purpose of the development grants is to assist institutions to implement portions of their long-range plans to enable them to move toward or achieve self-sufficiency.

**Closing Date for Transmittal of Applications:** An application for a planning or development grant must be mailed or hand delivered by March 30, 1982.

**Applications Delivered by Mail:** An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.031A, Washington, D.C. 20202-3561.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

**Applications Delivered by Hand:** An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

**Program Information:**

**General.** In general, the Secretary will accept an application for a planning grant or a development grant from any institution designated eligible for the Strengthening Program.

**Planning grants.**

1. The Secretary will not accept an application for a planning grant solely to develop an application for a development grant unless the applicant submits, as part of its application, its long-range plan containing all the elements required in § 624.22 of the Institutional Aid Programs General Provision Regulation (34 CFR 624.22) published in the *Federal Register* of January 5, 1982, 47 FR 540, 543-544.

2. The Secretary will not accept an application for a planning grant to develop a long-range plan from institutions applying as a cooperative arrangement unless the purpose of the grant is to develop a separate long-range plan for each participating institution.

3. Approval of a planning grant does not commit the Secretary to fund a

subsequent application for a development grant.

**Development grants.**

An institution may not apply for both a renewable and a non-renewable development grant under this program either individually or as part of a cooperative arrangement.

**Requests for Designation as an Eligible Institution:** Potential applicants must submit a request for designation as an eligible institution by the established date published separately in the *Federal Register*. Those institutions that do not submit a request by the established date or are not designated by the Secretary as eligible to apply for a grant in FY 1982 will not be considered for funding.

**Available Funding:** The Third Continuing Resolution, which expires on March 31, 1982, authorizes \$57,600,000 to be made available for the Strengthening Program for Fiscal Year 1982. Although processing of applications will proceed on this basis, it should be noted that these estimates do not bind the Department of Education. Final resolution of spending limits for FY 1982 may result in a change of available funds. The Secretary intends to award not less than 24 percent of the amount available to eligible junior or community colleges.

Planning grants will range between \$10,000 and \$25,000, renewable development grants will range between \$50,000 and \$200,000 per year, and non-renewable development grants will range between \$100,000 and \$800,000 per year. These estimates, however, do not bind the Secretary to the minimum amount of any grant.

Seventy-five percent of the amount available will be set-aside to fund non-renewable development grants. Approximately \$384,000 will be used to fund planning grants.

**Application Forms:** Application forms and program information packages are expected to be ready for mailing by January 26, 1982. They may be obtained by writing to the Institutional Aid Programs, U.S. Department of Education, L'Enfant Plaza Station, Post Office Box 23868, Washington, D.C. 20024.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Secretary strongly urges that (1) the individual parts of the application not exceed the page limitations identified in the application materials, and (2) applicants not submit information that is not requested.

**Applicable Regulations:** Regulations applicable to the program include the following:

(a) The regulations in 34 CFR Part 624;

(b) The regulations in 34 CFR Part 625; and

(c) the Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 75 (Direct Grant Programs) and 34 CFR 77 (Definitions), except that 34 CFR 75.128(a)(2) and 34 CFR 75.129(a) do not apply to cooperative arrangements. These parts were previously codified as 45 CFR Part 100a and 45 CFR Part 100c respectively.

Parts 624 and 625 of Title 34 of the Code of Federal Regulations were published in the *Federal Register* of January 5, 1982, 47 FR 540-557.

**Further Information:** For further information contact Dr. Claude A. Mayberry, Director, Division of Institutional Development, U.S. Department of Education (Room 3919, Regional Office Building 3), 400 Maryland Avenue, SW., Washington, D.C. 20202-3311. Telephone: (202) 245-9691.

(20 U.S.C. 1057-1059, and 1066-1069c)

Dated: January 21, 1982.

(Catalog of Federal Domestic Assistance No. 84.031A—Strengthening Program)

T. H. Bell,

Secretary of Education.

[FR Doc. 82-2078 Filed 1-26-82; 8:45 am]

BILLING CODE 4000-01-M

**Challenge Grant Program; Application Notice for New Projects for Fiscal Year 1982**

Applications are invited for new projects under the Challenge Grant Program.

Authority for this program is contained in sections 331-332 and 341-347 of Title III of the Higher Education Act of 1965 as amended.

(20 U.S.C. 1064-1069c)

The Challenge Grant Program assists eligible institutions of higher education to seek alternative sources of funding to become self-sufficient. To this end, the Secretary awards grants to eligible institutions of higher education including, two-year and four-year, public and private institutions, graduate institutions, and institutions providing medical education programs.

**Closing Date for Transmittal of Applications:** An application for a grant must be mailed or hand delivered by April 5, 1982.

**Applications Delivered by Mail:** An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.031C, Washington, D.C. 20202-3561.

An applicant must show proof of mailing consisting of one of the following:

- (1) A legibly dated U.S. Postal Service postmark.
- (2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.
- (3) A dated shipping label, invoice, or receipt from a commercial carrier.
- (4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

**Applications Delivered by Hand:** An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

**Program Information:** Applications for new grants will be accepted from all institutions designated as eligible under the Institutional Aid Programs in Fiscal Year 1982. However, in awarding grants under this part, the Secretary gives preference to applications from institutions that are receiving grants under the Strengthening Program or the Special Needs Program.

**Requests for Designation as an Eligible Institution:** Potential applicants must submit a request for designation as an eligible institution by the established dated published separately in the Federal Register. Those institutions that are not designated by the Secretary as eligible to apply for a grant in FY 1982 will not be considered for funding.

**Available Funding:** The Third Continuing Resolution, which expires on March 31, 1982, authorizes \$9,216,000 to be made available for the Challenge Grant Program for Fiscal Year 1982. Although processing of applications will

proceed on this basis, it should be noted that these estimates do not bind the Department of Education. Final resolution of spending limits for FY 1982 may result in a change of available funds. Awards will range between \$150,000 and \$800,000 per year.

However, these estimates do not bind the Secretary as to the amount of any grant.

**Application Forms:** Application forms and program information packages are expected to be ready for mailing by January 26, 1982. They may be obtained by writing to the Institutional Aid Programs, U.S. Department of Education, L'Enfant Plaza Station, Post Office Box 23868, Washington, D.C. 20024.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Secretary strongly urges that (1) the individual parts of the application not exceed the page limitations identified in the application materials, and (2) applicants not submit information that is not requested.

**Applicable Regulations:** Regulations applicable to the program include the following:

- (a) The regulations in 34 CFR Part 624;
  - (b) The regulations in 34 CFR Parts 625 and 626;
  - (c) The regulations in 34 CFR Part 627; and
  - (d) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 75 (Direct Grant Programs) and 34 CFR 77 (Definitions). These parts were previously codified as 45 CFR Part 100a and 45 CFR Part 100c respectively.
- Parts 624, 625, 626 and 627 of Title 34 of the Code of Federal Regulations were published in the Federal Register of January 5, 1982, 47 FR 540-557.

**Further Information:** For further information contact Dr. Claude A. Mayberry, Director, Division of Institutional Development, U.S. Department of Education (Room 3919, Regional Office Building 3), 400 Maryland Avenue, SW., Washington, D.C. 20202-3311. Telephone: (202) 245-9691.

(20 U.S.C. 1064-1069c)

Dated: January 21, 1982.  
(Catalog of Federal Domestic Assistance No. 84.031C—Challenge Grant Program)

T. H. Bell,  
Secretary of Education.

[FR Doc. 82-2079 Filed 1-26-82; 8:45 am]

BILLING CODE 4000-01-M

### Strengthening Program, Special Needs Program, and Challenge Grant Program; Transmittal of Requests for Designation as an Eligible Institution for Fiscal Year 1982

Institutions of higher education that wish to apply for a grant under the Strengthening Program, the Special Needs Program or the Challenge Grant Program, collectively known as the Institutional Aid Programs, are invited to apply for designation as an "eligible institution" under one or more of those programs by submitting a "Request for Designation as an Eligible Institution" form. The Institutional Aid Programs are authorized under section 301-347 of Title III of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1051-1069c)

The Institutional Aid Programs assist eligible institutions to become self-sufficient by providing funds to improve their academic quality and strengthen their planning, management and fiscal capabilities.

Institutions of higher education that wish to apply for a grant for any of the Institutional Aid Programs must first be designated as an eligible institution under that program in accordance with the applicable regulations.

**Closing Date for Transmittal of Requests:** A "Request for Designation as an Eligible Institution" form must be mailed or hand-delivered by February 16, 1982.

**Requests Delivered by Mail:** A request sent by mail must be addressed to the Evaluation Section, Division of Institutional Development, L'Enfant Plaza, Post Office Box 23868, Washington, D.C. 20024.

Proof of mailing must consist of one of the following:

1. A legibly dated U.S. Postal Service postmark.
2. A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.
3. A dated shipping label, invoice, or receipt from a commercial carrier.
4. Any other proof of mailing acceptable to the U.S. Secretary of Education.

If a request is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its request will not be considered.

**Requests Delivered by Hand:** A request that is hand-delivered must be taken to the Evaluation Section, Division of Institutional Development, Room 3045, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C. Hand delivered requests must be received by the staff of the Evaluation Section.

The staff of the Evaluation Section will accept and receipt hand-delivered requests between 9:00 a.m. and 4:30 p.m. (Eastern Time) daily, except Saturdays, Sundays and Federal holidays.

A request that is hand-delivered will not be accepted after 4:30 p.m. on February 16, 1982.

**Request Forms:** Eligibility request forms are expected to be ready for mailing by January 26, 1982. They may be obtained by writing to the Evaluation Section, Division of Institutional Development, L'Enfant Plaza, Post Office Box 23868, Washington, D.C. 20024.

**Applicable Regulations:** Regulations applicable to the eligibility process include §§ 624.2, 624.3 and 624.20 of the Institutional Aid Programs—General Provisions Regulations, 34 CFR 624.2, 624.3, and 624.20; §§ 625.2 and 625.3 of the Strengthening Program Regulations, 34 CFR 625.2 and 625.3; §§ 626.2 and 626.3 of the Special Needs Program Regulations, 34 CFR 626.2 and 626.3; and § 627.2 of the Challenge Grant Program Regulations, 34 CFR 627.2. These regulations were published in the Federal Register of January 5, 1982, 47 FR 540-557.

**Program Information:** The Secretary will use award year 1979-80 (July 1, 1979-June 30, 1980) as the base year for calculating the variables used to determine an institution's eligibility under § 625.2(a) (2) and (3) of the Strengthening Program, § 626.2(a) (2)

and (3) of the Special Needs Program, and § 627.2(d)(2) of the Challenge Grant Program. These variables include for the Strengthening Program (1) the percentage of full-time equivalent (FTE) undergraduate students that received Pell Grants that were enrolled in the institution and (2) the average Pell Grant award per recipient. For the Special Needs Program the variables include (1) the percentage of FTE undergraduate students that received Pell Grants, Supplemental Educational Opportunity Grants (SEOG), College Work-Study (CWS) employment, and National Direct Student Loans (NDSL) that were enrolled in the institution and (2) the average amount of such assistance per recipient. For the Challenge Grant Program, the base year variable relates to whether a medical institution had an enrollment in the base year of at least 35 percent minority and educationally disadvantaged students.

The base year to be used for calculating the variables in §§ 625.2(a)(4) and 626.2(a)(4) will also be 1979-80. These variables, for the Strengthening and Special Needs Programs, include the educational and general (E&G) expenditures per FTE undergraduate student at the institution. Institutions are to submit E&G expenditure data for the 12-month period on which they reported in the "Higher Education General Information Survey (HEGIS XV), Financial Statistics of Institutions of Higher Education for Fiscal Year Ending 1980."

The Department of Education will use Pell Grant data currently on file in the Department in making its determinations under the financial aid eligibility criteria in 34 CFR 625.2 and 626.2. The Department will use the figures as they have been corrected and updated as of March 2, 1982.

Conversion tables which explain how the Secretary assigns points to

institutions applying for eligibility designation are published as an appendix to this Notice.

Under the Challenge Grant Program Regulations, § 627.2(e), the Secretary is authorized to waive requirements set forth in § 624.2(b)(2) of the Institutional Aid Programs—General Provisions. In Fiscal Year 1982, the Secretary chooses not to waive these requirements.

Eligibility forms will be processed and reviewed by the Evaluation Section in the order in which they are received. Institutions that provide only statistical data under Part I of the request form and do not complete items 6a and 6b, thereby indicating that they are not reconciling Pell Grant data with the Office of Student Financial Assistance (OSFA) of the U.S. Department of Education, will be notified of their designation status no later than March 1, 1982. Institutions that are requesting a waiver of certain eligibility requirements or special designation status under Part II of the request form, or that are reconciling Pell Grant data with the OSFA will be notified as soon as possible.

An institution that does not submit its eligibility form by February 16, 1982, will not be eligible to apply for an Institutional Aid Program grant and will not be eligible for Institutional Aid Program assistance in Fiscal Year 1982.

**Further Information:** For further information, contact the Evaluation Section, Division of Institutional Development, L'Enfant Plaza, Post Office Box 23868, Washington, D.C. 20024. Telephone: (202) 245-2338.

(20 U.S.C. 1051-1069c)

(Catalog of Federal Domestic Assistance Number: 84.031—Institutional Aid Programs)

Dated: January 21, 1982.

T. H. Bell,

Secretary of Education.

BILLING CODE 4000-01-M

NATIONAL STANDARDS FOR DETERMINING INSTITUTIONAL ELIGIBILITY  
FOR THE TITLE III INSTITUTIONAL AID PROGRAMS

T H R E S H O L D C H A R T

Categories of Potentially Eligible Institutions	Minimum Thresholds			
	Strengthening Program		Special Needs Program	
	Overall Threshold	Waiver Threshold	Overall Threshold	Waiver Threshold
Two-Year Public Institutions	148	99	90	45
Two-Year Non-profit Private Institutions	145	97	91	46
Four-Year Public Institutions	188	125	123	62
Four-Year Non-profit Private Institutions	194	129	128	64
*Graduate Public Institutions	/	/	/	26
*Graduate Non-profit Private Institutions	/	/	/	76

\*Institutions that do not award bachelor's degrees but do award graduate, postgraduate or professional degrees may request designation for the Challenge Grant Program under the eligibility criteria for the Special Needs Program.

PART-A : STRENGTHENING

2 YR PUBLIC

POINT	PELL PERCENT	PELL DOLLAR	E AND G
1	0.0001	1	8224+
2	0.0351	78	8223
3	0.0653	393	6761
4	0.0808	441	6390
5	0.0939	480	5798
6	0.1017	490	5437
7	0.1077	406	5283
8	0.1209	503	5096
9	0.1290	510	4929
10	0.1345	514	4928
11	0.1393	520	4776
12	0.1447	529	4668
13	0.1481	529	4587
14	0.1531	533	4487
15	0.1583	538	4372
16	0.1643	540	4311
17	0.1701	545	4211
18	0.1724	547	4160
19	0.1750	551	4159
20	0.1806	556	4093
21	0.1858	557	4011
22	0.1933	563	3980
23	0.1976	565	3979
24	0.2047	569	3888
25	0.2088	573	3839
26	0.2135	576	3688
27	0.2177	578	3634
28	0.2234	584	3567
29	0.2272	586	3537
30	0.2316	591	3536
31	0.2365	593	3490
32	0.2419	595	3489
33	0.2491	597	3462
34	0.2537	598	3454
35	0.2578	603	3453
36	0.2590	608	3416
37	0.2632	611	3385
38	0.2668	613	3360
39	0.2706	618	3331
40	0.2737	620	3314
41	0.2781	624	3295
42	0.2798	626	3265
43	0.2858	628	3240
44	0.2952	629	3220
45	0.3009	631	3193
46	0.3028	634	3147
47	0.3068	635	3146
48	0.3115	637	3104
49	0.3155	639	3081
50	0.3222	640	3054

PART-A : CONTINUE

2 YR PUBLIC

POINT	PELL PERCENT	PELL DOLLAR	E AND G
51	0.3249	641	2964
52	0.3266	644	2943
53	0.3311	646	2920
54	0.3358	649	2919
55	0.3397	653	2899
56	0.3437	655	2861
57	0.3480	657	2847
58	0.3542	659	2819
59	0.3589	662	2795
60	0.3614	664	2783
61	0.3636	666	2765
62	0.3670	670	2744
63	0.3715	672	2726
64	0.3756	675	2711
65	0.3838	676	2694
66	0.3877	679	2677
67	0.3920	684	2658
68	0.3998	689	2638
69	0.4033	692	2621
70	0.4084	694	2602
71	0.4155	697	2601
72	0.4191	699	2598
73	0.4238	703	2577
74	0.4269	706	2557
75	0.4292	709	2556
76	0.4378	712	2543
77	0.4457	715	2527
78	0.4507	719	2510
79	0.4568	723	2491
80	0.4644	726	2485
81	0.4718	729	2441
82	0.4778	732	2419
83	0.4861	736	2395
84	0.4957	741	2376
85	0.5038	747	2366
86	0.5210	750	2347
87	0.5295	756	2346
88	0.5445	760	2319
89	0.5585	765	2287
90	0.5675	770	2259
91	0.5866	779	2202
92	0.5977	787	2180
93	0.6090	791	2179
94	0.6472	799	2160
95	0.6609	804	2159
96	0.6930	814	2122
97	0.7205	827	2108
98	0.7514	833	2060
99	0.8662	846	2059
100	0.9430+	864+	2007

PART-B : SPECTAI NEEDS  
2 YR PUBLIC

POINT	NEED PERCENT	NEED DOLLAR	E AND G
1	0.0001	8	6762+
2	0.0221	473	6761 - 5798
3	0.0480	501	5797 - 5283
4	0.0689	520	5282 - 4929
5	0.0745	536	4928 - 4669
6	0.0849	554	4668 - 4487
7	0.0905	563	4486 - 4311
8	0.0993	571	4310 - 4160
9	0.1060	582	4159 - 4011
10	0.1129	586	4010 - 3889
11	0.1177	593	3888 - 3794
12	0.1216	598	3793 - 3707
13	0.1293	606	3706 - 3599
14	0.1365	612	3598 - 3537
15	0.1423	619	3536 - 3463
16	0.1489	623	3462 - 3416
17	0.1530	629	3415 - 3360
18	0.1615	635	3359 - 3314
19	0.1661	640	3313 - 3265
20	0.1725	644	3264 - 3220
21	0.1771	648	3219 - 3147
22	0.1819	652	3146 - 3104
23	0.1874	659	3103 - 3054
24	0.1915	664	3053 - 2994
25	0.1966	669	2993 - 2965
26	0.2024	673	2964 - 2920
27	0.2080	678	2919 - 2861
28	0.2135	686	2860 - 2819
29	0.2206	692	2818 - 2783
30	0.2255	696	2782 - 2744
31	0.2292	697	2743 - 2711
32	0.2395	702	2710 - 2677
33	0.2450	712	2676 - 2638
34	0.2488	718	2637 - 2602
35	0.2587	724	2601 - 2577
36	0.2662	731	2576 - 2544
37	0.2717	737	2543 - 2510
38	0.2811	745	2509 - 2486
39	0.2890	749	2485 - 2420
40	0.2968	754	2419 - 2377
41	0.3048	764	2376 - 2347
42	0.3203	765	2346 - 2288
43	0.3391	773	2287 - 2202
44	0.3521	792	2201 - 2160
45	0.3604	803	2159 - 2108
46	0.3969	813	2107 - 2088
47	0.4151	833	2007 - 1938
48	0.4538	846	1937 - 1878
49	0.4817	867	1877 - 1735
50	0.5311+	868+	1734 - 1

PART-A : STRENGTHENING  
2 YR PRIVATE

POINT	PELI. PERCENT	PELI DOLLAR	E AND G
1	0.0001	659	13653+
2	0.0501	660	13652 - 8388
3	0.0589	684	8387 - 8280
4	0.1356	754	8279 - 7890
5	0.1447	776	7889 - 7549
6	0.1533	777	7548 - 6939
7	0.1931	783	6938 - 6418
8	0.1972	786	6417 - 6088
9	0.2023	789	6087 - 5834
10	0.2211	811	5833 - 5734
11	0.2328	835	5733 - 5323
12	0.2351	838	5322 - 5248
13	0.2433	840	5247 - 5147
14	0.2480	845	5146 - 5124
15	0.2705	846	5123 - 5058
16	0.2734	859	5057 - 4967
17	0.2817	873	4966 - 4911
18	0.2941	876	4910 - 4792
19	0.3147	880	4791 - 4596
20	0.3204	888	4595 - 4559
21	0.3288	894	4558 - 4487
22	0.3334	903	4486 - 4387
23	0.3396	909	4386 - 4230
24	0.3581	915	4229 - 4038
25	0.3581	920	4037 - 4006
26	0.3744	926	4005 - 3979
27	0.3809	929	3978 - 3777
28	0.3839	933	3776 - 3765
29	0.3847	941	3764 - 3738
30	0.3860	943	3737 - 3704
31	0.3917	946	3703 - 3681
32	0.4001	951	3680 - 3604
33	0.4049	952	3603 - 3533
34	0.4089	957	3532 - 3497
35	0.4207	959	3496 - 3491
36	0.4304	961	3490 - 3397
37	0.4318	964	3396 - 3363
38	0.4348	969	3391 - 3342
39	0.4431	970	3362 - 3301
40	0.4525	971	3341 - 3301
41	0.4579	974	3300 - 3233
42	0.4695	980	3232 - 3191
43	0.4719	984	3190 - 3164
44	0.4819	987	3163 - 3102
45	0.4934	990	3101 - 3088
46	0.4974	992	3080 - 2997
47	0.5001	993	2996 - 2976
48	0.5116	997	2975 - 2886
49	0.5143	1000	2886 - 2844
50	0.5161	1001	2844 - 2844

PART-B : SPECIAL NEEDS

POINT	2 YR PRIVATE	PELL PERCENT	PELL DOLLAR	E AND G
51	0.5270	-0.5314	1002	2810
52	0.5315	-0.5315	1005	2809
53	0.5516	-0.5325	1011	2719
54	0.5626	-0.5356	1014	2684
55	0.5657	-0.5340	1020	2683
56	0.5741	-0.5325	1023	2613
57	0.5826	-0.5301	1027	2602
58	0.5892	-0.5290	1028	2601
59	0.5921	-0.5279	1030	2557
60	0.5980	-0.5273	1033	2519
61	0.6024	-0.5264	1034	2484
62	0.6037	-0.5250	1035	2447
63	0.6151	-0.5250	1039	2425
64	0.6205	-0.5250	1040	2387
65	0.6251	-0.5275	1041	2299
66	0.6276	-0.5294	1043	2285
67	0.6295	-0.5378	1052	2245
68	0.6379	-0.5446	1063	2211
69	0.6447	-0.5528	1068	2170
70	0.6520	-0.5553	1077	2156
71	0.6554	-0.5596	1087	2132
72	0.6597	-0.5615	1088	2119
73	0.6616	-0.5722	1094	2114
74	0.6723	-0.5813	1098	2065
75	0.6814	-0.5939	1104	2034
76	0.6940	-0.6096	1117	2018
77	0.6997	-0.7047	1118	2004
78	0.7048	-0.7360	1121	1970
79	0.7341	-0.7551	1126	1954
80	0.7552	-0.7594	1130	1884
81	0.7595	-0.7831	1131	1808
82	0.7832	-0.7852	1137	1807
83	0.7853	-0.8031	1141	1766
84	0.8032	-0.8377	1153	1702
85	0.8338	-0.8538	1157	1689
86	0.8553	-0.8635	1161	1541
87	0.8636	-0.8660	1164	1535
88	0.8636	-0.8660	1164	1489
89	0.8855	-0.8854	1170	1469
90	0.9138	-0.9137	1177	1366
91	0.9766	-1.0114	1182	1333
92	1.0115	-1.0633	1184	1315
93	1.0634	-1.0854	1201	1199
94	1.0857	-1.1596	1216	1120
95	1.1597	-1.1858	1224	1109
96	1.1859	-1.2534	1243	1004
97	1.2535	-1.2804	1274	937
98	1.3205	-1.3031	1286	733
99	1.4032	-	1330	594
100				593

PART-A : CONTINUE

POINT	2 YR PRIVATE	PELL PERCENT	PELL DOLLAR	E AND G
1	0.0001	-0.0250	1	2
2	0.0251	-0.0726	3	676
3	0.0727	-0.0945	677	691
4	0.0946	-0.1230	692	707
5	0.1231	-0.1407	708	739
6	0.1408	-0.1566	740	749
7	0.1567	-0.1672	750	759
8	0.1673	-0.1814	760	766
9	0.1815	-0.2152	776	776
10	0.2153	-0.2194	777	783
11	0.2195	-0.2283	784	798
12	0.2284	-0.2466	799	819
13	0.2467	-0.2583	820	829
14	0.2584	-0.2672	830	846
15	0.2673	-0.2767	847	855
16	0.2768	-0.2873	854	871
17	0.2874	-0.3005	872	873
18	0.3006	-0.3113	872	880
19	0.3114	-0.3208	881	893
20	0.3273	-0.3272	894	908
21	0.3417	-0.3434	899	905
22	0.3435	-0.3623	906	911
23	0.3624	-0.3736	912	923
24	0.3737	-0.3873	924	929
25	0.3874	-0.3930	930	932
26	0.3931	-0.4089	933	948
27	0.4090	-0.4151	946	945
28	0.4152	-0.4229	958	945
29	0.4230	-0.4514	966	970
30	0.4515	-0.4599	971	980
31	0.4600	-0.4688	981	988
32	0.4689	-0.4925	989	997
33	0.4926	-0.5026	998	1002
34	0.5027	-0.5128	1003	1007
35	0.5129	-0.5200	1008	1016
36	0.5201	-0.5226	1017	1026
37	0.5227	-0.5355	1027	1043
38	0.5356	-0.5400	1044	1049
39	0.5401	-0.5669	1050	1067
40	0.5670	-0.5949	1068	1082
41	0.5950	-0.6044	1083	1084
42	0.6045	-0.6327	1095	1125
43	0.6328	-0.6717	1124	1138
44	0.6718	-0.7040	1139	1153
45	0.7041	-0.7647	1154	1173
46	0.7648	-0.8000	1174	1208
47	0.8001	-0.8940	1200	1231
48	0.8941	-0.9808	1232	1203
49	0.9809	-	1244	732
50				733

PART-A : STRENGTHENING

4 YR PUBLIC

POINT	PELL PERCENT	PELL DOLLAR	E AND G
1	0.0001	1	21545+
2	0.0002	503	17693
3	0.0004	624	17544
4	0.0008	657	14758
5	0.0013	665	14757
6	0.0014	678	12565
7	0.0017	689	9945
8	0.0019	699	9213
9	0.0021	709	8646
10	0.0023	723	8625
11	0.0025	726	7757
12	0.0027	732	7200
13	0.0029	739	7088
14	0.0031	743	6770
15	0.0033	749	6536
16	0.0035	750	6316
17	0.0037	750	6234
18	0.0039	750	6037
19	0.0041	750	5833
20	0.0042	750	5775
21	0.0044	750	5728
22	0.0046	750	5614
23	0.0048	750	5545
24	0.0050	750	5435
25	0.0052	750	5371
26	0.0054	750	5325
27	0.0056	750	5261
28	0.0058	750	5161
29	0.0060	750	5160
30	0.0062	750	5049
31	0.0064	750	4944
32	0.0066	750	4897
33	0.0068	750	4897
34	0.0070	750	4734
35	0.0072	750	4665
36	0.0074	750	4665
37	0.0076	750	4582
38	0.0078	750	4511
39	0.0080	750	4511
40	0.0082	750	4424
41	0.0084	750	4361
42	0.0086	750	4326
43	0.0088	750	4325
44	0.0090	750	4305
45	0.0092	750	4264
46	0.0094	750	4263
47	0.0096	750	4223
48	0.0098	750	4177
49	0.0100	750	4146
50	0.0102	750	4106
51	0.0104	750	4080
52	0.0106	750	4079
53	0.0108	750	4032
54	0.0110	750	4031
55	0.0112	750	3959
56	0.0114	750	3925
57	0.0116	750	3924
58	0.0118	750	3836
59	0.0120	750	3835
60	0.0122	750	3800
61	0.0124	750	3761
62	0.0126	750	3760
63	0.0128	750	3733
64	0.0130	750	3732

PART-A : CONTINUE

4 YR PUBLIC

POINT	PELL PERCENT	PELL DOLLAR	E AND G
65	0.3247	867	3701
66	0.3288	868	3665
67	0.3316	871	3644
68	0.3337	873	3626
69	0.3373	875	3625
70	0.3420	877	3598
71	0.3438	878	3562
72	0.3461	879	3561
73	0.3489	880	3544
74	0.3507	880	3457
75	0.3561	881	3455
76	0.3614	882	3440
77	0.3674	883	3410
78	0.3713	883	3409
79	0.3743	884	3364
80	0.3762	884	3363
81	0.3783	885	3334
82	0.3803	885	3333
83	0.3854	886	3313
84	0.3878	886	3298
85	0.3930	887	3297
86	0.3965	887	3257
87	0.4056	888	3226
88	0.4131	888	3225
89	0.4158	889	3213
90	0.4260	889	3199
91	0.4333	890	3198
92	0.4357	890	3186
93	0.4461	891	3168
94	0.4507	891	3117
95	0.4566	892	3077
96	0.4739	892	3076
97	0.4818	893	3056
98	0.4926	893	3032
99	0.5035	894	2976
100	0.5248	894	2957
101	0.5337	895	2956
102	0.5360	895	2942
103	0.5452	896	2941
104	0.5653	896	2900
105	0.5837	897	2857
106	0.6126	897	2857
107	0.6569	898	2857
108	0.6867	899	2856
109	0.6949	899	2814
110	0.7284	900	2813
111	0.7709	900	2764
112	0.8411	901	2763
113	0.8524	901	2742
114	0.8753	902	2680
115	0.8753	902	2680
116	0.8753	902	2657
117	0.8753	902	2644
118	0.8753	902	2643
119	0.8753	902	2561
120	0.8753	902	2547
121	0.8753	902	2532
122	0.8753	902	2532
123	0.8753	902	2531
124	0.8753	902	2472
125	0.8753	902	2470
126	0.8753	902	2456
127	0.8753	902	2455
128	0.8753	902	2400
129	0.8753	902	2399
130	0.8753	902	2337
131	0.8753	902	2337
132	0.8753	902	2281
133	0.8753	902	2281
134	0.8753	902	2249
135	0.8753	902	2159
136	0.8753	902	2158
137	0.8753	902	2124
138	0.8753	902	2124
139	0.8753	902	2054
140	0.8753	902	2053
141	0.8753	902	1911
142	0.8753	902	1910
143	0.8753	902	1802
144	0.8753	902	1801

PART-H : SPECIAL NEEDS  
4 YR PUBLIC

POINT	NEED PERCENT	NEED DOLLAR	E AND G
1	0.0001	465	17693+
2	0.0002	466	17692
3	0.0001	703	12565
4	0.1076	732	9213
5	0.1230	749	7758
6	0.1320	750	7088
7	0.1395	765	7087
8	0.1473	773	6536
9	0.1556	784	6236
10	0.1637	785	6235
11	0.1714	793	5832
12	0.1744	799	5728
13	0.1803	800	5727
14	0.1873	807	5544
15	0.1941	811	5371
16	0.1994	816	5370
17	0.2045	826	5261
18	0.2080	829	5260
19	0.2108	832	5048
20	0.2140	838	4897
21	0.2175	842	4896
22	0.2222	847	4665
23	0.2261	851	4664
24	0.2292	854	4361
25	0.2357	855	4360
26	0.2410	861	4305
27	0.2466	862	4223
28	0.2499	866	4222
29	0.2558	871	4107
30	0.2615	877	4032
31	0.2678	883	3959
32	0.2738	887	3836
33	0.2821	893	3835
34	0.2877	895	3761
35	0.2950	898	3760
36	0.3043	903	3701
37	0.3143	904	3648
38	0.3240	908	3599
39	0.3346	912	3548
40	0.3442	913	3547
41	0.3586	920	3441
42	0.3781	929	3363
43	0.3901	936	3362
44	0.4229	943	3257
45	0.4377	948	3256
46	0.4691	952	3187
47	0.5056	953	3186
48	0.5724	961	3116
49	0.6099	962	3057
50	0.6987+	969	3056
		970	2976
		982	2975
		988	2942
		998	2941
		1001	2857
		1002	2764
		1016	2763
		1030	2680
		1044	2680
		1057	2561
		1073	2560
		1097	2531
		1116	2456
		1172	2455
		1213+	2338
			2337
			2250
			2249
			2123
			1911
			1910

PART-A : STRENGTHENING  
4 YR PRIVATE

POINT	PELL PERCENT	PELL DOLLAR	E AND G
1	0.0001	24	17564+
2	0.0142	25	17563
3	0.0856	757	14200
4	0.1157	821	11485
5	0.1293	844	10272
6	0.1502	885	9583
7	0.1615	901	8999
8	0.1716	913	8556
9	0.1809	921	8304
10	0.1942	937	7992
11	0.2008	938	7805
12	0.2050	946	7805
13	0.2111	947	7565
14	0.2140	955	7325
15	0.2228	960	7139
16	0.2304	963	6992
17	0.2362	968	6838
18	0.2430	969	6838
19	0.2504	973	6705
20	0.2559	976	6597
21	0.2586	978	6470
22	0.2619	979	6333
23	0.2655	981	6154
24	0.2719	985	6047
25	0.2740	989	5977
26	0.2802	991	5880
27	0.2843	996	5879
28	0.2909	998	5802
29	0.2969	1000	5721
30	0.3017	1001	5683
31	0.3055	1004	5589
32	0.3111	1007	5516
33	0.3159	1009	5515
34	0.3198	1011	5451
35	0.3226	1016	5398
36	0.3279	1017	5397
37	0.3325	1018	5319
38	0.3372	1021	5254
39	0.3435	1023	5196
40	0.3484	1024	5195
41	0.3522	1026	5154
42	0.3593	1028	5103
43	0.3648	1028	5049
44	0.3684	1028	4981
45	0.3726	1030	4980
46	0.3778	1032	4907
47	0.3808	1033	4841
48	0.3866	1035	4802
49	0.3907	1038	4760
50	0.3907	1040	4719
		1044	4677
		1047	4676
		1049	4629
		1051	4596
		1053	4548
		1054	4518
		1054	4478
		1054	4444
		1054	4443

PART-B : SPECTAL NEEDS  
4 YR PRIVATE

POINT	NEED PERCENT	NEED DOLLAR	E AND G
1	0.0001	1	14201+
2	0.0071	2	14200 - 10273
3	0.0939	761	10272 - 9000
4	0.1319	825	8999 - 8305
5	0.1505	850	8304 - 7806
6	0.1626	874	7805 - 7326
7	0.1743	894	7325 - 6993
8	0.1925	913	6992 - 6704
9	0.2031	926	6705 - 6471
10	0.2167	941	6470 - 6155
11	0.2250	954	6154 - 5974
12	0.2330	963	5977 - 5803
13	0.2410	975	5802 - 5643
14	0.2474	984	5642 - 5516
15	0.2559	994	5515 - 5394
16	0.2637	1004	5397 - 5255
17	0.2702	1014	5254 - 5155
18	0.2765	1023	5154 - 5050
19	0.2857	1031	5049 - 4904
20	0.2927	1037	4907 - 4802
21	0.3029	1047	4801 - 4720
22	0.3109	1057	4719 - 4630
23	0.3162	1064	4629 - 4544
24	0.3222	1072	4547 - 4479
25	0.3285	1079	4478 - 4415
26	0.3369	1087	4414 - 4325
27	0.3464	1097	4324 - 4234
28	0.3556	1104	4237 - 4174
29	0.3623	1114	4173 - 4121
30	0.3693	1122	4110 - 4025
31	0.3783	1132	4024 - 3931
32	0.3897	1142	3930 - 3847
33	0.3999	1153	3846 - 3766
34	0.4080	1161	3765 - 3704
35	0.4143	1170	3703 - 3627
36	0.4226	1179	3626 - 3541
37	0.4323	1190	3540 - 3452
38	0.4392	1202	3451 - 3351
39	0.4456	1217	3350 - 3253
40	0.4516	1230	3252 - 3164
41	0.4694	1248	3163 - 3066
42	0.4840	1262	3065 - 2924
43	0.5012	1289	2927 - 2814
44	0.5235	1316	2817 - 2694
45	0.5507	1343	2697 - 2517
46	0.5707	1382	2518 - 2343
47	0.5935	1418	2342 - 2170
48	0.6354	1450	2171 - 1987
49	0.6950	1514	1988 - 1517
50	0.7927+	1600+	1518 - 1

PART-A : CONTINUE  
4 YR PRIVATE

POINT	PEFL PERCENT	PEFL DOLLAR	E AND G
51	0.3939	1058	4414 - 4370
52	0.3968	1061	4369 - 4325
53	0.4018	1065	4324 - 4279
54	0.4076	1068	4278 - 4238
55	0.4138	1071	4237 - 4201
56	0.4186	1074	4200 - 4174
57	0.4232	1076	4173 - 4145
58	0.4276	1079	4144 - 4111
59	0.4340	1081	4110 - 4087
60	0.4382	1085	4086 - 4025
61	0.4431	1089	4024 - 3988
62	0.4499	1093	3987 - 3931
63	0.4531	1096	3930 - 3882
64	0.4562	1099	3881 - 3847
65	0.4635	1104	3846 - 3802
66	0.4683	1104	3801 - 3766
67	0.4729	1109	3765 - 3735
68	0.4767	1112	3734 - 3704
69	0.4814	1115	3703 - 3672
70	0.4862	1118	3671 - 3627
71	0.4932	1120	3626 - 3565
72	0.4959	1122	3564 - 3541
73	0.5005	1128	3540 - 3503
74	0.5067	1131	3502 - 3452
75	0.5112	1135	3451 - 3407
76	0.5170	1140	3406 - 3331
77	0.5240	1144	3330 - 3282
78	0.5313	1148	3281 - 3253
79	0.5361	1151	3252 - 3202
80	0.5390	1155	3201 - 3164
81	0.5459	1162	3163 - 3095
82	0.5522	1175	3094 - 3066
83	0.5592	1182	3065 - 3000
84	0.5697	1190	2999 - 2924
85	0.5766	1194	2927 - 2857
86	0.5902	1200	2856 - 2818
87	0.6141	1209	2817 - 2767
88	0.6234	1221	2766 - 2694
89	0.6365	1238	2697 - 2620
90	0.6597	1253	2620 - 2517
91	0.6727	1269	2516 - 2425
92	0.7043	1297	2424 - 2343
93	0.7298	1312	2342 - 2210
94	0.7587	1326	2211 - 2120
95	0.7985	1362	2119 - 2015
96	0.8467	1386	2014 - 1887
97	0.9184	1406	1886 - 1707
98	0.9707	1444	1706 - 1512
99	1.0188+	1494	1511 - 1292
100		1605+	1291 - 1

PART-B: SPECIAL NEEDS  
GRADUATE PUBLIC

POINT	NEED PERCENT	NEED DOLLARS
7	0.0001 - 0.0029	1 - 1179
19	0.0030 - 0.2189	1180 - 1306
32	0.2190 - 0.3952	1307 - 2200
49	0.3953 - 0.4180	2201 - 2250
50	0.4181+	2251+

[FR Doc. 82-2080 Filed 1-26-82; 8:45 am]  
BILLING CODE 4000-01-C

PART-B: SPECIAL NEEDS  
GRADUATE PRIVATE

POINT	NEED PERCENT	NEED DOLLAR
1	0.0001 - 0.0158	1 - 1
2	0.0159 - 0.0195	2 - 304
3	0.0196 - 0.0339	305 - 481
4	0.0340 - 0.0472	482 - 509
5	0.0473 - 0.0608	510 - 659
6	0.0609 - 0.0746	660 - 694
7	0.0747 - 0.0777	695 - 707
8	0.0778 - 0.0913	708 - 714
9	0.0914 - 0.1053	715 - 735
10	0.1054 - 0.1190	736 - 755
11	0.1191 - 0.1221	756 - 758
12	0.1222 - 0.1222	759 - 760
13	0.1223 - 0.1250	761 - 920
14	0.1251 - 0.1281	921 - 936
15	0.1282 - 0.1392	937 - 975
16	0.1393 - 0.1514	976 - 981
17	0.1515 - 0.1574	982 - 1005
18	0.1575 - 0.1686	1006 - 1012
19	0.1687 - 0.1695	1013 - 1041
20	0.1696 - 0.1872	1042 - 1104
21	0.1873 - 0.1932	1105 - 1107
22	0.1933 - 0.1944	1108 - 1108
23	0.1945 - 0.2026	1109 - 1155
24	0.2027 - 0.2030	1156 - 1140
25	0.2031 - 0.2125	1141 - 1232
26	0.2126 - 0.2148	1233 - 1315
27	0.2149 - 0.2190	1316 - 1325
28	0.2191 - 0.2253	1326 - 1369
29	0.2254 - 0.2264	1370 - 1397
30	0.2265 - 0.2341	1398 - 1426
31	0.2342 - 0.2346	1427 - 1432
32	0.2347 - 0.2390	1433 - 1435
33	0.2391 - 0.2442	1436 - 1460
34	0.2443 - 0.2566	1461 - 1466
35	0.2567 - 0.2754	1467 - 1495
36	0.2755 - 0.2787	1496 - 1509
37	0.2788 - 0.2800	1510 - 1604
38	0.2801 - 0.2822	1605 - 1787
39	0.2823 - 0.2927	1788 - 1794
40	0.2928 - 0.3070	1795 - 1875
41	0.3071 - 0.3103	1876 - 1912
42	0.3104 - 0.3346	1913 - 1921
43	0.3347 - 0.3706	1922 - 1978
44	0.3707 - 0.4303	1979 - 2017
45	0.4304 - 0.4366	2018 - 2080
46	0.4367 - 0.4469	2081 - 2088
47	0.4470 - 0.4510	2089 - 2188
48	0.4511 - 0.4834	2189 - 2274
49	0.4835 - 0.4970	2275 - 2433
50	0.4971+	2434+

## DEPARTMENT OF ENERGY

## Energy Information Administration

American Statistical Association  
Committee on Energy Statistics;  
Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the American Statistical Association's Committee on Energy Statistics will meet with representatives of the Energy Information (EIA) on Friday, February 12, 1982, at the Hotel Washington, 15th and Pennsylvania Avenue, NW., Washington, D.C., from 9:00 a.m. to approximately 3:30 p.m., in the Capitol Room.

The purpose of the meeting is to enable the EIA to utilize the American Statistical Association's Committee on Energy Statistics to obtain advice on EIA programs and to benefit from the Committee's expertise concerning other energy statistical matters.

The tentative agenda is as follows:

- A. Opening Remarks.
- B. Major Topics:
  1. Production Decline of U.S. Surveillance Oil Fields.
  2. A Methodology for EIA's 1982 Evaluation Report of the Accuracy of Principal Energy Data Series.
  3. A simplified Approach to Extending Short-Term Projections for the Next Five Years.
  4. Problems in Estimating World Oil Inventories.
  5. Quick Response Capabilities for Use Prior to and During a Supply Interruption.
  6. EIA's Changing Role in Light of New Directives.
- C. Other Business:
  1. Topics for Future Meetings.
  2. Public Comments.

The meeting is open to the public. Any member of the public may file a written statement with the EIA for forwarding to the Committee, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should inform Mr. Bruce D. Dwyer, EIA Committee Liaison, (202) 252-6460, or Dr. Fred C. Leone, Executive Director of the American Statistical Association, (202) 393-3253, at least five days prior to the meeting and reasonable provisions will be made to include their presentations on the agenda. Subsequent to approval by the Committee, minutes and an executive summary of the meeting will be available for public review and copying at the Office of Planning and Resources, EI-32, EIA, 1000 Independence Avenue, SW., Room 2H055, Washington, D.C. 20585, (202) 252-6460, between the hours of 8:00 a.m. and 4:40 p.m., Monday through Friday.

Issued at Washington, D.C., on January 21, 1982.

J. Erich Evered,  
*Administrator, Energy Information  
Administration.*

[FR Doc. 82-1984 Filed 1-26-82; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory  
Commission

[Docket No. ER82-215-000]

## Bangor Hydro-Electric Co.; Filing

January 20, 1982.

Take notice that the Bangor Hydro-Electric Company (Bangor) on January 8, 1982 tendered for filing as a rate schedule an executed agreement dated as of November 1, 1981 between Bangor and Fitchburg Gas and Electric Light Company (Fitchburg). The agreement provides for sale of unit power by Bangor to Fitchburg from January 1, 1982 through January 31, 1982, according to Bangor.

Bangor requests an effective date of January 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Bangor states that copies of this filing have been mailed to Fitchburg.

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 February 5, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,  
*Acting Secretary.*

[FR Doc. 82-1930 Filed 1-26-82; 8:45 am]

BILLING CODE 6717-01-M

## Project No. 3584-000]

Continental Hydro Corp.; Surrender of  
Preliminary Permit

January 21, 1982.

Take notice that Continental Hydro Corporation (Continental), Permittee for the Trenton Dam, Project No. 3584, has requested that its preliminary permit be terminated. The preliminary permit for Project No. 3584 was issued on May 21,

1981, and would have expired on November 1, 1982. The project would have been located on the Republican River in Hitchcock County, Nebraska.

Continental's review of the reconnaissance estimates on the energy potential of the site, as well as the flow records supplied by the Nebraska State Department of Water Resources indicates that the releases are relatively low and irregular, and that the release period is less than 3 months each year. Continental concluded that these findings suggest that the sites is not feasible for hydropower development.

Continental filed its request for Project No. 3584 on October 28, 1981, and the surrender of Project No. 3584 has been deemed accepted as of the date of this notice.

Lois D. Cashell,  
*Acting Secretary.*

[FR Doc. 82-1931 Filed 1-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-217-000]

Detroit Edison Co.; Proposed Tariff  
Change

January 21, 1982.

The filing Company submits the following:

Take notice that the Detroit Edison Company (Detroit) on January 4, 1982, tendered for filing an Amendment to the Interconnection Agreement between the City of Detroit and Detroit. This amendment will increase the rates for Emergency Power, Short Term Power, and Displacement Power, and Transmission Service to normal current industry levels and also will bring the agreement into compliance with the Commission's Rule 84B.

Detroit states that the proposed changes are desirable by the parties to assure adequate and fair compensation for services rendered and to encourage the availability of the full range of service. Detroit proposes an effective date of January 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 February 8, 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.

Lois D. Cashell,  
Acting Secretary.

[FR Doc. 82-1932 Filed 1-26-82; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. ER82-219-000]

### Florida Power & Light Co.; Filing

January 20, 1982.

The filing Company submits the following:

Take notice that on January 11, 1982, Florida Power & Light Company (FP&L) tendered for filing an initial rate and executed contract entitled "Contract for Interchange Service Between Florida Power & Light Company and Sebring Utilities Commission." FP&L states that under the contract, FP&L and the Sebring Utilities Commission will engage in the interchange of electric capacity and energy indirectly through the electric transmission systems of other utilities.

FP&L requests that the proposed Contract be made effective no later than 60 days from the date of filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 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 February 5, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,  
Acting Secretary.

[FR Doc. 82-1933 Filed 1-26-82; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. ER82-218-000]

### Idaho Power Co.; Filing

January 20, 1982.

The filing Company submits the following:

Take notice that on January 8, 1982, the Idaho Power Company (Idaho) tendered for filing in compliance with the Federal Energy Regulatory Commission's Order of October 7, 1978, a summary of sales made under the

Company's 1st Revised FERC Electric Tariff, Volume No. 1 (Supersedes Original Volume No. 1) during November, 1981, along with cost justification for the rate charged.

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 February 5, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,  
Acting Secretary.

[FR Doc. 82-1934 Filed 1-26-82; 8:45 am]  
BILLING CODE 6717-01-M

[Project No. 5786-000]

### Lawrence J. McMurtrey; Application for Preliminary Permit

January 21, 1982.

Take notice that Lawrence J. McMurtrey (Applicant) filed on December 17, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5786 to be known as the Circle Creek Power Project located on Circle Creek in Snohomish County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Lawrence J. McMurtrey, 12122 196th NE., Redmond, Washington 98052.

**Project Description**—The proposed project would consist of: (1) multiple diversion structures on Circle Creek; (2) a 7,000-foot long diversion conduit; (3) a powerhouse with a total installed capacity of 2.4 MW; and (4) a 115-kV transmission line from the powerhouse to an existing transmission line. The Applicant estimates that the average annual energy production would be 15.0 GWh. The proposed project is located entirely on U.S. Forest lands owned by Snoqualmie-Mt. Baker National Forest.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36

months during which it would conduct technical, environmental and economic studies; and also prepare an FERC license application. The Applicant estimates that the cost of undertaking these studies would be \$20,000.

**Competing Applications**—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before April 5, 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 April 5, 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 June 3, 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 April 5, 1982.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the

Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell,  
*Acting Secretary.*

[FR Doc. 82-1935 Filed 1-26-82; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. ER82-214-000]

**Nevada Power Co.; Filing**

January 20, 1982.

The filing Company submits the following:

Take notice that on January 8, 1982, Nevada Power Company (Nevada) tendered for filing an Interconnection Agreement between it and the City of Riverside (Riverside) dated July 15, 1980. Nevada states that the primary purpose of this Interconnection Agreement is to provide for the exchange of generating capacity and energy between the electric systems of the parties.

Nevada further states that service may be provided under three Service Schedules:

1. Service Schedule A—Emergency Assistance
2. Service Schedule B—Economy Energy Interchange
3. Service Schedule C—Banked energy

Nevada requests an effective date of July 15, 1980, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon Nevada's jurisdictional customer, the CP-National Corporation and upon the Public Service Commission of Nevada and the Public Utilities Commission of the State of California.

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 February 5,

1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,  
*Acting Secretary.*

[FR Doc. 82-1936 Filed 1-26-82; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. ER82-213-000]

**Nevada Power Co.; Filing**

January 21, 1982.

The filing Company submits the following:

Take notice that on January 8, 1982, Nevada power Company (Nevada) tendered for filing an Interconnection Agreement between it and the City of Anaheim (Anaheim) dated June 17, 1980. Nevada states that the primary purpose of this Interconnection Agreement is to provide for the exchange of generating capacity and energy between the electric systems of the parties.

Nevada states that service may be provided under three Services Schedules:

1. Service Schedule A—Emergency Assistance
2. Service Schedule B—Economy Energy Interchange
3. Service Schedule C—Banked Energy

Nevada requests an effective date of June 17, 1980, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon Nevada's jurisdictional customer, the CP-National Corporation, and upon the Public Service Commission of Nevada and the Public Utilities Commission of the State of California.

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 February 8, 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.

Lois D. Cashell,  
*Acting Secretary.*

[FR Doc. 82-1937 Filed 1-26-82; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. ER82-212-000]

**Nevada Power Co.; Filing**

January 20, 1982.

The filing Company submits the following:

Take notice that on January 28, 1982, Nevada Power Company (Nevada) tendered for filing an Interconnection Agreement between it and the City of Vernon (Vernon) dated December 15, 1981. Nevada states that the primary purpose of this Interconnection Agreement is to provide for the exchange of generating capacity and energy between the electric systems of the parties.

Nevada further states that the service may be provided under three Service Schedules:

1. Service Schedule A—Emergency Assistance
2. Service Schedule B—Economy Energy Interchange
3. Service Schedule C—Banked Energy

Nevada requests an effective date of January 1, 1982, for this Agreement.

Copies of this filing were served upon Nevada's jurisdictional customer, the CP National Corporation, and upon the Public Service Commission of Nevada and the Public Utilities Commission of the State of California.

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 February 5, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,  
*Acting Secretary.*

[FR Doc. 82-1938 Filed 1-26-82; 8:45 am]  
BILLING CODE 6717-01-M

[Project No. 5649-000]

**The Bar 717 Ranch, Inc.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity**

January 21, 1982.

Take notice that on November 16, 1981, The Bar 717 Ranch, 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 (FERC Project No. 5649) would be located at Corral Creek in Trinity County near Hayfork, California. Portions of the proposed project would be located within the Trinity National Forest. Correspondence with the Applicant should be directed to: Mr. J. M. Noda, Sverdrup & Parcel and Associates, Inc., 417 Montgomery Street, San Francisco, California 94104.

**Project Description**—The proposed project would consist of:

- (1) A 5-foot high diversion structure;
- (2) An 11,000-foot long, 48-inch diameter, low pressure steel pipe;
- (3) A 3,500-foot long, 36-inch diameter penstock;
- (4) A powerhouse with a total installed capacity of 4,600 kW; and
- (5) A 0.75-mile long transmission line interconnecting with an existing Pacific Gas and Electric transmission line.

The Applicant estimates that the average annual energy output would be 8.1 million kWh.

**Purpose of Exemption**—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

**Agency Comments**—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the California Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none.

Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

**Competing Applications**—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before March 10, 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 (b) (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 March 10, 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.

Lois D. Cashell,  
Acting Secretary.

[FR Doc. 82-1939 Filed 1-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-127-000]

**Transcontinental Gas Pipe Line Corp., and United Gas Pipe Line Co.; Application**

January 22, 1982.

Take notice that on December 18, 1981, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1478, Houston, Texas 77251, and United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP82-127-000 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and exchange of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Transco and United entered into an agreement dated September 24, 1981, which would assist them in receiving into their respective systems natural gas from various production sources. Under the agreement Transco and United would exchange up to 6 billion Btu equivalent of gas per day and could exchange additional quantities tendered if capacity therefor is available. United's gas would be delivered to Transco from Tarton Oil and Gas Company's T.N. Menefee Estate No. 1 well, Wharton County, Texas, Howell Petroleum Corporation's Thibodaux Field, LaFourche Parish, Louisiana, and Texas Oil and Gas' Adcock #2, #3, and #4 wells, Richard Adcock Field, Victoria County, Texas, with redelivery at an existing interconnection between Esperanza Transmission Company and Transco in Wharton County, Texas, at Exxon's Thibodaux Plant, LaFourche Parish, Louisiana, and at Transco's measuring and regulating station, Victoria County, Texas. Transco's gas would be delivered to United at the Tomlinson Interest, Inc. #1 Crosby 6-10 and #1 Southern Minerals wells, Pistol Ridge Field, Forrest County, Mississippi, with redelivery at an existing delivery

point in Forrest County, Mississippi. Any balancing required would be accomplished on a thermal basis monthly with Transco's delivering balancing gas to United at the existing interconnection between their systems near Inez, Victoria County, Texas, and United's delivering balancing gas to Transco at the existing interconnection between Transco and U-T Offshore System near Johnson's Bayou, Cameron Parish, Louisiana.

It is further stated that the agreement provides that additional supply sources could be added as necessary to facilitate exchanges of other production-area gas. Transco and United therefore request blanket authority to exchange gas from such additions without further authorization from the Commission. It is stated that any minor connection facilities required, if not within the the gathering exemption of the Natural Gas Act, would be constructed and operated under Transco's and United's respective budget-type authorizations.

It is stated that there would be no charge to either party by the other because the benefits derived from the exchange are substantially equal and mutually beneficial.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 12, 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, 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in the subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion

believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Lois D. Cashell,  
*Acting Secretary.*

[FR Doc. 82-1940 Filed 1-26-82; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. CP82-125-000]

**Transcontinental Gas Pipe Line Corp.;  
Application**

January 22, 1982

Take notice that on December 18, 1981, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP82-125-000 an application pursuant to Sections 3 and 7(c) of the Natural Gas Act for authorization to import natural gas from Canada and for a certificate of public convenience and necessity authorizing the construction and operation of pipeline facilities necessary therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to import from Canada into the United States 300,000 Mcf of natural gas per day which it has contracted to purchase from TransCanada Pipe Lines Limited (TransCanada), for a term of 10 years and 75,000 Mcf of gas per day which it has contracted to purchase from Sulpetro Limited (Sulpetro) for a term of eight years.

In order to facilitate such importation of natural gas from Canada, Applicant proposes to construct and operate approximately 158 miles of primarily 42-inch pipe (the Transco Niagara Pipeline System) extending from a point on the United States-Canada border near Niagara Falls, New York, to Applicant's existing system at the Leidy Storage Field near Tamarack, Pennsylvania. It is stated that the proposed pipeline would traverse Niagara, Erie, Wyoming, Allegany, and Cattaraugus Counties, New York; and McKean, Potter, and Clinton Counties, Pennsylvania. In addition, Applicant proposes to construct and operate two compressor stations, one of 38,000 horsepower near Lewiston, New York, and one of 19,000 horsepower near Tamarack, Pennsylvania, along with appurtenant metering and regulating stations.

Applicant submits that in addition to the above described purchased gas the Transco Niagara Pipeline System would

be utilized to transport up to 600,000 Mcf per day of storage withdrawal gas for which Applicant has contracted in Michigan and Ontario, Canada, with ANR Storage Company and Union Gas Limited, respectively.

Applicant States that the maximum daily throughput at the point of importation would be 413,000 Mcf of purchased gas and 600,000 Mcf of storage withdrawal quantities. Applicant further indicates that the maximum throughput capability of the proposed facilities would be 1,162,830 Mcf of gas per day under the above-described conditions; but that with the installation of additional compression the ultimate capacity of the proposed pipeline would be in excess of 2,000,000 Mcf of gas per day which capacity would be utilized for transportation of additional Canadian supplies which may be arranged by Applicant or others.

Applicant estimates the cost of the proposed facilities to be \$405,305,000 which would be financed initially by revolving credit agreements, with permanent financing to be undertaken as part of an overall long-term program at a later date.

Applicant states that it intends to reflect the cost of gas purchased from TransCanada and Sulpetro in subsequent purchased gas adjustment filings by Applicant and requests that the Commission specifically approve such method of recovery of purchased gas costs.

Applicant asserts that the proposed importation of natural gas and the construction and operation of the facilities are needed to augment Applicant's total gas supply available to its customers as well as to make available to Applicant's customers an important new storage service.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 12, 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 the participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,  
*Acting Secretary.*

[FR Doc. 82-1941 Filed 1-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-209-000]

**Tucson Electric Power Co.; Filing**

January 20, 1982.

The filing Company submits the following:

Take notice that Tucson Electric Power Company (Tucson) on January 7, 1982, tendered for filing Amendment No. 1 to the "Tucson-Edison 1980 Nonfirm Energy Agreement" between Tucson and Southern California Edison Company (Edison). Tucson states that the primary purpose of Amendment No. 1 is to extend the term of the Agreement by advancing the termination date from December 31, 1981, to May 31, 1982.

Tucson further states that copies of the filing were served upon Edison.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before February 5, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of filing are on file

with the Commission and are available for public inspection.

Lois D. Cashell,  
*Acting Secretary.*

[FR Doc. 82-1942 Filed 1-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER78-522]

**Virginia Electric and Power Co.; Compliance Filing**

January 20, 1982.

The filing Company submits the following:

Take notice that on January 8, 1982, Virginia Electric and Power Company (VEPCO) filed a revised refund report in compliance with the Commission's order of October 21, 1981. The report consists basically of VEPCO's original calculations plus a revised calculation showing compound interest and a summary sheet.

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 February 5, 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.

Lois D. Cashell,  
*Acting Secretary.*

[FR Doc. 82-1943 Filed 1-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-216-000]

**The Washington Water Power Co.; Filing**

January 21, 1982.

The filing Company submits the following:

Take notice that on January 6, 1982, The Washington Water Power Company (Washington) tendered for filing copies of a service schedule applicable to what Washington refers to as a "Letter Agreement" dated October 1, 1981, between Washington and Southern California Edison Company, which applies to the sale of energy from Washington's purchase from Arizona Public Service Company.

Washington requests that the requirements of prior notice be waived and the effective date be made retroactive to October 1, 1981, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal

Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before February 8, 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.

Lois D. Cashell,  
*Acting Secretary.*

[FR Doc. 82-1944 Filed 1-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5062-000]

**Diamond Power Corp.; Application for License (5 MW or Less)**

January 22, 1982.

Take notice that the Diamond Power Corporation (Applicant) filed on June 22, 1981, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for construction and operation of a water power project to be known as the Quinebaug—Five Mile Pond Project No. 5062. The project would be located on the Quinebaug and Five Mile Rivers in Windham County, Connecticut. Correspondence with the Applicant should be directed to: Mr. Peter Kasch, Barkan Properties, 1330 Boylston Street, Chestnut Hill, Massachusetts 02167.

*Project Description*—The proposed project would consist of: (1) two existing dams, the Rojak Dam being 14 feet high and 250 feet long and the Five Mile Pond Dam being 16.5 feet high and 135 feet long; (2) two old canals, one 20 to 30 feet wide, 7 feet deep and 450 feet long and one 30 feet wide, 7 feet deep and 900 feet long; (3) a new penstock 72 inches in diameter and 420 feet long; (4) three new powerhouses, the two major ones containing units totaling 1,960 kW and 238 kW and the minor one having one 75-kW unit; (5) two new 2.3-kV transmission lines, one 120 feet long and one 250 feet long; and (6) appurtenant facilities.

*Purpose of Project*—The project's annual generation of 1.68 million kWh would be sold to the Connecticut Light and Power Company.

*Agency Comments*—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal

Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments 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 April 5, 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 April 5, 1982.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell,  
Acting Secretary.

[FR Doc. 82-1947 Filed 1-26-82; 8:45 am]  
BILLING CODE 6717-01-M

[Project No. 5627-000]

**Energenics Systems, Inc.; Application for Preliminary Permit**

January 21, 1982.

Take notice that ENERGENICS SYSTEMS, INC. (Applicant) filed on November 10, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5627 to be known as the Orwell Dam Project to be located at the U.S. Army Corps of Engineers' Orwell Dam and reservoir, a flood control project, on the Otter Tail River near Fergus Falls, in Otter Tail County, Minnesota. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, ENERGENICS SYSTEMS, INC., 1727 Q Street, NW., Washington, D.C. 20009.

**Project Description**—The proposed project would utilize an existing U.S. Army Corps of Engineers' dam and reservoir. Project No. 5627 would consist of: (1) A proposed penstock extending from the outlet works; (2) a proposed powerhouse located on the northwestern bank of the river; (3) transmission lines; and (4) appurtenant facilities. Applicant estimates the capacity of the proposed project to be approximately 2 MW, and the annual energy output to be 7 GWh.

**Purpose of Project**—Energy produced at the proposed project would be sold to Otter Tail Power Company.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments, and recommendations relevant to the project. The Applicant estimates the cost of the work studies would be \$35,000.

**Competing Applications**—Anyone desiring to file a competing application for preliminary permit must submit to

the Commission, on or before March 3, 1982, the competing application itself [See 18 CFR 4.30 et seq. (1981)]. A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before April 5, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations [See 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before April 5, 1982.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each

representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell,  
Acting Secretary.

[FR Doc. 82-1948 Filed 1-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5770-000]

**Energenics Systems Inc.; Application for Preliminary Permit**

January 21, 1982

Take notice that Energenics System Inc. (Applicant) filed on December 15, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5770 to be known as the Keyhole Dam Project located on the Belle Fourche River in Crook County, Wyoming. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Thomas H. Clarke, Jr., Energenics System, Inc., 1727 Q Street NW., Washington, D.C. 20009.

**Project Description**—The Applicant would utilize an existing dam and reservoir owned by the United States under the jurisdiction of the Bureau of Reclamation. The proposed project would consist of: (1) A proposed powerhouse with an installed generating capacity of 900 kW; (2) a proposed 1.5-mile long transmission line; (3) a proposed 120-foot long penstock; (4) a proposed 75-foot long tailrace; and (5) appurtenant facilities.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it proposes to conduct economic and environmental studies, prepare application for necessary State and Federal permits, and to develop designs of the project. The Applicant estimates the cost of the proposed studies would be \$30,000.

**Competing application**—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before May 3, 1982, the competing application itself [see: 18 C.F.R. 4.30 et seq. (1981)]. A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption

must be submitted to the Commission on or before April 5, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 C.F.R. 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before April 5, 1982.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 82-1949 Filed 1-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5665-000]

**Essex County Industrial Development Agency; Application for Preliminary Permits**

January 22, 1982.

Take notice that Essex County Industrial Development Agency (Applicant) filed on November 17, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5665 to be known as the Alice Falls Water Power Project located on the Ausable River in Essex and Clinton Counties, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: County of Essex, New York, Ms. Barbara Boster, Executive Director, Essex County Industrial Development Agency, Church Street, Elizabethtown, New York 12932.

**Project Description**—The proposed run-of-the-river project would consist of: (1) The existing stone masonry dam with a height of 50 feet and a length of 215 feet owned by the New York State Electric & Gas Corporation; (2) the existing reservoir having a surface area of less than 20 acres, with a normal maximum surface elevation of 350 feet m.s.l.; (3) two new 9-foot diameter steel penstocks; (4) a proposed powerhouse with two generating units with a total installed capacity of 2,800 kW; (5) a proposed 600-foot long transmission line; and (6) appurtenant facilities. The applicant estimates that the annual energy output would be 12,000,000 kWh. Project energy would be used to offset energy costs of the local citizenry.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which the Applicant would perform a study to determine feasibility, of the project. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. The Applicant estimates the cost of the studies under the permit would be \$75,000.

**Competing Applications**—This application was filed as a competing application to the preliminary permit for the Alice Falls Project No. 4696 filed on May 18, 1981, by New York State Electric & Gas Corporation. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the

Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981) as appropriate].

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions To Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before March 9, 1982.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street N.E., 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.

Lois D. Cashell,  
Acting Secretary.

[FR Doc. 82-1950 Filed 1-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5690-000]

### Groveton Papers Co.; Application For Preliminary Permit

January 22, 1982.

Take notice that Groveton Papers Company (Applicant) file on November 25, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5690 to be known as the Brooklyn Dam Project located on the Upper Ammonoosuc River near the Town of Northumberland in Coos County, New Hampshire. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. George Pascale, Vice President, Groveton Papers Company, c/o Diamond International Corporation, 733 Third Avenue, New York, New York 10017.

**Project Description**—The proposed run-of-river project would consist of: (1) the Applicant's existing rock crib dam, 90 feet long, creating no storage or pondage but providing 13 feet of head when topped by 3-foot flashboards; (2) an existing powerhouse on the east bank housing two 250 kW units; (3) a 620-foot long, 4.16-kV transmission line; and (4) appurtenant facilities.

The average annual generation of 2.0 million kWh would probably be sold to the Public Service Company of New Hampshire.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be \$50,000.

**Competing Applications**—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before May 3, 1982 the competing application itself [see: 18 CFR 4.30 et seq. (1981)]. A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to

submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before April 2, 1982, and should specify the types of application forthcoming. 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].

**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 April 2, 1982.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, 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.

Lois D. Cashell,  
Acting Secretary.

[FR Doc. 82-1951 Filed 1-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5692-000]

**Groveton Papers Co.; Application for Preliminary Permit**

January 22, 1982

Take notice that Groveton Papers Company (Applicant) filed on November 25, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5692 to be known as the Weston Project located on the Upper Ammonoosuc River near the Town of Northumberland in Coos County, New Hampshire. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. George Pascale, Vice President, Groveton Papers Company, c/o Diamond International Corporation, 733 Third Avenue, New York, New York 10017.

**Project Description**—The proposed run-of-river project would consist of: (1) The Applicant's existing rock crib dam, 115 feet long, creating no storage or pondage but providing 11 feet of head when topped by 4-foot flashboards; (2) a new powerhouse built on the site of a previously washed away powerhouse on the west bank housing two 250-kW horizontal turbine/generator units; (3) a new 0.75-mile long, 4.16-kV transmission line; and (4) appurtenant facilities.

The average annual generation of 1.9 million kWh would probably be sold to the Public Service Company of New Hampshire.

**Proposed Scope of Studies under Permit**—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be \$50,000.

**Competing Applications**—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before May 3, 1982, the competing application itself [see 18 CFR 4.30 et. seq. (1981)]. A notice of intent to file a competing application

for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before April 2, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate].

**Agency Comments**—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

**Comments, Protests, or Petitions to Intervene**—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before April 2, 1982.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, 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.

Lois D. Cashell,  
Acting Secretary.

[FR Doc. 82-1952 Filed 1-20-82; 8:45 am]  
BILLING CODE 6717-01-M

[Project No. 5661-000]

**Hydro Management, Inc.; Application for Preliminary Permit**

January 21, 1982.

Take notice that Hydro Management, Incorporated (Applicant) filed on November 16, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5661 to be known as the Kopsi Creek Power Project located on Kopsi Creek in Lincoln County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. M. H. Edelman, III, president, Hydro Management, Incorporated, Route 1, Box 169, Ronan, Montana 59864.

**Project Description**—The proposed project would consist of: (1) an 18-foot long, 3-foot high diversion structure on Kopsi Creek; (2) an 11,600-foot long, 12-inch diameter penstock; (3) a powerhouse with a total installed capacity of 500 kW; and (4) a 5,000-foot long, 14.4-kV transmission line from the powerhouse to the Blue Sky Creek transmission line. The Applicant estimates that the average annual energy production would be 3.024 million kWh. The proposed project is located entirely on Federal lands owned by Kootenai 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 technical, environmental and economic studies, and also prepare an FERC license application. The Applicant estimates that the cost of undertaking these studies would be \$5,000.

**Competing Applications**—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before April 5, 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 April 5, 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 June 3, 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 April 5, 1982.

*Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell,  
*Acting Secretary.*

[FR Doc. 82-1953 Filed 1-26-82; 8:45 am]  
BILLING CODE 6717-01-M

#### Project No. 5408-000

#### Richard K. Linville; Application for Preliminary Permit

January 21, 1982.

Take notice that Richard K. Linville (Applicant) filed on September 22, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5408 to be known as the Mann Creek Dam Project located on Mann Creek in Washington County, Idaho, on lands of the United States. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Richard K. Linville, 7021 Sand Point Way, NE., #B-305, Seattle, Washington 98115.

*Project Description*—The proposed project would consist of: (1) The existing Mann Creek Dam and reservoir; (2) new 1,000-foot long penstock; (3) a powerhouse containing generating equipment with a capacity of 1225 kW and annual energy production of 2.52 GWh; (4) transmission line; and (5) appurtenant facilities. Generated power would be sold to the Idaho Power Company.

*Proposed Scope of Studies Under Permit*—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a term of 36 months, during which time 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 these activities is \$40,000.

*Competing Applications*—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before April 5, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR 4.30 et seq. (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 April 5, 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 for file an acceptable competing application for preliminary permit no later than June 3, 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 of other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before April 5, 1982.

*Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE 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.

Lois D. Cashell,  
*Acting Secretary.*

[FR Doc. 82-1954 Filed 1-26-82; 8:45 am]  
BILLING CODE 6717-01-M

[Project No. 5793-000]

**Lawrence J. McMurtrey; Application for Preliminary Permit**

January 21, 1982.

Take notice that Lawrence J. McMurtrey (Applicant) filed on December 17, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5793 to be known as the Owl Creek Power Project located on Owl Creek in Snohomish County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Lawrence J. McMurtrey, 12122-196th NE, Redmond, Washington 98052.

**Project Description**—The proposed project would consist of: (1) multiple diversion structures on Owl Creek; (2) an 11,200-foot long diversion conduit; (3) a powerhouse with a total installed capacity of 1.1 MW; and (4) a 115-kV transmission line from the powerhouse to an existing transmission line. The Applicant estimates that the average annual energy production would be 6.8 GWh. The proposed project is located entirely on U.S. Forest lands owned by Snoqualmie-Mt. Baker National Forest.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct technical, environmental and economic studies; and also prepare an FERC license application. The Applicant estimates that the cost of undertaking these studies would be \$20,000.

**Competing Applications**—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before April 5, 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 April 5, 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 June 3, 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 protest 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 April 5, 1982.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capital 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.

Lois D. Cashell,  
Acting Secretary.

[FR Doc. 82-1955 Filed 1-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5440-000]

**Lawrence J. McMurtrey; Application for Preliminary Permits**

January 22, 1982.

Take notice that Lawrence J. McMurtrey (Applicant) filed on

September 30, 1981, and revised on November 30, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5440 to be known as the Upper Troublesome Creek Project located on East Fork and West Fork Troublesome Creeks in Snohomish County, near Index, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Lawrence J. McMurtrey, 12122 196th NE., Redmond, Washington 98052.

**Project Description**—The proposed project would consist of: (1) an intake structure placed in the bed of; (2) Blanca Lake, a natural lake; (3) two intake structures placed in the streambed of West Fork and East Fork Troublesome Creeks; (4) 20,000 feet of combination pipeline and penstock; (5) a powerhouse to contain two turbine-generating units with a total rated capacity of 4.8 MW; and (6) a 2-mile long, 115-kV transmission line. The project would be located within the boundaries of the Snoqualmie-Mt. Baker National Forest.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a 36-month permit to study the feasibility of constructing and operating the proposed project. No new road would be required to conduct the studies.

**Competing Applications**—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before April 2, 1982 either the competing application itself or a notice of intent to file such an application [see: 18 CFR 4.30 et seq. (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 April 2, 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 June 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 April 2, 1982.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, 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.

Lois D. Cashell,  
Acting Secretary.

[FR Doc. 82-1956 Filed 1-26-82; 8:45 am]  
BILLING CODE 6717-01-M

[Project No. 5788-000]

**Lawrence J. McMurtrey; Application for Preliminary Permit**

January 22, 1982.

Take notice that Lawrence J. McMurtrey (Applicant) filed on December 17, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5788 to be known as the Crystal Creek Project located on Crystal Creek, in Snohomish County, Washington in the Snoqualmie-Mt. Baker National Forest. The application

is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Lawrence J. McMurtrey, 12122-196th N.E., Redmond, Washington 98052.

**Project Description**—The proposed project would consist of: (1) a 36-inch concrete inlet structure in the streambed at elevation 3,000 feet; (2) a diversion pipeline 5,000 feet long; (3) a powerhouse containing a turbine generator with 1.47 MW capacity and 9.1 GWh annual energy output; and (4) transmission line. The potential market for project-generated power includes Puget Sound Power & Light Company and the Snohomish Public Utility District.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a term of 36 months, during which engineering, economic and environmental studies will be conducted to ascertain project feasibility and to support an application for an FERC license to construct and operate the project. The estimated cost of permit activities is \$20,000.

**Competing Applications**—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before April 5, 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 April 5, 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 June 4, 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 April 5, 1982.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell,  
Acting Secretary.

[FR Doc. 82-1957 Filed 1-26-82; 8:45 am]  
BILLING CODE 6717-01-M

[Project No. 5767-000]

**Pigeon Cove Power Co.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity**

January 21, 1982.

Take notice that on December 15, 1981, Pigeon Cove Power Company (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (FERC Project No. 5767) would be located on LQ and LS Drains near the town of Twin Falls, in Twin Falls County, Idaho. Correspondence with the

Applicant should be directed to: Mr. Paul C. Turnipseed, Box 128, Filer, Idaho 83328 and Mr. John Lorain, Jr., Rte. 2, Filer, Idaho 83328.

**Project Description**—The proposed project would consist of: (1) a 5-foot high inlet structure and 3-foot high inlet structure; (2) a 42-inch diameter, 1,700-foot long penstock and an 18-inch diameter, 1,000-foot long penstock leading to; (3) a powerhouse to contain three generating units with a combined rated capacity of 1,790 kW; and (4) a 1.25-mile long, 12.5-kV transmission line. The average annual energy output would be 11 million kWhs.

**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 March 10, 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 March 10, 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.

Lois D. Cashell,  
Acting Secretary.

[FR Doc. 82-1958 Filed 1-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5219-000]

**Spring River Power Developers and the City of Searcy, Arkansas; Application for Preliminary Permit**

January 21, 1982.

Take notice that Spring River Power Developers and the City of Searcy, Arkansas (Applicants) filed on August 11, 1981, an application for preliminary

permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5219 to be known as the Dam No. 3 Project located on the Spring River near Mammoth Spring in Fulton County, Arkansas. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicants should be directed to: Mr. Glenn N. Sink, P.O. Box 1052, Searcy, Arkansas 72143.

**Project Description**—The proposed project would consist of: (1) An existing concrete dam owned by the Arkansas Power & Light Company, 150 feet long and 30 feet high; (2) an impoundment with a storage of approximately 350 acre-feet at an elevation of 240 msl; (3) new trash racks and inlet works; (4) a rehabilitated wood frame powerhouse, 20 by 30 feet, containing two turbine/generating units with a total capacity of 350 kW; (5) a rehabilitated switchyard at the east end of the dam; and (6) an existing 33-kV transmission line 200 yards long. The average annual generation of 1.5 million kWh would probably be sold to the Arkansas-Missouri Power Corporation.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. Applicants seek issuance of a preliminary permit for a period of three years, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicants estimate the cost of the studies under the permit would be \$19,000.

**Competing Applications**—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before April 5, 1982, the competing application itself, or a notice of intent to file such an application [see: 18 CFR 4.30 et seq. (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 April 5, 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 June 3, 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 April 5, 1982.

*Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 82-1959 Filed 1-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5704-000]

**James H. Stephens; Application for Preliminary Permit**

January 22, 1982.

Take notice that James H. Stephens (Applicant) filed on December 1, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5704 to be known as the Stephens Project located on Sweetwater Creek, in Garfield County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Eric Reus Jacobsen, Hydro-West/Colorado, Box 2162, Grand Junction, Colorado 81502.

*Project Description*—The proposed project would occupy lands administered by the Bureau of Land Management and would consist of: (1) The existing Stephens diversion, 12 feet long and 4 feet high, formed by a loose fill rock weir and headgates; (2) a new 21-inch, 1,200-foot long steel penstock; (3) a new 8- by 10-foot powerhouse containing one 90-kW turbine/generator unit operating under an effective head of 92 feet; (4) a 600-foot long, 4.4-kV transmission line; and (5) appurtenant facilities.

The average annual generation of 1.2 million kWh would be sold to the Holy Cross Electric Association.

*Proposed Scope of Studies Under Permit*—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be \$27,000.

*Competing Applications*—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before May 10, 1982, the competing application itself [see: 18 CFR 4.30 et seq. (1981)]. A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to

submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before April 9, 1982, and should specify the type of application forthcoming. Application for licensing or exemption from licensing must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

*Agency Comments*—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

*Comments, Protests, or Petitions To Intervene*—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before April 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 82-1960 Filed 1-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5244-000]

**Western Hydro Electric Inc.;  
Application for Short-Form License  
(Minor)**

January 22, 1982.

Take notice that Western Hydro Electric Incorporated (Applicant) filed on August 18, 1981, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for construction and operation of a water power project to be known as Causey Hydro Project No. 5244. The project would be located on the South Fork of the Ogden River in Weber County, Utah. Correspondence with the Applicant should be directed to: J. Kirk Rector, Attorney at Law, 4832 Colony Circle, Salt Lake City, Utah 84117.

**Project Description**—The proposed project would utilize the existing Bureau of Reclamation's Causey Dam and Reservoir, operated and maintained by the Weber Basin Water Conservation District, and would consist of: (1) A 42-inch diameter steel penstock utilizing the existing outlet works near the left dam abutment and leading to (2) a new powerhouse containing two generating units having a rated capacity of 300 kW and 1,100 kW, respectively, for a total rated capacity of 1,400 kW; (3) a tailrace; (4) new and replacement 12.5-kV transmission lines; (5) a switchyard; and (6) appurtenant facilities. The Applicant estimates that the average annual energy output would be 5,393,760 kWh.

**Purpose of Project**—Project energy would be sold to the Utah Power and Light Company.

**Agency Comments**—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments 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 April 2, 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 April 2, 1982.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 82-1961 Filed 1-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-229-000]

**Alabama Power Co.; Proposed Tariff  
Change**

January 21, 1982.

The filing Company submits the following:

Take notice that Alabama Power Company (Alabama) on January 18, 1982, tendered for filing the proposed changes in its FERC Electric Tariff, Original Volume No. 1. The proposed

changes would increase revenues from jurisdictional sales and service by \$9,430,610 based on the calendar year 1982.

Alabama states that the rate increase is necessary to cover the increased cost of providing service to its distribution cooperative and municipal customers. Alabama cites increased expenses, increased utility plant investment and increased cost of capital, as the major reasons for the requested increase. Alabama requests an effective date of March 19, 1982.

Copies of the filing were served upon the affected distribution cooperatives and municipalities, Alabama Public Service Commission and Southeastern Power Administration.

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 February 12, 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 82-2034 Filed 1-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-228-000]

**Allegheny Power Service Corp.; Filing**

January 21, 1982.

The filing Company submits the following:

Take notice that Allegheny Power Service Corporation, (Allegheny) on January 15, 1982, tendered for filing on behalf of Monongahela Power Company, the Potomac Edison Company and West Penn Power Company, the electric utilities which make the integrated Allegheny Power System, Amendment No. 5 dated January 1, 1982, to the Power Supply Agreement dated January 1, 1968 between Monongahela Power Company, the Potomac Edison Company and West Penn Power Company, designated Monongahela Rate Schedule FERC No. 27, Potomac Edison Rate Schedule FERC No. 29 and West Penn Rate Schedule FERC No. 25.

Allegheny states that Amendment No. 5 increases the rates, after provision for federal and state income taxes, so as to provide an overall rate of return of 10.7% rather than the 9.1% factor presently included in the Agreement.

Allegheny further states that since capacity equalization charges depend upon the load capacity situations of each of the parties from time to time, it is impossible to estimate the increase in revenue of each of them which would result from Amendment No. 5.

Allegheny requests an effective date of January 1, 1982, and therefore requests waiver of the Commission's notice requirements.

According to Allegheny the change proposed is for the purpose of reflecting increased costs of financing incurred by the companies.

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 February 12, 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.

Lois D. Cashell,  
Acting Secretary.

[FR Doc. 82-2035 Filed 1-26-82; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. ER80-592]

**Allegheny Power Service Corp.;  
Compliance Filing**

January 21, 1982.

The filing company submits the following:

Take notice that on January 11, 1982, Allegheny Power Service Corporation filed a revised Schedule-A Emergency Service in compliance with the Commission's order of December 18, 1981.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before February 12, 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.

Lois D. Cashell,  
Acting Secretary.

[FR Doc. 82-2036 Filed 1-26-82; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. ER82-227-000]

**Central Illinois Light Co.; Filing**

January 21, 1982.

The filing Company submits the following:

Take notice that on January 15, 1982, Central Illinois Light Company (CILCO) tendered for filing Modification No. 3, dated December 15, 1981 to the Interconnection Agreement between CILCO and the City of Springfield, Illinois (Springfield) (CILCO Rate Schedule FERC No. 21).

Modification No. 3 increases the demand rates for Scheduled Maintenance, Short-Term Firm and Short-Term Non-Firm Power in Service Schedules C, E and F to the Interconnection Agreement.

CILCO requests waiver on the Commission's notice requirements in order to allow for an effective date of March 15, 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 February 12, 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.

Lois D. Cashell,  
Acting Secretary.

[FR Doc. 82-2037 Filed 1-26-82; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. ER82-224-000]

**Cincinnati Gas & Electric Co.;  
Proposed Tariff Change**

January 21, 1982.

The filing Company submits the following:

Take notice that The Cincinnati Gas & Electric Company (Cincinnati) tendered for filing on January 12, 1982, a Fourth Supplemental Agreement dated as of

October 1, 1981 to the Interconnection Agreement dated September 15, 1969, between Cincinnati and the City of Hamilton, Ohio designated Cincinnati's Rate Schedule FPC No. 32.

Cincinnati states that the Fourth Supplemental Agreement increases the Demand Charge for Short-Term Power from \$0.70 per kilowatt per week to \$1.05 per kilowatt per week, increases the Capacity Charge for Capacity Reservation Power Service from \$3.75 per kilowatt per month to \$5.50 per kilowatt per month and adds a provision that the costs of Capacity Reservation Energy purchased by Cincinnati from a third party shall be Cincinnati's out-of-pocket costs for such purchased Energy plus 1 mill per kilowatt-hour. There is no estimate of increased revenues from the proposed charges since Short-Term Power and Capacity Reservation Power Service transactions will occur only as load and capacity conditions dictate.

Cincinnati further states that the reason for the increase is to establish equitable rates for Short-Term Power and Capacity Reservation Power Service for the City of Hamilton.

Cincinnati requests an effective date of October 1, 1981, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 12, 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.

Lois D. Cashell,  
Acting Secretary.

[FR Doc. 82-2038 Filed 1-26-82; 8:45 am]  
BILLING CODE 6717-01-M

[Project No. 5641-000]

**Hydro Resource Co.; Application for  
Preliminary Permit**

January 22, 1982.

Take notice that Hydro Resource Company (Applicant) filed on November 12, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project

No. 5641 to be known as the Harlan Creek Project located on Harlan Creek, near Skykomish, within the lands of 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: Mr. Jerry L. Johnson, Hydro Resource Company, P.O. Box 485, Lynden, Washington 98264.

**Project Description**—The proposed project would consist of: (1) An 8-foot high, 50-foot long concrete gravity dam; (2) a reservoir with no active storage and less than 1-acre surface area; (3) a 3,800-foot long, 24-inch diameter pipeline; (4) a 1,850-foot long, 24-inch diameter penstock; (5) a powerhouse with total installed capacity of 2,000 kW and (6) a 20,000-foot long, 345-kV transmission line from the powerhouse to an existing powerline. The Applicant estimates that the average annual energy production would be 17.5 million kWh.

**Proposed Scope of Studies Under Permit**—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which it would conduct technical, environmental and economic analysis; and prepare an FERC license application. No new roads would be required for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be \$150,000.

**Competing Applications**—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before April 5, 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 April 5, 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 June 3, 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 April 5, 1982.

**Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 82-2039 Filed 1-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-210-000]

**Mid-Continent Area Power Pool; Filing**

January 21, 1982.

The filing Company submits the following:

Take notice that on January 7, 1982, Mid-Continent Area Power Pool (MAPP) tendered for filing Amendment No. 14 to the Mid-Continent Area Power Pool Agreement.

MAPP states that this filing is on behalf of the following who are the jurisdictional parties of the subject Agreement:

Interstate Power Company  
Iowa Electric Light and Power Company  
Iowa-Illinois Gas and Electric Company  
Iowa Power and Light Company  
Iowa Public Service Company  
Iowa Southern Utilities Company  
Lake Superior District Power Company  
Minnesota Power and Light Company  
Montana-Dakota Utilities Company  
Northwestern Public Service Company  
Otter Tail Power Company

MAPP further states that Amendment No. 14 is the result of review of Pool Service Schedules by the Rates Subcommittee of the Pool Administrative Committee. Specifically Agreement Amendment No. 14 revisions can be summarized as follows:

1. Increase the demand charge rate for Service Schedule B.
2. Increase demand charge rates for Service Schedule K.

MAPP proposes an effective date of May 1, 1982.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 8, 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 82-2040 Filed 1-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER81-779-000]

**Pennsylvania Power Co.; Order Accepting for Filing and Suspending Revised Rates, Waiving Regulations, Denying Motions for Summary Disposition, Granting Intervention and Establishing Price Squeeze and Hearing Procedures**

January 21, 1982.

On October 7, 1981, Pennsylvania Power Company (Penn Power) tendered for filing a proposed two-step increase in wholesale rates, comprised of Rate Level A and Rate Level B, for service to

five customers.<sup>1</sup> The proposed Level A rates would result in increased revenues of approximately \$1,671,950 (40.1%) for the twelve-month period ending December 31, 1981. The proposed Level B rates would result in an additional increase in revenues of approximately \$652,870. Penn Power requests that the Level A rates be permitted to become effective, subject to refund, on January 23, 1982. The company further requests waiver of the requirements of § 35.13(d)(3)(ii)(A) of the Commission's regulations since the proposed effective date is more than nine months from the commencement of Period II. The company, however, seeks to implement the Level B increase prospectively only, with that increase of any other increase above Level A found to be justified on the basis of an Initial Decision in this proceeding, to become effective from the date of such Initial Decision and subject to refund pending Commission determination of the just and reasonable rate level. The stated purpose of this bifurcated rate request is to reduce Penn Power's potential refund liability.

Notice of the filing was issued on October 19, 1981, with responses due on or before November 9, 1981. On November 9, 1981, the Boroughs of Ellwood City, Grove City, Wampum, New Wilmington and Zelienople (Boroughs) filed a petition to intervene, protest and motion to reject the filing as patently discriminatory and anticompetitive.<sup>2</sup> Boroughs allege price squeeze and move for summary disposition of certain issues.<sup>3</sup> In addition, Boroughs requests a five month suspension and an order compelling the company to file complete justification and explanation of the

claims presented by its filing. Also, Boroughs request that the price squeeze issue not be phased.

Penn Power filed an answer on December 8, 1981, in which the company challenges Boroughs' motions for summary disposition, disputes the claim of price squeeze, and states that the issues raised by Boroughs are proper for consideration at hearing.

#### Discussion

Initially, we find that participation in this proceeding by Boroughs is in the public interest. Therefore, we shall grant the petition to intervene.

We decline to grant Boroughs' motion to require the filing of additional information of their motion to reject the filing as anticompetitive and discriminatory because the submittal substantially complies with the Commission's filing requirements<sup>4</sup> and because the issues which have been identified present questions of fact which should be addressed on the basis of an evidentiary record. Further, we shall deny the motions for summary disposition inasmuch as each of the issues raised requires analysis of a hearing record. However, with respect to the tax adjustment clause which has been challenged by the Boroughs, we note that implementation of this provision will require timely notice and filing pursuant to § 35.13 of the Commission's regulations.

As noted, Penn Power has requested waiver of that portion of § 35.13 which provides that the test period shall begin no earlier than nine months prior to a utility's proposed effective date. According to the company, it has selected a calendar year 1981 test period and a January 23, 1982 proposed effective date so that both the test year and the effective date would correspond precisely to those proposed for purposes of its retail rates. The intent of the company is to thereby alleviate concerns which have previously arisen regarding anticompetitive effects stemming from disparate effective dates. Under these limited circumstances, we find that good cause exists to grant the request for waiver.

Our analysis indicates that Penn Power's proposed rates have not been shown to be just and reasonable and that they may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we

shall accept the rates for filing and suspend them as ordered below.

In a number of suspension orders,<sup>5</sup> we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances are presented here. While the intervenors have raised issues warranting further inquiry at hearing, our preliminary review of the filing suggests that Penn Power's Level A rates may not produce excessive revenues. The company has agreed to collect these rates subject to refund and has proposed to collect the Level B rates only after a hearing. Accordingly, we shall suspend the Level A rates for one day, to become effective on January 24, 1982, subject to refund. In accordance with Penn Power's request, the Level B rates will be set for hearing along with the Level A rates, with the rates found by an Initial Decision in this proceeding to be just and reasonable to become effective from the date of such Initial Decision, subject to refund pending final Commission order.

We shall deny the Boroughs' request not to phase the price squeeze issue and, in accordance with the Commission's policy established in *Arkansas Power and Light Company*, Docket No. ER79-339 (August 6, 1979), we shall phase the proceeding so that the matter of price squeeze may be considered following a determination of the otherwise just and reasonable rates. As we have previously noted, we believe that the proper rates to be analyzed for purposes of cost-revenue price squeeze comparisons are those rates which would be considered just and reasonable in the absence of a price squeeze. Thus, it is necessary for a decision first to be reached on the cost of service, capitalization, and rate of return issues.<sup>6</sup> If, in the view of the

<sup>1</sup> See Attachment A for rate schedule designations.

<sup>2</sup> In support of the motion to reject, Boroughs state that the proposed rates exacerbate the price squeeze found to exist by the initial Decision in Docket No. ER77-277 which is currently before the Commission for decision.

<sup>3</sup> The requests for summary disposition address Penn Power's: (1) Use of a rate tilt in the rate design; (2) inclusion of a tax adjustment clause in the proposed rates; (3) a rate schedule provision which allows Penn Power sole discretion to refuse to increase the capacity of service facilities in order to furnish off-peak demands; (4) a rate schedule provision which allows Penn Power sole discretion to change peak periods for billing demand purposes; (5) a rate schedule provision which requires that Penn Power only attempt and not guarantee to supply continuous service to Boroughs; (6) inclusion of permanent and interim nuclear fuel disposal costs in the cost of service; (7) inclusion of decommissioning costs (reflecting a total dismantlement method of decommissioning) in the cost of service; (8) inclusion of amortization costs for cancelled nuclear units in the cost of service; (9) the recovery of above-market coal costs in the fuel adjustment clause; and (10) the recovery of replacement power costs due to outages of Beaver Valley Unit No. 1.

<sup>4</sup> See *Municipal Light Boards of Reading and Wakefield, Massachusetts v. FPC*, 450 F.2d 1341 (D.C. Cir. 1971).

<sup>5</sup> E.g., *Boston Edison Co.*, Docket No. ER80-508 (August 29, 1980) (five month suspension); *Alabama Power Co.*, Docket Nos. ER80-506, et al. (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80-488, (August 22, 1980) (one day suspension).

<sup>6</sup> This is true notwithstanding the Boroughs' reliance on the earlier Initial Decision in Docket No. ER77-277. That decision remains under

intervenor staff, a price squeeze persists following the preliminary portion of this proceeding, a second phase of the proceeding may follow.

#### The Commission Orders

(A) The Boroughs' motions for rejection or summary disposition are hereby denied.

(B) Penn Power's request for waiver of § 35.13(d)(3)(ii)(A) of the Commission's regulations is hereby granted.

(C) Penn Power's proposed Level A rates are hereby accepted for filing and are suspended for one day, to become effective on January 24, 1982, subject to refund.

(D) Penn Power's proposed Level B rate increase is hereby accepted for filing, with the rates found by an Initial Decision in this docket to be just and reasonable to become effective from the date of that Initial Decision, subject to refund pending final Commission order in this proceeding.

(E) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE 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 Penn Power's rates and rate schedule provisions.

(F) Boroughs are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however*, That participation by the intervenors shall be limited to matters set forth in their petitions to intervene; and *Provided, further*, That the admission of any intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any order of the Commission in this proceeding.

(G) The Commission staff shall serve top sheets in this proceeding on or before January 22, 1982.

(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 the service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. The designated law judge is authorized to establish procedural dates and to rule on all motions (except

motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(I) Penn Power is hereby informed that implementation of its tax adjustment clause will require timely notice and filing with the Commission pursuant to section 35.13 of the regulations, together with appropriate cost data to support such change.

(J) We hereby order initiation of price squeeze procedures and further order that this proceeding shall be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for a consideration price squeeze, would be just and reasonable. The presiding judge may order a change in this schedule for good cause. The price squeeze portion of this case shall be governed by the procedures set forth in § 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(K) The Secretary shall promptly publish this order in the *Federal Register*.

By the Commission,  
Lois D. Cashell,  
*Acting Secretary.*

#### Attachment A—Pennsylvania Power Co. Rate Schedule Designations

[Docket No. ER81-779-000]

Filed: October 7, 1981

Designation	Other party	Description
Supplement No. 2 to rate schedule FPC No. 30 (supersedes supplement No. 1)	New Wilmington	Rate level A
Supplement No. 2 to rate schedule FPC No. 31 (supersedes supplement No. 1)	Wampum	Rate level A
Supplement No. 2 to rate schedule FPC No. 32 (supersedes supplement No. 1)	Zellienople	Rate level A
Supplement No. 2 to rate schedule FPC No. 33 (supersedes supplement No. 1)	Ellwood City	Rate level A
Supplement No. 2 to rate schedule FPC No. 34 (supersedes supplement No. 1)	Grove City	Rate level A
Supplement No. 3 to rate schedule FPC No. 30 (supersedes supplement No. 2)	New Wilmington	Rate level B
Supplement No. 3 to rate schedule FPC No. 31 (supersedes supplement No. 2)	Wampum	Rate level B
Supplement No. 3 to rate schedule FPC No. 32 (supersedes supplement No. 2)	Zellienople	Rate level B
Supplement No. 3 to rate schedule FPC No. 33 (supersedes supplement No. 2)	Ellwood City	Rate level B
Supplement No. 3 to rate schedule FPC No. 34 (supersedes supplement No. 2)	Grove City	Rate level B

[FR Doc. 82-2041 Filed 1-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-225-000]

#### Resources Recovery (Dade County), Inc.; Filing

January 21, 1982.

The filing Company submits the following:

Take notice that on January 12, 1982, Resources Recovery (Dade County), Inc., (RRD) tendered for filing pursuant to 18 CFR 35.1 and 35.12 proposed FERC Rate

Schedule No. 1, applicable to sales of energy and capacity to Florida Power and Light Company (FPL) from a solid waste resource recovery facility operated by RRD in Dade County, Florida.

RRD proposes that the rates under its rate schedule shall be the full avoided costs as determined by the Florida Public Service Commission for FPL purchases from qualifying facilities in Florida under Orders 9970, 10198 and 10331 of the Florida Public Service Commission, and generally applicable

orders amending those orders. For the period from October 1, 1981 through March 31, 1982, the Florida Public Service Commission mandates the following rates for purchases of energy by FPL from qualifying facilities with installed capacity of 0.1 megawatts or more: (1) on peak at 6.492¢ per kWh, (2) off peak at 5.093¢ per kWh, and (3) average at 5.443¢ per kWh. Under Florida Public Service Commission orders, those are minimum payment rates, subject to upward true-revisions to reflect the hourly actual decremental

consideration by the Commission and, in any event, will pertain to a locked-in period. Penn Power has

since filed to increase both its wholesale and retail rates, thus necessitating renewed rate comparisons.

We note, however, that the procedures adopted in *Arkansas Power & Light Company* permit the presiding judge to exercise scheduling discretion where good cause exists.

costs. These true-ups are to be determined every six months in conjunction with FPL's semiannual fuel adjustment hearing.

RRD requests waiver of the Commission's notice requirements so that the rate schedule may take effect as of the date of RRD's initial delivery to FPL.

Additionally, RRD seeks waiver of the Commission's regulations regarding cost of service documentation, accounting practices, reporting requirements, and annual charges, as well as waiver as to property dispositions and consolidations, securities issuances or assumptions of liability, the holding of interlocking positions and such other matters as the Commission deems appropriate.

Copies of the filing were served upon the Florida Power & Light Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, 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 February 12, 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.

Lois D. Cashell,  
*Acting Secretary.*

[FR Doc. 82-2042 Filed 1-26-82; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. CP82-38]

**Tennessee Gas Pipeline Co.; Informal Conference**

January 21, 1982.

On October 23, 1981, Tennessee filed an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing interruptible sales of excess natural gas to Tennessee's existing on-system customers. On November 13, 1981, Equitable Gas Company filed a petition for leave to intervene and requested a hearing be held in this proceeding. On December 17, 1981, New England Customer Group filed a petition for leave to intervene, a protest, and a request for an informal conference. In an answer filed December 23, 1981, Tennessee requested an informal

conference be convened for the purpose of discussing the issues raised by the petitions to intervene.

Take notice that an informal conference in the above-captioned docket will be convened at 10:00 a.m., on February 3, 1982, at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

Customers and other interested 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.

Lois D. Cashell,  
*Acting Secretary.*

[FR Doc. 82-2043 Filed 1-26-82; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. ER82-223-000]

**Washington Water Power Co.; Proposed Tariff Change**

January 21, 1982.

The filing Company submits the following:

Take notice that The Washington Water Power Company (WWP) on January 12, 1982, tendered for filing proposed changes in its FERC Electric Service Tariff, Schedule 61. The proposed changes would increase revenues from jurisdictional sales and service by approximately \$997,000 based on the 12-month period ending September 30, 1981.

WWP states that the proposed rate change is submitted for the purpose of compensating The Washington Water Power Company for increases in its cost of capital, labor, materials, supplies and taxes.

WWP requests an effective date of March 13, 1982.

Copies of the filing have been served upon the five WWP wholesale customers affected by this filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 12, 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.

Lois D. Cashell,  
*Acting Secretary.*

[FR Doc. 82-2047 Filed 1-26-82; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. ER82-23-001]

**West Texas Utilities Co.; Compliance Filing**

January 21, 1982.

The filing Company submits the following:

Take notice that on January 13, 1982, West Texas Utilities Company filed revised rate schedules in compliance with the Commission's December 15, 1981 order.

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 February 12, 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.

Lois D. Cashell,  
*Acting Secretary.*

[FR Doc. 82-2048 Filed 1-26-82; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. ER82-222-000]

**Wisconsin Power and Light Co.; Filing**

January 21, 1982.

The filing Company submits the following:

Take notice that on January 12, 1982, Wisconsin Power and Light Company (WPL) tendered for filing supplements and amendments to Service Schedules B and D (Emergency Energy and Short Term Power respectively) dated December 1, 1981 between the Wisconsin Public Service Corporation and WPL. WPL states that this filing constitutes an amendment and supplement to the Service Schedules between the parties on file with the Commission.

WPL requests an effective date of December 1, 1982, and therefore requests waiver of the Commission's notice requirements.

WPL further states that copies of the filing were sent to the Wisconsin Public Service Corporation and the Public Service Commission of Wisconsin.

Any person desiring to be heard or to protest this 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. All such petitions or protests should be filed on or before February 10, 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.

**Lois D. Cashell,**

*Acting Secretary.*

[FR Doc. 82-2044 Filed 1-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-221-000]

**Wisconsin Power and Light Co.; Filing**

January 21, 1982.

The filing Company submits the following:

Take notice that on January 12, 1982, Wisconsin Power and Light Company (WPL) tendered for filing supplements and amendments to Service Schedules B and D (Emergency Energy and Short Term Power respectively) dated December 1, 1981 between the Wisconsin Public Service Corporation, Madison Gas and Electric Company and WPL. WPL states that this filing constitutes an amendment and supplement to the Service Schedules between the parties on file with the

Commission.

WPL requests an effective date of December 1, 1981, and therefore requests waiver of the Commission's notice of requirements.

WPL further states that copies of the filing were sent to the Wisconsin Public Service Corporation, Madison Gas and Electric Company and the Public Service Commission of Wisconsin.

Any person desiring to be heard or to protest this 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. All such petitions or protests should be filed on or before February 10, 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.

**Lois D. Cashell,**

*Acting Secretary.*

[FR Doc. 82-2045 Filed 1-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-220-000]

**Wisconsin Power and Light Co.; Filing**

January 21, 1982.

The filing Company submits the following:

Take notice that on January 12, 1982, Wisconsin Power and Light Company

(WPL) tendered for filing supplements and amendments to Service Schedules B and D (Emergency Energy and Short Term Power respectively) dated December 1, 1981 between the Madison Gas and Electric Company and WPL. WPL states that this filing constitutes an amendment and supplement to the Service Schedules between the parties on file with the Commission.

WPL requests an effective date of December 1, 1981, and therefore requests waiver of the Commission's notice requirements.

WPL further states that copies of the filing were sent to the Madison Gas and Electric Company and the Public Service Commission of Wisconsin.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street 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 February 10, 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.

**Lois D. Cashell,**

*Acting Secretary.*

[FR Doc. 82-2046 Filed 1-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Volume 581]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: January 21, 1982.

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION								
RECEIVED: 12/22/81 JA: NY								
8212093		3101315877	103		BOSWELL UNIT #1 (#1332)	DEWITTVILLE	25.0	COLUMBIA GAS TRAN
8212090	2141	3101315878	103		BOSWELL UNIT #2 (#1333)	DEWITTVILLE	25.0	COLUMBIA GAS TRAN
-BEREA OIL AND GAS CORPORATION								
RECEIVED: 12/22/81 JA: NY								
8212080	2149	3101316052	103		C & M PARK UNIT #1	RIPLEY-MINA	30.0	COLUMBIA GAS TRAN
8212078	2147	3101316086	103		G & C BOARDMAN UNIT #3	RIPLEY-MINA	30.0	COLUMBIA GAS TRAN
8212081	2148	3101316084	103		G F BOARDMAN UNIT #2	RIPLEY-MINA	25.0	COLUMBIA GAS TRAN
8212086	2121	3101316066	103		LESTER DAMON #1	GERRY	40.0	COLUMBIA GAS TRAN
8212089	2137	3101316296	103		N Y S REFORESTATION AREA #10 - #8	GERRY	25.0	COLUMBIA GAS TRAN
8212083	2151	3101316433	103		S ANDERSON #3	GERRY	35.0	COLUMBIA GAS TRAN
8212087	2122	3101316067	103		V BARMORE UNIT #1	GERRY	40.0	COLUMBIA GAS TRAN
-BLOSSOM GAS CO								
RECEIVED: 12/22/81 JA: NY								
8212095	2050	3101314403	103		WESTFIELD TIMBER PRODUCTS 3134	LAKE SHORE	128.0	NATIONAL FUEL GAS
-CHAUTAQUA ENERGY INC								
RECEIVED: 12/22/81 JA: NY								
8212085	2124	3101316325	103		CROSSMAN #1	LAKESHORE	12.0	NATIONAL FUEL GAS
8212082	2125	3101315867	103		HAMMERMILL #1	LAKESHORE	12.0	COLUMBIA GAS TRAN
8212084	2123	3101315868	103		HAMMERMILL #2	LAKESHORE	12.0	COLUMBIA GAS TRAN
-CUMBERLAND OIL CORP								
RECEIVED: 12/22/81 JA: NY								
8212088	2138	3101315909	103		D FAIRBANKS #1	FORESTVILLE	20.0	NATIONAL FUEL GAS
8212091	2139	3101316267	103		D FAIRBANKS #3	FORESTVILLE	20.0	NATIONAL FUEL GAS
8212073	2227	3101316313	103		LYLE SAGER #1	LAKESHORE	20.0	NATIONAL FUEL GAS
-DESERT GAS EXPLORATION CO INC								
RECEIVED: 12/22/81 JA: NY								
8212098	2176	3101315012	103		KIRYLENKO DG 120	LAKESHORE	0.0	NATIONAL FUEL SUP
8212099	2170	3101316026	103		SMITH UNIT #1 DG 129	LAKESHORE	0.0	NATIONAL FUEL GAS
8212097	2169	3101316027	103		SMITH UNIT #2 DG #130	LAKESHORE	0.0	NATIONAL FUEL GAS
8212103	2179	3101315645	103		TRI VAL FARMS #1 #1	LAKESHORE	0.0	NATIONAL FUEL GAS
8212101	2177	3101315645	103		TRI VAL FARMS #4 DG 128 #4	LAKESHORE	0.0	NATIONAL FUEL GAS
8212100	2178	3101315655	103		TRI VAL FARMS DG #127 #3	LAKESHORE	21.0	NATIONAL FUEL GAS
-ENVIROGAS INC								
RECEIVED: 12/22/81 JA: NY								
8212072	2166	3101315566	103		A KOPTA #4	SUMMERDALE	18.0	COLUMBIA GAS TRAN
8212094	2221	3101315337	103		J SVENTEK #1	SUMMERDALE	18.0	COLUMBIA GAS TRAN
8212096	2165	3101316228	103		N Y S REF AREA #5/#19	SUMMERDALE	18.0	COLUMBIA GAS TRAN
8212092	2219	3101315953	103		V GILL #2	SUMMERDALE	18.0	COLUMBIA GAS TRAN
-LENAPE RESOURCES CORP								
RECEIVED: 12/22/81 JA: NY								
*8212112	2263	3112113964	103		LRC #16 - F CZWORKA #1	DANLEY CORNERS	20.0	NEW JERSEY NATURA
*8212075	2264	3112113992	103		LRC #42 - B MORAN #1	DANLEY CORNERS	20.0	NEW JERSEY NATURA
*8212074	2265	3112113995	103		LRC #43 - T GEITNER #1	DANLEY CORNERS	20.0	NEW JERSEY NATURA
*8212077	2266	3112113990	103		LRC #46 - P BARBERG #1	DANLEY CORNERS	20.0	NEW JERSEY NATURA
*8212076	2267	3112113994	103		LRC #49 - C STEDMAN JR #1	DANLEY CORNERS	20.0	NEW JERSEY NATURA
*8212079	2268	3112113993	103		LRC #50 - C STEDMAN JR #2	DANLEY CORNERS	20.0	NEW JERSEY NATURA
-SINCLAIRVILLE PETROLEUM CORP								

JD NO      JA DKT      API NO      D SEC(1) SEC(2) WELL NAME      RECEIVED:      FIELD NAME      PROD      PURCHASER

8212110    1480      3102915625    103      NEWTON #1      WILDCAT      18.0      NATIONAL FUEL SUP

-SUNRISE RESOURCES INC      12/22/81      J A: NY      20.0      NATIONAL FUEL GAS

8212105    2248      3101316527    103      RICHTER #1      LAKESHORE      20.0      NATIONAL FUEL GAS

8212102    2246      3101316528    103      RICHTER #3      LAKESHORE      20.0      NATIONAL FUEL GAS

-VILLANOVA NATURAL GAS CORP      12/22/81      J A: NY      0.0      NATIONAL FUEL GAS

8212106    2238      3101316220    103      STATE REFORESTATION AREA 6 #1      LAKESHORE      0.0      NATIONAL FUEL GAS

8212111    2244      3101316221    103      STATE REFORESTATION AREA 6 #2      STOCKTON      0.0      NATIONAL FUEL GAS

8212109    2240      3101316237    103      STATE REFORESTATION AREA 6 #3      WILDCAT      0.0      NATIONAL FUEL GAS

8212107    2236      3101316309    103      STATE REFORESTATION AREA 6 #4      WILDCAT      0.0      NATIONAL FUEL GAS

8212108    2242      3101316311    103      STATE REFORESTATION AREA 6 #6      WILDCAT      0.0      NATIONAL FUEL GAS

8212104    2234      3101316310    103      STATE REFORESTATION 6 #5      WILDCAT      0.0      NATIONAL FUEL GAS

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OHIO DEPARTMENT OF NATURAL RESOURCES

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-AMERICAN EXPLORATION CO      RECEIVED: 12/21/81      J A: OH      10.0      LIBBEY OWENS FORD

8211847    3405921946    108      G MYERS #1      10.0

8211848    3412723696    108      R MASTERSON #1

-APPALACHIAN PETROLEUM CORP      RECEIVED: 12/21/81      J A: OH      3.5      COLUMBIA GAS TRAN

8211849    3416726075    103      E PABST #1      ADAMS

-ATLAS ENERGY GROUP INC      RECEIVED: 12/21/81      J A: OH      18.0      NATIONAL FUEL GAS

8211858    3415521728    102-2    107-TF    J S & B MITCHELL #1      HARTFORD

8211853    3415521428    103      107-TF    KLINGAMAN UNIT #1      BROOKFIELD

8211859    3415521753    102-2    107-TF    KOSTOFF #1      HARTFORD

8211856    3415521611    103      107-TF    MCKAY #1      BROOKFIELD

8211855    3415521608    102-2    107-TF    MCKAY #2      BROOKFIELD

8211854    3415521557    103      107-TF    MCKAY #1      BROOKFIELD

8211852A    3415520583    102-2    107-TF    OHIO WATER SERVICE #1      HARTFORD

8211852B    3415520683    D    107-TF    OHIO WATER SERVICE #1      HARTFORD

8211851A    3415520682    102-2    107-TF    OHIO WATER SERVICE #2      HARTFORD

8211851B    3415520682    D    107-TF    OHIO WATER SERVICE #2      HARTFORD

8211850    3415520681    102-2    107-TF    OHIO WATER SERVICE #3      HARTFORD

8211857    3415521723    102-2    107-TF    RUIHLEY #2      HARTFORD

-BEREA OIL AND GAS CORPORATION      RECEIVED: 12/21/81      J A: OH      4.2      EAST OHIO GAS CO

8211872    3415520632    D    108      CREED-GIFFORD UNIT #1      LIBERTY

8211871    3415520630    D    108      CREED-GIFFORD UNIT #2      LIBERTY

8211869    3415520628    D    108      CREED-GIFFORD UNIT #3      LIBERTY

8211870    3415520629    D    108      CREED-GIFFORD UNIT #4      LIBERTY

8211867    3411925845    103      107-TF    G RICHEY #3      UNION

8211861    3411924404    D    108      H & K BRILL #1      RICH HILL

8211874    3415520736    D    108      H SCHLACT #1      FARMINGTON

8211875    3415520766    D    108      H SCHLACT #2      FARMINGTON

8211876    3415520781    D    108      H SCHLACT #3      FARMINGTON

8211873    3415520735    D    108      H SCHLACT #4      FARMINGTON

8211862    3411924406    D    108      J & B BALL #1      RICH HILL

8211863    3411925726    103      107-TF    J YAW #1      UNION

8211865    3411925766    103      107-TF    L GOFF #2      UNION

8211878    3415520792    D    108      R A STILLWAGON #1      LIBERTY

8211877    3415520791    D    108      R A STILLWAGON #2      LIBERTY

8211868    3413521172    D    108      W & H MANGOLD #1      WEATHERSFIELD

8211866    3411925808    103      107-TF    W CUBBISON #1      RANDOLPH

8211864    3411925739    103      107-TF    W HERRON #3      UNION

-CALTEX MINERALS CORP      RECEIVED: 12/21/81      J A: OH      0.0      COLUMBIA GAS TRAN

8211881    3416723990    103      HAROLD TORNES #1      SALT CREEK

11.0      GAS TRANSPORT INC      WATERTOWN

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8211882		3416724528	103	RECEIVED:	ISAAC WEST #1	LIBERTY	18.0	COLUMBIA GAS TRAN
-CARLTON OIL CORP					12/21/81 JA: OH			
8211880		3412122527	103	RECEIVED:	WANGER #1	JACKSON	50.0	
-CLINTON OIL CO					12/21/81 JA: OH			
8211887		3415723573	103	RECEIVED:	107-TF ARCHINAL #1-624	LAWRENCE	30.0	COLUMBIA GAS TRAN
8211884		3411924158	108	RECEIVED:	L SWINGLE #1		10.0	COLUMBIA GAS TRAN
8211883		3411924156	108	RECEIVED:	PAUL MILLER #1		10.0	COLUMBIA GAS TRAN
8211886		3413322591	107-TF	RECEIVED:	STREETSBORO #2-669	STREETSBORO	30.0	COLUMBIA GAS TRAN
8211885		3411925917	103	RECEIVED:	WILLIAM BEE #1-648	FALLS	10.0	
-CRYSTAL ENERGY					12/21/81 JA: OH			
8211889		3410322498	103	RECEIVED:	107-TF KENNETH & ELLEN BREYLEY #2	SPENCER	36.0	
-DORAN & ASSOCIATES INC					12/21/81 JA: OH			
8211890		3407522972	103	RECEIVED:	DAN HERSBERGER #1	PAINT	12.0	COLUMBIA GAS TRAN
8211891A		3412724971	103	RECEIVED:	HOUSEHOLDER #3B	JACKSON	12.0	COLUMBIA GAS TRAN
8211891B		3412724971	D 107-TF	RECEIVED:	HOUSEHOLDER #3B	JACKSON	12.0	COLUMBIA GAS TRAN
8211892A		3412725287	103	RECEIVED:	PAMELA SIDWELL #2	JACKSON	12.0	COLUMBIA GAS TRAN
8211892B		3412725287	D 107-TF	RECEIVED:	PAMELA SIDWELL #2	JACKSON	12.0	COLUMBIA GAS TRAN
-EARTH RESOURCES EXPL DEV CORP					12/21/81 JA: OH			
8211894		3413322688	103	RECEIVED:	107-TF CALLEN UNIT #1	WINDHAM	10.0	
8211893		3413322685	103	RECEIVED:	107-TF SCHWAN-SFERO #1	WINDHAM	5.0	
-ELAN ENERGY INC					12/21/81 JA: OH			
8211898		3416923066	107-TF	RECEIVED:	ANDY MILLER #1	PAINT	25.0	COLUMBIA GAS TRAN
8211895		3416922992	107-TF	RECEIVED:	GINGERICH/UENGERD #1	PAINT	25.0	COLUMBIA GAS TRAN
8211897		3416922995	107-TF	RECEIVED:	GORDON NUSSBAUM #1	PAINT	25.0	COLUMBIA GAS TRAN
8211896		3416922993	107-TF	RECEIVED:	SIMON MILLER #1	PAINT	25.0	COLUMBIA GAS TRAN
-ENERGY DEVELOPMENT CORP					12/21/81 JA: OH			
8211899		3400721722	103	RECEIVED:	107-TF BRINKER UNIT #2	ORWELL	15.0	
-EVERFLOW EASTERN INC					12/21/81 JA: OH			
8211900		3413322578	103	RECEIVED:	107-TF BRONCO ASSOCIATES #1	EDINBURG	0.0	
8211901		3413322578	103	RECEIVED:	107-TF BRONCO ASSOCIATES #1	EDINBURG	0.0	
-FINEK OIL & GAS CO					12/21/81 JA: OH			
8211902		3412725189	103	RECEIVED:	SWEENEY #1	JACKSON	0.0	
-FUTURE ENERGY CORPORATION					12/21/81 JA: OH			
8211903		3411521842	107-TF	RECEIVED:	P BRAGG #1	MALTA	128.0	COLUMBIA GAS TRAN
8211904		3411521963	107-TF	RECEIVED:	R PENROSE #1	PENN	75.0	COLUMBIA GAS TRAN
8211905		3411522079	107-TF	RECEIVED:	R PENROSE #2	PENN	128.0	COLUMBIA GAS TRAN
-GASEARCH INC					12/21/81 JA: OH			
8211907		3407322415	103	RECEIVED:	107-TF GRAVES #1	STARR	20.0	COLUMBIA GAS TRAN
8211909		3413322520	103	RECEIVED:	107-TF ISLER UNIT #1	WINDHAM	20.0	
8211908		3413322498	103	RECEIVED:	107-TF RUBINO - SPENCER UNIT #2	WINDHAM	20.0	EAST OHIO GAS CO
8211906		3407322414	103	RECEIVED:	107-TF SEEL-GRAVES UNIT #1	STARR	20.0	COLUMBIA GAS TRAN
8211911		3413322640	103	RECEIVED:	107-TF TIMMONS #3	WINDHAM	20.0	
8211910		3413322544	103	RECEIVED:	107-TF VAILL-NEWHOUSE UNIT #2	RAVENNA	20.0	
-6EO ENERGY INC					12/21/81 JA: OH			
8211912		3403124403	103	RECEIVED:	LARGE #3A	HONROE	2.0	COLUMBIA GAS TRAN
-GREEN GAS COMPANY					12/21/81 JA: OH			
8211913		3405922922	103	RECEIVED:	107-TF ROLLING HILL SCHOOL DISTRICT #3	JACKSON	10.0	COLUMBIA GAS TRAN
-HELEN & J L COATS					12/21/81 JA: OH			
8211888		3405320692	103	RECEIVED:	H C & ANNA R WAUGH #2	ADDISON	0.0	COLUMBIA GAS TRAN
-HERALD OIL & GAS CO					12/21/81 JA: OH			
8211924		3410522189	103	RECEIVED:	BOB BRANHAM #1	SCIPIO	0.0	COLUMBIA GAS TRAN
8211915		3410522072	103	RECEIVED:	FELIX ALKIRE #1	SCIPIO	0.0	COLUMBIA GAS TRAN
8211923		3410522184	103	RECEIVED:	GUY HARPER #1	SCIPIO	0.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8211916		3410522097	103		HOWARD THOMA #1	SALISBURY	0.0	COLUMBIA GAS TRAN
8211918		3410522154	103		HUGH MITCHELL #1	SALISBURY	0.0	COLUMBIA GAS TRAN
8211921		3410522178	103		KENNETH EBLIN #1	RUTLAND	0.0	COLUMBIA GAS TRAN
8211920		3410522176	103		LARRY PICKENS #1	SALISBURY	0.0	COLUMBIA GAS TRAN
8211917		3410522098	103		RICHARD RUSSELL #1	SALISBURY	0.0	COLUMBIA GAS TRAN
8211919		3410522156	103		ROBERT RICHARDS #1	SALISBURY	0.0	COLUMBIA GAS TRAN
8211922		3410522179	103		ROLAND MORRIS #1	RUTLAND	0.0	COLUMBIA GAS TRAN
8211914		3405320677	103		ROY E MOONEY #1	ADDISON	0.0	COLUMBIA GAS TRAN
8211925		3410522202	103		WILLIAM RIGHTHOUSE #1	SALISBURY	0.0	COLUMBIA GAS TRAN
				RECEIVED:	12/21/81	JA: OH		
-MILLTOP DEVELOPMENT CORP								
8211926		3411925885	103		W WAGNER #1	CASS	3.0	NATIONAL GAS & OI
-HOPCO RESOURCES INC				RECEIVED:	12/21/81	JA: OH		
8211928		3411925504	103		GARY HOPKINS #1	FALLS	12.0	COLUMBIA GAS TRAN
8211927		3411925492	103		TATHAM #1	LICKING	12.0	COLUMBIA GAS TRAN
				RECEIVED:	12/21/81	JA: OH		
-I R D CORP								
8211929		3410322442	103		HOGUE #3	HARRISVILLE	0.0	
-IRVIN PRODUCING COMPANY				RECEIVED:	12/21/81	JA: OH		
8211930		3411925781	103		FRANK GIBSON #2	SPRINGFIELD	10.0	COLUMBIA GAS TRAN
-J-R DEVELOPMENT CO				RECEIVED:	12/21/81	JA: OH		
8211931		3412725173	107-TF		CROSSAN #1	FULTONHAM WEST	20.0	COLUMBIA GAS TRAN
-JERRY MOORE INC				RECEIVED:	12/21/81	JA: OH		
8211972		3403124040	103		AUDRA SCHELTZ UNIT #1-15	NEW BEDFORD	2.0	COLUMBIA GAS TRAN
-K S T OIL & GAS CO INC				RECEIVED:	12/21/81	JA: OH		
8211944		3415320974	103		FIELDMAN UNIT #1	NORTHAMPTON	0.0	LIBBY OMENS FORD
8211941		3415320961	103		HOSTERMAN UNIT #1	BOSTON	0.0	
8211940		3415320904	103		MCCULLOUGH-SENEFF #1	NORTHAMPTON	0.0	
8211937		3415320890	103		MULDOONEY #1	NORTHAMPTON	0.0	REPUBLIC STEEL CO
8211938		3415320891	103		MULDOONEY #2	NORTHAMPTON	0.0	REPUBLIC STEEL CO
8211939		3415320903	103		NORTHAMPTON BAPTIST CHURCH #1	NORTHAMPTON	0.0	REPUBLIC STEEL CO
8211945		3415320978	103		SABINO UNIT #1	STOW	0.0	EAST OHIO GAS CO
8211935		3415320661	103		SEASONS #2	STOW	0.0	EAST OHIO GAS CO
8211932		3415320657	103		SEASONS #3	STOW	0.0	EAST OHIO GAS CO
8211933		3415320658	103		SEASONS #4	STOW	0.0	EAST OHIO GAS CO
8211936		3415320663	103		SEASONS #7	STOW	0.0	EAST OHIO GAS CO
8211934		3415320660	103		SEASONS #8	STOW	0.0	EAST OHIO GAS CO
8211943		3415320967	103		SHAW UNIT #1	NORTHAMPTON	0.0	LIBBY OMENS FORD
8211942		3415320966	103		STAHL #1	NORTHAMPTON	240.0	
-L & M PETROLEUM INC				RECEIVED:	12/21/81	JA: OH		
8211947		3412725298	107-TF		CLAYCRAFT #12	SALT LICK	18.3	COLUMBIA GAS TRAN
8211946		3412724991	107-TF		CLAYCRAFT #15	SALT LICK	12.0	COLUMBIA GAS TRAN
8211948		3412725300	107-TF		CLAYCRAFT #16	SALT LICK	18.3	COLUMBIA GAS TRAN
8211949		3412725373	107-TF		CLAYCRAFT #17	SALT LICK	12.0	COLUMBIA GAS TRAN
				RECEIVED:	12/21/81	JA: OH		
-L & S OIL & GAS								
8211950		3411522385	103		SNIDER #1 2385	SNIDER-DEERFIELD TWP	0.0	COLUMBIA GAS TRAN
-LAKE REGION OIL INC				RECEIVED:	12/21/81	JA: OH		
8211952		3410322452	107-TF		F & M & G R KUNGL #1	SPENCER	10.0	COLUMBIA GAS TRAN
8211953		3410322454	103		F & M & G R KUNGL #2	SPENCER	10.0	COLUMBIA GAS TRAN
8211954		3410322557	107-TF		GLEN CROSS #1	SPENCER	10.0	COLUMBIA GAS TRAN
8211951		3410322336	107-TF		JAMES ST VINCENT #2	SPENCER	10.0	COLUMBIA GAS TRAN
				RECEIVED:	12/21/81	JA: OH		
-LANDPROVEST INC								
8211955		3411925866	107-TF		HALL-KIRKBRIDE #1	YOUNG HICKORY	50.0	
-LEADER EQUITIES INC				RECEIVED:	12/21/81	JA: OH		
8211962		3411925644	103		BRENNEN #1	MUSKINGHAM	15.0	

JD NO	JA JKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8211961		3411522490	103	107-TF	COYLE #1	MEIGSVILLE	15.0	
8211963		3411925921	103	107-TF	FULKS #1	CASS	16.0	
8211957		3411522334	103	107-TF	HANN 1-A	MEIGSVILLE	12.0	
8211960		3411522487	103	107-TF	HARMAN #2	MEIGSVILLE	15.0	
8211956		3411522243	103	107-TF	OLIVER #1	MEIGSVILLE	15.0	
8211958		3411522350	103	107-TF	T JOHNSON #1	MEIGSVILLE	15.0	
8211959		3411522384	103	107-TF	T JOHNSON #2	MEIGSVILLE	15.0	
				RECEIVED:	12/21/81			
					JA: OH			
				107-TF	GREER #1	SHALERSVILLE	6.0	PARK OHIO INDUST
8211966		3413322661	107-TF		N MOORE #2	BLUE ROCK	12.0	WILLISTON OIL COR
8211965		3411924614	107-TF		N MOORE #4	BLUE ROCK	12.0	WILLISTON OIL COR
8211964		3411924612	107-TF					
				RECEIVED:	12/21/81			
					JA: OH			
				107-TF	PAUL & ELSIE GRAY #1		22.0	
8211969		3405923013	107-TF		H A PORTERFIELD #1	WADSWORTH	22.0	
8211976		3410322584	103	107-TF	H A PORTERFIELD #1	WADSWORTH	22.0	
8211977		3410322585	103	107-TF	H A PORTERFIELD #2	EDINBURG	20.0	GENERAL ELECTRIC
				RECEIVED:	12/21/81			
					JA: OH			
				107-TF	GEIB #2	EDINBURG	20.0	GENERAL ELECTRIC
8211978		3413322457	107-TF		MOLEDOOR-RAFFERTY #1	LEXINGTON	20.0	AMERICAN ENERGY S
8211979		3415123556	107-TF		G R & N HIPPI #1	HARDY	0.0	COLUMBIA GAS TRAN
				RECEIVED:	12/21/81			
					JA: OH			
				107-TF	RUEGG #3	TUSCARAWAS	20.0	COLUMBIA GAS TRAN
8211980		3407522397	107-TF					
				RECEIVED:	12/21/81			
					JA: OH			
				107-TF	ALBERT HIWNO #1	DEERFIELD	12.0	
8211981		3415123168	107-TF		CLARENCE STONE #1		2.0	NATIONAL OIL & GA
8211984		3411522552	103		FRANK HILL #1-A		12.0	NATIONAL OIL & GA
8211985		3411925191	108		REBECCA GRIFFITH #1		3.0	NATIONAL OIL & GA
8211991		3412724195	108		REBECCA GRIFFITH #2		3.0	NATIONAL OIL & GA
8211986		3412723365	108		REBECCA GRIFFITH #3		3.0	NATIONAL OIL & GA
8211988		3412723923	108		TEMPLE RAMBO #1		4.0	NATIONAL OIL & GA
8211990		3412724065	108		TEMPLE RAMBO #2		4.0	NATIONAL OIL & GA
8211987		3412723548	108		TEMPLE-HARTLEY #1		1.0	NATIONAL OIL & GA
8211989		3412723994	108		TEMPLE-HUGHES #1		4.0	NATIONAL OIL & GA
8211983		3411521985	108		12/21/81			
8211982		3411520316	108		JA: OH			
				RECEIVED:	12/21/81			
					JA: OH			
				107-TF	R SEESE (KURZ) #2	CLAYTON	10.0	NATIONAL GAS & OI
8211995		3412725165	103		R WOODSWORTH #1	HADISON	10.0	NEWZANE GAS CO
8211996		3412725242	103					
				RECEIVED:	12/21/81			
					JA: OH			
				107-TF	HOPKINS #2	HUDSON	10.0	
8211994		3415320749	107-TF		PADDOCK #2	RICHFORD	10.0	
8211993		3415320700	107-TF		WEINGART #1	FRANKLIN	35.0	
8211992		3413322218	103					
				RECEIVED:	12/21/81			
					JA: OH			
				107-TF	SUNDAY CREEK COAL #10R		1.3	COLUMBIA GAS TRAN
8212011		3407321848	108		SUNDAY CREEK COAL #11R		1.3	COLUMBIA GAS TRAN
8212012		3407321861	108		SUNDAY CREEK COAL #12R		1.3	COLUMBIA GAS TRAN
8212014		3407321870	108		SUNDAY CREEK COAL #13R		1.2	COLUMBIA GAS TRAN
8212013		3407321868	108		SUNDAY CREEK COAL #15R		1.2	COLUMBIA GAS TRAN
8212015		3407321903	108		SUNDAY CREEK COAL #16R		1.2	COLUMBIA GAS TRAN
8212016		3407321912	108		SUNDAY CREEK COAL #23R		1.2	COLUMBIA GAS TRAN
8212017		3407322000	108		SUNDAY CREEK COAL #24R		1.2	COLUMBIA GAS TRAN
8212018		3407322001	108		SUNDAY CREEK COAL #25R		1.2	COLUMBIA GAS TRAN
8212019		3407322017	108		SUNDAY CREEK COAL #26R		1.2	COLUMBIA GAS TRAN
8211997		3400921816	108		SUNDAY CREEK COAL #27R		4.7	COLUMBIA GAS TRAN
8212020		3407322021	108				1.3	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D SEC(1) SEC(2) WELL NAME	FIELD NAME	PROD	PURCHASER
8211998		3400921848	SUNDAY CREEK COAL #29R	ROSEVILLE	4.7	COLUMBIA GAS TRAN
8212021		3407322060	SUNDAY CREEK COAL #34R		1.2	COLUMBIA GAS TRAN
8212022		3407322085	SUNDAY CREEK COAL #37R		3.5	COLUMBIA GAS TRAN
8211999		3400921871	SUNDAY CREEK COAL #39K		4.7	COLUMBIA GAS TRAN
8212006		3407321722	SUNDAY CREEK COAL #4R		1.3	COLUMBIA GAS TRAN
8212023		3407322097	SUNDAY CREEK COAL #40R		3.5	COLUMBIA GAS TRAN
8212000		3400921890	SUNDAY CREEK COAL #41R		4.7	COLUMBIA GAS TRAN
8212001		3400921891	SUNDAY CREEK COAL #42R		4.7	COLUMBIA GAS TRAN
8212002		3400921910	SUNDAY CREEK COAL #44R		4.7	COLUMBIA GAS TRAN
8212005		3400921914	SUNDAY CREEK COAL #45R		4.7	COLUMBIA GAS TRAN
8212004		3400921913	SUNDAY CREEK COAL #46R		4.7	COLUMBIA GAS TRAN
8212003		3400921912	SUNDAY CREEK COAL #47R		4.7	COLUMBIA GAS TRAN
8212007		3407321756	SUNDAY CREEK COAL #5R		1.3	COLUMBIA GAS TRAN
8212008		3407321781	SUNDAY CREEK COAL #6R		1.3	COLUMBIA GAS TRAN
8212009		3407321803	SUNDAY CREEK COAL #7R		1.3	COLUMBIA GAS TRAN
8212010		3407321828	SUNDAY CREEK COAL #9R		1.3	COLUMBIA GAS TRAN
-R D MILLER			RECEIVED: 12/21/81 JA: OH			
8211971		3411925717	103 107-TF WM & CAROL BRAKE #1		20.0	NATIONAL GAS & OI
-R GENE BRASEL DBA BRASEL & BRASEL			RECEIVED: 12/21/81 JA: OH			
8211879		3405320269	108 BAIRD UNIT #1	WASHINGTON	11.0	COLUMBIA GAS TRAN
-RESOURCE EXPLORATION INC			RECEIVED: 12/21/81 JA: OH			
8212024		3406720260	108 JAMES OLDS #1		2.0	COLUMBIA GAS TRAN
-ROYAL PETROLEUM PROGRAM LTD 81-1.			RECEIVED: 12/21/81 JA: OH			
8212025		3407522785	103 WEAVER #1	PRAIRIE	5.0	COLUMBIA GAS TRAN
-8212026		3407522881	103 WEAVER #2	PRAIRIE	5.0	COLUMBIA GAS TRAN
-SANDHILL ENERGY INC (OH)			RECEIVED: 12/21/81 JA: OH			
8212029		3416726754	103 CHARLES ALLOWAY #1	GRANDVIEW	10.0	
8212028		3416726475	103 GLENDA MICHAELS #2	WASHINGTON	8.8	
-8212027		3416726368	103 NORMAN RIDGEWAY #6	GRANDVIEW	11.2	
-SCHRUMSHNER OIL & GAS EXPLORATION			RECEIVED: 12/21/81 JA: OH			
8212031		3415320926	103 BECKER-CARPENTER UNIT #1	HUDSON	20.0	COLUMBIA GAS TRAN
8212030		3410322678	103 VALASEK UNIT #1-A	GRANGER	20.0	COLUMBIA GAS TRAN
-SKY PETROLEUM CORP			RECEIVED: 12/21/81 JA: OH			
8212032		3410322521	103 WM & ELAIN GOTTHALD #1	WEST SPENCER	36.0	
-TEXACAN ENERGY INC			RECEIVED: 12/21/81 JA: OH			
8212033		3407523068	103 ANDY C YODER #1	BERLIN	12.0	COLUMBIA GAS TRAN
-THE BENATTY CORPORATION			RECEIVED: 12/21/81 JA: OH			
8211860		3400922222	103 W PAE #1	ATHENS	40.0	COLUMBIA GAS TRAN
-THE MUTUAL OIL & GAS COMPANY			RECEIVED: 12/21/81 JA: OH			
8211974		3411122521	103 CHRISTMAN #1-M	SENECA	5.0	COLUMBIA GAS TRAN
8211973		3411122386	103 G BAKER #3M	FRANKLIN	10.0	COLUMBIA GAS TRAN
-8211975		3415320877	103 LIPPMAN #2	NORTHAMPTON	5.0	60 JO INDUSTRIES
-TOWNER PETROLEUM CO			RECEIVED: 12/21/81 JA: OH			
8212049		3405923023	103 A & C WEAVER #1	GUERNSEY	0.0	TENNESSEE GAS PIP
8212040		3405922911	107-TF ALLEN #3	GUERNSEY	0.0	TENNESSEE GAS PIP
8212046		3405923008	103 ARMSTRONG #1	GUERNSEY	0.0	TENNESSEE GAS PIP
8212048		3405923018	103 C & A CRAMBLETT #1	GUERNSEY	0.0	TENNESSEE GAS PIP
8212047		3405923009	103 CRISLIP #1	GUERNSEY	0.0	TENNESSEE GAS PIP
8212050		3405923029	103 CUNNINGHAM #1	GUERNSEY	0.0	TENNESSEE GAS PIP
8212051		3405923031	103 D BETTS #1	GUERNSEY	0.0	TENNESSEE GAS PIP
8212058		3412122388	107-TF G RICHEY #1	WAYNE	0.0	
8212043		3405922947	107-TF HATFIELD #3	GUERNSEY	0.0	
8212041		3405922933	107-TF K DEIOMA #1	GUERNSEY	0.0	

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8212038		3405922575	107-TF		KELLER #2	GUERNSEY	0.0	
8212039		3405922840	103	107-TF	KING #1	GUERNSEY	0.0	TENNESSEE GAS PIP
8212053		3405923041	103		LYONS #1	GUERNSEY	0.0	TENNESSEE GAS PIP
8212052		3405923040	103	107-TF	LYONS/ALBAUGH #1	GUERNSEY	0.0	
8212042		3405922946	103	107-TF	PADEN/PADEN #1	GUERNSEY	0.0	TENNESSEE GAS PIP
8212054		3405923048	103	107-TF	R BOND #2	GUERNSEY	0.0	
8212057		3412122037	107-TF		R BURNS #4	WAYNE	0.0	
8212059		3412122397	107-TF		R SCHAFER #1	OLIVE	0.0	
8212060		3412122630	107-TF		SCHROEDER #1	OLIVE	0.0	
8212056		3405923064	103		SELLE #1	GUERNSEY	0.0	TENNESSEE GAS PIP
8212045		3405922980	107-TF		TOTH #1	GUERNSEY	0.0	
8212044		3405922978	107-TF		WRIGHT #1	GUERNSEY	0.0	
8212055		3405923053	103		YODER #2	GUERNSEY	0.0	TENNESSEE GAS PIP
-VICTOR MCKENZIE				RECEIVED: 12/21/81	JA: OH			
8211970		3412725284	103	107-TF	RUTH SCHULTZ #1	HARRISON	15.0	COLUMBIA GAS TRAN
-Viking Resources Corp				RECEIVED: 12/21/81	JA: OH			
8212064		3415123587	103	107-TF	G & K MARKLE UNIT #1	WASHINGTON	30.0	
8212065		3415123588	103	107-TF	G & K MARKLE UNIT #2	WASHINGTON	30.0	
8212063		3415123349	103	107-TF	KANNEY/FORESTER UNIT #2	PARIS	30.0	
8212061		3409921254	107-TF		RABUZZI UNIT #2	SMITH	30.0	AMERICAN STEEL FO
8212062		3413322615	103	107-TF	THOMAS UNIT #8	EDINBURG	30.0	
-W J LYDIC INC				RECEIVED: 12/21/81	JA: OH			
8211967		3412724951	103	107-TF	EMMERT #1	READING	14.0	
8211968		3412724952	103	107-TF	EMMERT #2	READING	16.0	
-WILLIAM N TIPKA				RECEIVED: 12/21/81	JA: OH			
8212034		3405923054	103	107-TF	ARON #2	WASHINGTON	30.0	
8212036		3410322615	103	107-TF	EVELYN MILLER #1	HINCKLEY	30.0	COLUMBIA GAS TRAN
8212037		3415723575	107-TF		MISKIMEN-BROWN-MULLANE #2	WASHINGTON	0.0	COLUMBIA GAS TRAN
8212035		3410322565	103	107-TF	SAH MYERS #1	WADSWORTH	0.0	EAST OHIO GAS CO
-WILLOCK INC				RECEIVED: 12/21/81	JA: OH			
8212066		3410322363	103	107-TF	WILLIAMS UNIT #1	GRANGER	20.0	
-WITCO CHEMICAL CORP				RECEIVED: 12/21/81	JA: OH			
8212067		3409921226	107-TF		R PHILLIS #1	DAMASCUS	10.0	
8212068		3409921274	107-TF		W TODOR #1	DAMASCUS	10.0	
-Wray Petroleum Corp of Ohio				RECEIVED: 12/21/81	JA: OH			
8212071		3413322499	103	107-TF	STROUP #3	NELSON TOWNSHIP	18.0	EAST OHIO GAS CO
8212070		3413322395	103	107-TF	VAN OSS UNIT #1	NELSON	18.0	EAST OHIO GAS CO
8212069		3413322221	103	107-TF	WORK #1	NELSON	18.0	EAST OHIO GAS CO
** U.S. GEOLOGICAL SURVEY - METAIRIE, LA								
-ARCO OIL AND GAS COMPANY				RECEIVED: 12/22/81	JA: LA 3			
8212148		1770040383	102-1		OCS-6-3496 WEST CAMERON BLK 206 #A	WEST CAMERON	6205.0	NORTHERN NATURAL
8212166		1770040383	102-1		OCS-6-3496 WEST CAMERON BLOCK 206	WEST CAMERON	6205.0	NORTHERN NATURAL
-CHEVRON U S A INC				RECEIVED: 12/22/81	JA: LA 3			
8212120		1772240024	102-5		OCS-6-2184 A-1	SOUTH PASS	84.0	TENNESSEE GAS PIP
8212118		1772240063	102-5		OCS-6-2184 A-11	SOUTH PASS	801.0	TENNESSEE GAS PIP
8212119		1772240050	102-5		OCS-6-2184 A-8	SOUTH PASS	1813.0	TENNESSEE GAS PIP
8212122		1772640010	102-1		OCS-6-4123 #1	BRETON SOUND	117.0	MISSISSIPPI POWER
8212124		1772640011	102-1		OCS-6-4123 #2	BRETON SOUND	44.0	MISSISSIPPI POWER
-COMOCO INC				RECEIVED: 12/22/81	JA: LA 3			
8212162		1772440180	102-5		MAIN PASS BLOCK 311 #A-16	MAIN PASS	0.0	SOUTHERN NATURAL
8212158		1772440179	102-5		MAIN PASS BLOCK 311 #A-17	MAIN PASS	50.0	SOUTHERN NATURAL

JD NO	JA DKT	API NO	D SEC(1) SEC(2) WELL NAME	FIELD NAME	PROD	PURCHASER
8212159	61-2118	1772440148	102-5 MAIN PASS BLOCK 311 #A-6	MAIN PASS BLOCK	50.0	SOUTHERN NATURAL
8212160	61-2119	1772440148	102-5 MAIN PASS BLOCK 311 #A-6D	MAIN PASS BLOCK	50.0	SOUTHERN NATURAL
8212129	61-2152	1772440149	102-5 MAIN PASS BLOCK 311 #A-7	MAIN PASS	50.0	SOUTHERN NATURAL
8212161	61-2250	1772440149	102-5 MAIN PASS BLOCK 311 #A-7D	MAIN PASS	50.0	SOUTHERN NATURAL
8212163	61-2182	1772440152	102-5 MAIN PASS BLOCK 311 #A-8	MAIN PASS	50.0	SOUTHERN NATURAL
8212128	61-2141	1772440186	102-1 MAIN PASS BLOCK 312 #A-19	MAIN PASS BLOCK	0.4	SOUTHERN NATURAL
8212140	61-2251	1772440186	102-1 MAIN PASS BLOCK 312 #A-19D	MAIN PASS BLOCK	50.0	SOUTHERN NATURAL
-EXXON CORPORATION						
8212157	61-2211	1771540407	102-5 12/22/81 JA: LA 3	SOUTH TIMBALIER	2900.0	TRUNKLINE GAS CO
8212123	61-2376	1771540417	102-1 OCS-6 1251 #E-11	SOUTH TIMBALIER	750.0	TRUNKLINE GAS CO
8212143	61-2208	1771940146	102-5 OCS-6 4237 #F-1	WEST DELTA	14.0	TENNESSEE GAS PIP
-GULF OIL CORPORATION						
8212125	61-2331	1771540403	102-5 OCS-026 # J-25	SOUTH TIMBALIER	400.0	TEXAS EASTERN TRA
8212135	61-2305	1771540386	102-5 OCS-6 2624 #B-17	SOUTH TIMBALIER	580.0	TEXAS EASTERN TRA
8212136	61-2243	1771540200	102-5 OCS-6 3336 #D-16	SOUTH TIMBALIER	0.0	TEXAS EASTERN TRA
-MOBIL OIL EXPLORATION & PROD S E						
8212165	61-2233	1771340094	102-5 12/22/81 JA: LA 3	SOUTH PELTO	190.0	TRANSCONTINENTAL
8212156	61-2212	1771340090	102-5 SOUTH PELTO 10 #14A	SOUTH PELTO	50.0	TRANSCONTINENTAL
8212153	61-2213	1771340090	102-5 SOUTH PELTO 9 #8A	SOUTH PELTO	50.0	TRANSCONTINENTAL
-OCEAN PRODUCTION CO						
8212141	61-2231	1771340096	102-5 SOUTH PELTO 9 #8B (ALT)	SOUTH PELTO	550.0	TRANSCONTINENTAL
8212131	61-2232	1771340096	102-5 12/22/81 JA: LA 3	SOUTH PELTO 20 FIELD	1095.0	TRANSCONTINENTAL
-SONAT EXPLORATION COMPANY						
8212132	61-2317	1770340193	102-5 OCS-073 #37B	EAST CAMERON	1643.0	SOUTHERN NATURAL
8212127	61-2318	1770340193	102-5 OCS-073 #37C	EAST CAMERON	567.0	SOUTHERN NATURAL
8212134	61-2315	1770340179	102-5 6-3287 C-5 (SIDETRACK)	EAST CAMERON	986.0	SOUTHERN NATURAL
8212133	61-2316	1770340179	102-5 6-3287 C-5D	EAST CAMERON	126.0	TRUNKLINE GAS CO
8212126	61-2319	1770340190	102-5 6-3288 C-1	EAST CAMERON	177.0	TRUNKLINE GAS CO
-SUN OIL COMPANY (DELAWARE)						
8212121	61-2038	1770440477	102-5 6-3288 C-1D	EAST CAMERON	1312.0	SOUTHERN NATURAL
8212155	61-2033	1770440450	102-5 6-3288 C-6	EAST CAMERON	196.0	TRUNKLINE GAS CO
8212113	61-2034	1770440442	102-5 OCS-6-2063 #B-13	EAST CAMERON	146.0	TRUNKLINE GAS CO
8212116	61-2035	1770440456	102-5 OCS-6-2063 #B-3	EAST CAMERON	254.0	TRUNKLINE GAS CO
8212115	61-2036	1770440461	102-5 OCS-6-2063 #B-4	EAST CAMERON	126.0	TRUNKLINE GAS CO
8212114	61-2037	1770440470	102-5 OCS-6-2063 #B-7	EAST CAMERON	177.0	TRUNKLINE GAS CO
-SUPERIOR OIL CO						
8212164	61-2418	1773140008	102-5 OCS-6-2063 #B-9	EAST CAMERON	137.0	TRUNKLINE GAS CO
8212130	61-2190	1770040275	102-5 OCS-6-2063 #B10	EAST CAMERON	700.0	UNITED GAS PIPELI
-UNION OIL COMPANY OF CALIF						
8212149	61-2408	1770540461	102-5 12/22/81 JA: LA 3	WEST CAMERON	730.0	MICHIGAN-WISCONSI
8212150	61-2409	1771540424	102-5 OCS-0244 #17	VERMILION	9125.0	COLUMBIA GAS TRAN
8212151	61-2410	1771540423	102-1 OCS-G 4000 #A-11	SOUTH TIMBALIER	91.0	TENNESSEE GAS PIP
8212152	61-2411	1771540429	102-1 OCS-G 4000 #A-12	SOUTH TIMBALIER	91.0	TENNESSEE GAS PIP
-PENNZOIL OIL & GAS INC						
8212145	61-2216	4270940468	102-5 12/22/81 JA: TX 3	SOUTH TIMBALIER	91.0	TENNESSEE GAS PIP
8212138	61-2203	4271140473	102-5 PENNZOIL CO OCS-G 2384 HIGH ISLAND*	HIGH ISLAND AREA	622.0	UNITED GAS PIPELI
8212139	61-2204	4271140486	102-5 PENNZOIL CO OCS-G 2416 HIGH ISLAND*	HIGH ISLAND AREA	1640.0	MICHIGAN WISCONSI
8212154	61-2201	4271140473	102-5 PENNZOIL CO OCS-G 2416 HIGH ISLAND*	HIGH ISLAND AREA	1667.0	MICHIGAN WISCONSI
8212142	61-2200	4271140457	102-5 PENNZOIL CO OCS-G 2416 HIGH ISLAND*	HIGH ISLAND AREA	2718.0	MICHIGAN WISCONSI
-PENNZOIL PRODUCING COMPANY						
8212146	61-2218	4270940536	102-5 12/22/81 JA: TX 3	HIGH ISLAND AREA	2571.0	MICHIGAN WISCONSI
8212147	61-2217	4270940511	102-5 PENNZOIL CO OCS-G 2384 HIGH ISLAND*	HIGH ISLAND AREA	84.0	UNITED GAS PIPELI
8212117	61-2205	4271140487	102-5 PENNZOIL CO OCS-G 2416 HIGH ISLAND*	HIGH ISLAND AREA	130.0	UNITED GAS PIPELI
					3441.0	MICHIGAN WISCONSI

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JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
*8212137	61-2202	4271140473	102-5		PENNZOIL CO OCS-G 2416 HIGH ISLAND* HIGH ISLAND AREA EASE 1413.0			MICHIGAN WISCONSI
*8212144	61-2206	4271140489	102-5		PENNZOIL CO OCS-G 2416 HIGH ISLAND* HIGH ISLAND AREA EASE 2616.0			MICHIGAN WISCONSI

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OTHER PURCHASERS

8212074	ELIZABETHTOWN GAS CO
8212075	ELIZABETHTOWN GAS CO
8212076	ELIZABETHTOWN GAS CO
8212077	ELIZABETHTOWN GAS CO
8212079	ELIZABETHTOWN GAS CO

8212112	ELIZABETHTOWN GAS CO
8212117	UNITED GAS P L CO
8212137	UNITED GAS PL CO
8212138	UNITED GAS P L CO
8212139	UNITED GAS P L CO
8212142	UNITED GAS PL CO
8212144	UNITED GAS PL CO
8212154	UNITED GAS PL CO

BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (\*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential

under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before February 11, 1982.

Categories within each NGPA section are indicated by the following codes:

Section 102-1: New OCS lease  
102-2: New well (2.5 mile rule)  
102-3: New well (1000 ft rule)  
102-4: New onshore reservoir  
102-5: New reservoir on old OCS lease

Section 107-DP: 15,000 feet or deeper  
107-GB: Geopressured brine  
107-CS: Coal seams  
107-DV: Devonian shale  
107-PE: Production enhancement  
107-TF: New tight formation  
107-RT: Recompletion tight formation

Section 108: Stripper well  
108-SA: Seasonally affected  
108-ER: Enhanced recovery  
108-PB: Pressure buildup

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 82-1967 Filed 1-26-82; 8:45 am]

**BILLING CODE 6717-01-M**

[Volume 582]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: January 21, 1982.

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
*****								
TEXAS RAILROAD COMMISSION								
*****								
RECEIVED: 12/23/81 JA: TX								
8212179	F-08-029091	4210331979	103		ATLANTIC BARNESLEY #1	SAND HILLS (JUDKINS)	193.0	EL PASO NATURAL G
8212300	F-03-040996	4205131441	102-2	103	LISA GAY #1	GIDDINGS (AUSTIN CHAL	630.0	CLAJON GAS CO
*****								
RECEIVED: 12/23/81 JA: TX								
8212327	F-08-042094	4200332457	103		MIDLAND FARMS UNIT #548	MIDLAND FARMS	4.0	AMOCO PRODUCTION
8212328	F-08-042096	4200332497	103		MIDLAND FARMS UNIT #549	MIDLAND FARMS	4.4	AMOCO PRODUCTION
*****								
RECEIVED: 12/23/81 JA: TX								
8212296	F-10-040771	4248300000	107-TF		KEY #1	STATE UNE	3500.0	PERRY GAS TRANSMI
*****								
RECEIVED: 12/23/81 JA: TX								
8212247	F-09-038298	4249700000	103		HOPKINS #1	PARK SPRINGS CONGL	0.0	NATURAL GAS PIPEL
*****								
RECEIVED: 12/23/81 JA: TX								
8212330	F-78-042123	4243300000	103		WINDSOR #1	N W OLD GLORY (BEND C	18.0	CITIES SERVICE CO
*****								
RECEIVED: 12/23/81 JA: TX								
8212255	F-03-039207	4205131529	102-2		LAMPE #1	GIDDINGS - AUSTIN CHA	0.0	CLAJON GAS CO
*****								
RECEIVED: 12/23/81 JA: TX								
8212238	F-02-037527	4223931371	102-4		A SBRUSCH #2	CORDELE (2610)	120.0	TRANSCONTINENTAL
*****								
RECEIVED: 12/23/81 JA: TX								
8212200	F-78-034383	4204931880	102-4	103	MURDOCH #1	JETT (DUFFER)	20.8	ODESSA NATURAL CO
8212202	F-78-034391	4204931655	102-4	103	O B BYRD #1	PALO DAVIS (DUFFER)	109.5	ODESSA NATURAL CO
8212201	F-78-034390	4204932076	102-4	103	O B BYRD #2	PALO DAVIS (DUFFER)	66.8	ODESSA NATURAL CO
*****								
RECEIVED: 12/23/81 JA: TX								
8212227	F-03-036778	4205131511	102-2	103	A HAJOVSKY JR #1	CALDWELL N E (GEORGET	0.0	FERGUSON CROSSING
8212272	F-03-039983	4205100000	102-2	103	EDWIN ZGABAY D #1	GIDDINGS	0.0	FERGUSON CROSSING
8212232	F-7C-037248	4223531727	102-2	103	H W CLARK #3	H W CLARK (CANYON SAN	67.0	
8212288	F-04-040519	4235300000	108		S A J S L B A #3 U	STRATTON	22.0	TENNESSEE GAS PIP
*****								
RECEIVED: 12/23/81 JA: TX								
8212287	F-03-040461	4205100000	102-2		BENN-CHARANZA UNIT 1-A	GIDDINGS (AUSTIN CHAL	0.0	VALERO TRANSMISSI
8212183	F-01-030926	4217700000	102-2		BHW LTD #1	WAELEDER SOUTH	335.8	VALERO TRANSMISSI
8212275	F-03-040016	4205100000	102-2		LEONARD BRYANT -A- #1	GIDDINGS (AUSTIN CHAL	0.0	VALERO TRANSMISSI
8212252	F-03-038736	4205100000	102-2		LEONARD BRYANT UNIT #1	GIDDINGS	0.0	VALERO TRANSMISSI
8212283	F-03-040371	4205100000	102-2		LEONARD BRYANT UNIT B #1	GIDDINGS (AUSTIN CHAL	0.0	VALERO TRANSMISSI
8212314	F-03-041565	4205100000	102-2		LOIS GRAHAM A #3	GIDDINGS (AUSTIN CHAL	0.0	VALERO TRANSMISSI
8212274	F-03-040014	4205100000	102-2		STANLEY HOUDEK #2	GIDDINGS (AUSTIN CHAL	0.0	VALERO TRANSMISSI
8212317	F-03-041594	4205100000	102-2		VELMA URBANOVSKY #1	GIDDINGS (AUSTIN CHAL	0.0	VALERO TRANSMISSI
*****								
RECEIVED: 12/23/81 JA: TX								
8212270	F-04-039854	4221531092	102-4		J S HUDNALL #1	ARROWHEAD RANCH	900.0	VALERO INTERSTATE
*****								
RECEIVED: 12/23/81 JA: TX								
8212254	F-01-039147	4211730580	102-2	103	PLOEGER #3	GONZALES (AUSTIN CHAL	1825.0	TIPPERARY CORP
*****								
RECEIVED: 12/23/81 JA: TX								
8212280	F-10-040314	4229500000	102-4		STUART RANCH #10	LADY (MORROW UPPER)	0.0	NORTHERN NATURAL

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-CONNIE OIL & GAS INC								
8212278	F-03-040203	4205131638	102-2	RECEIVED:	12/23/81	JA: TX		
					MARY BALCAR #1			CALDWELL (AUSTIN CHAL 200.0 CLAJON GAS CO
-CONOCO INC								
8212354	F-08-042774	4230130222	103	RECEIVED:	12/23/81	JA: TX		
					CONTINENTAL TXL #1 ID #86776			CENTRAL PINAL DOME (W 310.6 TRANSCONTINENTAL
-CPC EXPLORATION INC								
8212347	F-03-042679	4214931001	102-2	RECEIVED:	12/23/81	JA: TX		
					REINHARDT M LEASE #14394			GIDDINGS (AUSTIN CHAL 100.0 PHILLIPS PETROLEU
-CRB OIL & GAS INC								
8212263	F-03-039542	4214931017	102-2	RECEIVED:	12/23/81	JA: TX		
					WIENKEN UNIT #1			GIDDINGS (AUSTIN CHAL 3.0 CLAJON GAS CO
-CROWN EXPLORATION CO								
8212335	F-78-042296	4235300000	102-4	RECEIVED:	12/23/81	JA: TX		
					RAY 1A			RAY 1A 0.0 LONE STAR GAS CO
-DAMERON PETROLEUM CORP								
8212197	F-7C-033517	4210532374	102-2	RECEIVED:	107-TF			
					W P HOOVER #3011A			AMERICAN (CANYON) 65.0 EL PASO NATURAL G
-DANSON OIL CORPORATION								
8212261	F-06-039476	4240100000	103	RECEIVED:	12/23/81	JA: TX		
					DANIEL MENEFEE GAS UNIT #1			OAK HILL (COTTON WALL 220.0 DELHI GAS PIPELIN
-DELTA DRILLING CO								
8212282	F-7C-040361	4210500000	108	RECEIVED:	12/23/81	JA: TX		
					FRIEND A #1-T 19114			OZONA (ELLENBERGER) 0.0 NORTHERN NATURAL
8212319	F-06-041798	4242300000	103	RECEIVED:	12/23/81	JA: TX		
					O B JOHNSON "B" #1			CHAPEL HILL (WILD CAT) 0.0 ETEXAS PRODUCERS
-DELTA OIL & GAS CO								
8212321	F-7B-041932	4242931872	103	RECEIVED:	12/23/81	JA: TX		
					J R COODY A RRC #14884			PIT RM (CONGL ZONE A) 0.0 LONE STAR GAS CO
8212341	F-7B-042436	4242932032	103	RECEIVED:	12/23/81	JA: TX		
					R M ROGERS ESTATE G #15141			STEPHENS COUNTY REGUL 0.0
-DIAMOND SHAMROCK CORPORATION								
8212344	F-10-042548	4239330849	103	RECEIVED:	12/23/81	JA: TX		
					LOIS WEBB #4-83			MENDOTA NW (DOUGLAS) 2.0
-DISCOVERY OPERATING INC								
8212256	F-7C-039277	4241331046	102-2	RECEIVED:	12/23/81	JA: TX		
					UNIVERSITY D #1			UNIVERSITY 54 (CANYON) 115.2 CRA INC
8212256	F-7C-039277	4241331046	107-TF	RECEIVED:	12/23/81	JA: TX		
					UNIVERSITY D #1			UNIVERSITY 54 (CANYON) 115.2 CRA INC
-DYNAMIC PRODUCTION INC								
8212268	F-03-039450	4205131427	102-2	RECEIVED:	12/23/81	JA: TX		
					ANTHONY #1			GIDDINGS (AUSTIN CHAL 36.0 FERGUSON CROSSING
8212259	F-03-039449	4205131208	102-2	RECEIVED:	12/23/81	JA: TX		
					BROOKS #1			GIDDINGS (AUSTIN CHAL 36.0 FERGUSON CROSSING
-EL PASO NATURAL GAS COMPANY								
8212191	F-7C-032174	4243519232	108	RECEIVED:	12/23/81	JA: TX		
					THOMSON E #1			SONORA CANYON UPPER 21.0 EL PASO NATURAL G
8212355	F-10-042794	4217923763	108	RECEIVED:	12/23/81	JA: TX		
					YVES A #1			PANHANDLE WEST 28.0 EL PASO NATURAL G
-ENSERCH EXPLORATION INC								
8212331	F-09-042205	4249731632	103	RECEIVED:	12/23/81	JA: TX		
					B A SMITH #3-T			BOONSVILLE 20.0 LONE STAR GAS CO
8212306	F-05-041167	4221300000	107-PE	RECEIVED:	12/23/81	JA: TX		
					C W CORLEY B #1-T			OPELIKA 313.0 LONE STAR GAS CO
8212315	F-09-041577	4249732118	103	RECEIVED:	12/23/81	JA: TX		
					CRAFT WATER BOARD UN 21 #4			BOONSVILLE 292.0 LONE STAR GAS CO
-EXPANCO OIL CO								
8212318	F-09-041649	4207731854	102-4	RECEIVED:	12/23/81	JA: TX		
					CRUMP #2			BLUEGROVE SOUTH BRYSO 15.0 FAGADAU ENERGY CO
8212203	F-02-034426	4246900000	102-4	RECEIVED:	12/23/81	JA: TX		
					EDWARDS UNIT #1 86432			VIC-WITT (2025*) 36.5 VALERO TRANSMISSI
-EXXON CORPORATION								
8212304	F-08-041155	4210332609	103	RECEIVED:	12/23/81	JA: TX		
					J B TUBB A/C 2 #245L			SAND HILLS (TUBB) 13.0 EL PASO NATURAL G
8212305	F-08-041156	4210332609	103	RECEIVED:	12/23/81	JA: TX		
					J B TUBB A/C 2 #245U			SAND HILLS (MCKNIGHT) 21.0 EL PASO NATURAL G
8212281	F-08-040327	4210332602	103	RECEIVED:	12/23/81	JA: TX		
					J B TUBB C #29L			SAND HILLS (TUBB) 11.0 EL PASO NATURAL G
8212289	F-08-040599	4200300000	108	RECEIVED:	12/23/81	JA: TX		
					J E PARKER A/C 3 #57			GOLDSMITH N (SAN ANDR 2.1 PHILLIPS PETROLEU
-FAGADAU ENERGY CORP								
8212169	F-09-027230	4223732608	102-4	RECEIVED:	12/23/81	JA: TX		
					WORTHINGTON-EDWARDS A #1			JACKSBORO N (UPPER AT 0.0 SOUTHWESTERN GAS
-FERGUSON & BOSWORTH								
8212245	F-04-037769	4224931328	102-4	RECEIVED:	12/23/81	JA: TX		
					PILARCZYK			ORANGE GROVE WEST (47 182.5 UNITED GAS PIPE L
-FOREST OIL CORPORATION								
8212320	F-04-041856	4221531118	103	RECEIVED:	107-TF			
					A A MCALLEN #23			MCALLEN RANCH (VICKSB 492.0 VALERO TRANSMISSI
8212298	F-04-040876	4247933041	102-2	RECEIVED:	107-TF			GATO CREEK (LOBO 1) 350.0 UNITED TEXAS TRAN
8212229	F-04-036926	4247932868	102-2	RECEIVED:	107-TF			GATO CREEK (9800*) 360.0 UNITED TEXAS TRAN
-GAGE & CO								
8212246	F-08-038073	4235330988	103	RECEIVED:	12/23/81	JA: TX		
					FOSTER S PRICE #1 (26637)			JAMESON NORTH (STRAUN 0.0 SUN OIL CO

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8212340	F-04-042406	4240931507	103	RECEIVED:	12/23/81 MARILYN MORRIS #1	MIDWAY (6200)	146.0	VALLEY PIPELINES
8212310	F-03-041305	4205100000	102-2	RECEIVED:	BAKER B #1	GIDDINGS (AUSTIN CHAL	0.0	FERGUSON CROSSING
8212325	F-03-042071	4205100000	102-2	RECEIVED:	C J SEBESTA JR A #1	GIDDINGS (AUSTIN CHAL	470.0	FERGUSON CROSSING
8212309	F-03-041304	4205100000	102-2	RECEIVED:	C R HENSON #1	GIDDINGS (AUSTIN CHAL	0.0	FERGUSON CROSSING
8212188	F-03-031491	4205100000	102-2	RECEIVED:	GRACE E KEELS #1	GIDDINGS (AUSTIN CHAL	80.0	FERGUSON CROSSING
8212276	F-03-040098	4205100000	102-2	RECEIVED:	H VAJDAK #1	GIDDINGS (AUSTIN CHAL	0.0	FERGUSON CROSSING
8212311	F-03-041306	4205100000	102-2	RECEIVED:	LOUISE PORTER A #1	GIDDINGS (AUSTIN CHAL	0.0	FERGUSON CROSSING
8212279	F-03-040277	4205100000	102-2	RECEIVED:	M L LEWIS #1	GIDDINGS (AUSTIN CHAL	125.0	FERGUSON CROSSING
8212253	F-03-038815	4205131442	102-2	RECEIVED:	MABLE SMITH #1	GIDDINGS (AUSTIN CHAL	962.0	FERGUSON CROSSING
8212324	F-03-042070	4205100000	102-2	RECEIVED:	SEITEGAST OPERATIONS A #1	GIDDINGS (AUSTIN CHAL	567.0	FERGUSON CROSSING
8212230	F-04-036952	4224931217	102-4	RECEIVED:	12/23/81 JA: TX	MADE CITY (2350*)	250.0	UNITED GAS PIPE L
8212267	F-04-039837	4224930950	103	RECEIVED:	ROBERT F BIERSTEDT #1	AMARGOSE (2700)	144.0	NATURAL GAS PIPEL
8212297	F-03-040833	4248132159	102-4	RECEIVED:	STELZIG ZWERNEMAN #9	WHARTON WEST (FRIO 45	146.0	NATURAL GAS PIPEL
8212294	F-02-040745	4246900000	103	RECEIVED:	12/23/81 JA: TX	PROPOSED VICTORIA N (	90.0	TENNESSEE GAS PIP
8212236	F-09-037416	4221813075	102-4	RECEIVED:	G R RUST ESTATE #1	N E SOUTHMAYD	10.8	LONE STAR GAS CO
8212239	F-02-037530	4202531211	102-4	RECEIVED:	MILTON E SEALE #1-A	LITTLE JOHN (3970)	182.0	GULF STATES EQUIT
8212209	F-01-034964	4249300000	102-2	RECEIVED:	R H PICKENS #3	PRUSKE (BUDA)	0.0	
8212299	F-03-040677	4208931230	102-4	RECEIVED:	12/23/81 JA: TX	NADA (YEGUA 6350) FIE	238.0	TEXAS EASTERN TRA
8212334	F-08-042289	4237133519	103	RECEIVED:	GUY STOVALL #2	PECOS VALLEY (YATES)	122.4	INTRATEX GAS CO
8212360	F-06-042896	4240131198	102-4	RECEIVED:	12/23/81 JA: TX	MT ENTERPRISE (PETTIT	250.0	TEXAS GAS CO
8212353	F-7C-042746	4243532524	103	RECEIVED:	I R T '29 #1	SAWYER CANYON	365.0	INTRATEX GAS CO
8212359	F-7C-042815	4210533445	102-4	RECEIVED:	MARGUERITTE JACKSON #1	UNIVERSITY 29 (STRAWN	210.0	PHILLIPS PETROLEU
8212358	F-7C-042814	4210533430	102-4	RECEIVED:	SHANNON #51 #3	UNIVERSITY 29 (STRAWN	150.0	PHILLIPS PETROLEU
8212241	F-7B-037680	4224932827	103	RECEIVED:	UNIVERSITY 29-5 #1	STEPHENS COUNTY REGUL	25.0	WARREN PETROLEUM
8212303	F-7C-041122	4238332030	103	RECEIVED:	12/23/81 JA: TX	CALVIN (DEAN)	30.0	UNION TEXAS PETRO
8212167	F-02-011802	4212330804	103	RECEIVED:	K STOKER B #1	CUERO S (2100)	300.0	LOVACA GATHERING
8212346	F-7C-042667	4210533382	102-4	RECEIVED:	SUG6 #1	PIKES PEAK DRAW (CANY	41.7	PERMIAN CORP
8212346	F-7C-042667	4210533382	107-TF	RECEIVED:	12/23/81 JA: TX	PIKES PEAK DRAW (CANY	41.7	PERMIAN CORP
8212198	F-08-033927	4231700000	103	RECEIVED:	THIGPEN #1	LACAFF (DEAN)	20.0	NORTHERN NATURAL
8212243	F-7B-037711	4241700000	102-4	RECEIVED:	12/23/81 JA: TX	D J (CONGL)	189.0	DELHI GAS PIPELIN
8212302	F-04-041096	4250531305	102-4	RECEIVED:	JOE F BEAN D #1	EL GRULLO (7300)	0.0	INTRASTATE GATHER
8212302	F-04-041096	4250531305	102-4	RECEIVED:	JOE F BEAN D #1			
8212302	F-04-041096	4250531305	102-4	RECEIVED:	MABEE RANCH C #1			
8212302	F-04-041096	4250531305	102-4	RECEIVED:	W B CLAUSELL #1 (5925)			
8212302	F-04-041096	4250531305	102-4	RECEIVED:	BERTA VELA CAVAZOS #2			
8212302	F-04-041096	4250531305	102-4	RECEIVED:	12/23/81 JA: TX			
8212302	F-04-041096	4250531305	102-4	RECEIVED:	BERTA VELA CAVAZOS #2			
8212302	F-04-041096	4250531305	102-4	RECEIVED:	12/23/81 JA: TX			

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8212212	F-04-035680	4247932896	102-4	107-TF	BRUNI MINERAL D #3	JUANITA (LOBO)	0.0	HOUSTON PIPE LINE
-L TEXAS INC			RECEIVED:	12/23/81	JA: TX			
8212218	F-01-036561	4217730697	102-2	103	FLOYD #1	PEACH CREEK (AUSTIN C	0.0	VALERO TRANSMISSI
-LADD PETROLEUM CORPORATION			RECEIVED:	12/23/81	JA: TX			
8212336	F-78-092302	4236731931	103	RECEIVED:	CRAVENS #3	TOTO (CADD CONGLOMER	159.5	LONE STAR GAS CO
-LIVEOAK PRODUCTION CO			RECEIVED:	12/23/81	JA: TX			
8212377	F-78-040121	4208332465	102-4	RECEIVED:	A FREEMAN #1 (95523)	TRICKHAM (CROSSCUT LO	5.0	LONE STAR GAS CO
-M-TEX INC			RECEIVED:	12/23/81	JA: TX			
8212199	F-01-034258	4232330234	107-PE	RECEIVED:	R C CAGE 28 #2	EL INDIE N (ESCONDIDO	55.0	TEJAS GAS CORP
-MARTIN OIL & GAS CO			RECEIVED:	12/23/81	JA: TX			
8212234	F-03-037336	4205100000	102-2	RECEIVED:	SMITH-JONES #1	CALDWELL (AUSTIN CHAL	0.0	FERGUSON CROSSING
-MCCORMICK OPERATING CO			RECEIVED:	12/23/81	JA: TX			
8212265	F-06-039755	4240131140	102-2	107-TF	MALONEY GAS UNIT #4	OAK HILL (COTTON VALL	250.0	HYDROCARBON TRANS
-MCFARLANE OIL CO INC			RECEIVED:	12/23/81	JA: TX			
8212206	F-02-034762	4239100000	103	RECEIVED:	BEN SHELTON #2	WEST LAKE PASS	0.0	TENNECO CHEMICALS
-MCMAHON-BULLINGTON DRLE CO			RECEIVED:	12/23/81	JA: TX			
8212210	F-78-035070	4223731160	107-PE	RECEIVED:	CLAYTON #11 NEU	GRAFORD (BEND CONGL)	182.0	TEXAS UTILITIES F
-MCMILLAN OPERATING CO			RECEIVED:	12/23/81	JA: TX			
8212339	F-78-042369	4209330848	103	RECEIVED:	RODGERS-FILES UNIT #1	MITTIE (MARBLE FALLS)	73.0	LONE STAR GAS CO
-MCHORAN EXPLORATION CO			RECEIVED:	12/23/81	JA: TX			
8212249	F-04-038493	4221531050	102-4	RECEIVED:	JONES #1U	MCALLEN SO	547.0	TRANSCONTINENTAL
-MCHURREY GATHERING SYSTEM INC			RECEIVED:	12/23/81	JA: TX			
8212178	F-78-028743	4213332186	103	RECEIVED:	J SQUIRES #1 DRILLING PMT #070843	EASTLAND COUNTY REG	216.0	LONE STAR GAS CO
-MEADCO PROPERTIES			RECEIVED:	12/23/81	JA: TX			
8212301	F-7C-041088	4223531561	102-2	RECEIVED:	E SU66 21 #2	ELA SUGG (WOLFCAMP)	90.0	NORTHERN NATURAL
-MGF OIL CORP			RECEIVED:	12/23/81	JA: TX			
8212181	F-7C-029934	4210532810	108	RECEIVED:	HELBING 18 #2 (078832)	OZONA (CANYON SAND)	8.3	NORTHERN NATURAL
-MIDWAY OIL CORP			RECEIVED:	12/23/81	JA: TX			
8212312	F-03-041315	4205100000	102-4	RECEIVED:	SETH HILL UNIT #1	CALDWELL (AUSTIN CHAL	0.0	FERGUSON CROSSING
-MITCHELL ENERGY CORPORATION			RECEIVED:	12/23/81	JA: TX			
8212180	F-03-029274	4228700000	103	107-TF	BECKER #1	GIDDINGS (BUDA)	0.0	
8212237	F-05-037509	4229330556	103	RECEIVED:	M V CROFT #1	FALLON (COTTON VALLEY	195.0	SOUTHWESTERN GAS
8212338	F-09-042357	4223700000	108	RECEIVED:	R H GRACE #4 84548	BOONSVILLE (BEND CONG	7.4	LONE STAR GAS CO
8212204	F-09-034527	4223700000	108	RECEIVED:	R H MASSIE #1 SW-W 70	GRESHAM EAST (MISS)	12.0	SOUTHWESTERN GAS
8212185	F-09-031194	4249732013	103	RECEIVED:	READ HEIRS #2-A	BOONSVILLE (BEND CONG	1220.0	SOUTHWESTERN GAS
8212187	F-09-031479	4249731994	103	RECEIVED:	W L MACKAY #5	BOONSVILLE (BEND CONG	320.0	NATURAL GAS PIPEL
8212177	F-09-028323	4223700000	108	RECEIVED:	W S WALKER #3	MARVETTA (ATOKA 5700)	2.0	SOUTHWESTERN GAS
8212233	F-09-037322	4249731834	103	RECEIVED:	WAGGONER (MAYNARD) #23	BOONSVILLE (BEND CONG	125.0	NATURAL GAS PIPEL
-MOORE MCCORMACK OIL & GAS CORP			RECEIVED:	12/23/81	JA: TX			
8212307	F-04-041263	4247932968	102-4	RECEIVED:	HUBBERD EE #1	LIZ (8400)	350.4	TENNESSEE GAS PIP
-MORAN EXPLORATION INC			RECEIVED:	12/23/81	JA: TX			
8212225	F-08-036754	4217331102	103	RECEIVED:	HALFMANN #1	SPRABERRY (TREND AREA	0.0	EL PASO NATURAL G
8212226	F-7C-036755	4223531558	103	RECEIVED:	ROCKER B-R #1	SPRABERRY (TREND AREA	0.0	NORTHERN NATURAL
-MOBACHER PRODUCTION CO			RECEIVED:	12/23/81	JA: TX			
8212316	F-03-041583	4205131476	102-2	RECEIVED:	F W MARESH #1	GIDDINGS (AUSTIN CHAL	10.0	CLAJON GAS CO
-NUCORP ENERGY INC			RECEIVED:	12/23/81	JA: TX			
8212363	F-01-042909	4217730594	103	RECEIVED:	ALMA SPIECKERMAN #06822	PILGRIM (AUSTIN CHALK	14.0	TIPPERARY GATHERI
8212368	F-03-042920	4228730908	102-2	RECEIVED:	G SPACEK #1	GIDDINGS (AUSTIN CHAL	353.0	PHILLIPS PETROLEU
8212362	F-01-042908	4217730583	103	RECEIVED:	RUFUS KING "A" #06868	PILGRIM (AUSTIN CHALK	12.0	TIPPERARY GATHERI
-PARKER & PARSELEY INC			RECEIVED:	12/23/81	JA: TX			
8212186	F-08-031312	4232930935	103	RECEIVED:	FASKEN G #1	SPRABERRY (TREND AREA	15.0	PHILLIPS PETROLEU
-PENNZOIL PRODUCING COMPANY			RECEIVED:	12/23/81	JA: TX			
8212349	F-02-042702	4217531454	102-4	RECEIVED:	G A RAY #91	PETTUS (8,950)	637.0	

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-	-	-	RECEIVED:	12/23/81	JA: TX			
-	-	-	103	BURK #2		BOONSVILLE BEND	133.0	NATURAL GAS PIPEL
-	-	-	103	J B TUBB STATE #15		SAND HILLS (MC KNIGHT	86.0	EL PASO NATURAL G
-	-	-	103	J B TUBB STATE #17		SAND HILLS (MC KNIGHT	75.0	EL PASO NATURAL G
-	-	-	RECEIVED:	12/23/81	JA: TX			
-	-	-	103	H G ORSON #3 ERRC#		SPRABERRY (TREND AREA	0.0	PHILLIPS PETROLEU
-	-	-	RECEIVED:	12/23/81	JA: TX			
-	-	-	102-2	WALTER DIETZEL #1		COLLETOVILLE CREEK (	37.2	
-	-	-	RECEIVED:	12/23/81	JA: TX			
-	-	-	103	107-TF SCHULTZ #4		INTERSTATE (CANYON)	73.0	PRODUCERS GAS CO
-	-	-	RECEIVED:	12/23/81	JA: TX			
-	-	-	108	GS ANDECTOR #J-01		GOLDSMITH (CLEARFORK)	6.0	EL PASO NATURAL G
-	-	-	108	JOHNSON CC #10		PANHANDLE GRAY	0.0	
-	-	-	103	MODINE #2		WEST PANHANDLE	0.0	EL PASO NATURAL G
-	-	-	RECEIVED:	12/23/81	JA: TX			
-	-	-	102-4	WALTON HEIRS #1		CHAPEL HILL NE (TRAVI	256.0	EAST TEXAS PRODUC
-	-	-	RECEIVED:	12/23/81	JA: TX			
-	-	-	102-4	ROBERT D LEACHMAN #1		WELLBORN S (AUSTIN CH	0.0	CLAJON GAS CO
-	-	-	RECEIVED:	12/23/81	JA: TX			
-	-	-	103	CARAWAY UNIT A-2		BOONSVILLE (BEND-CONG	146.0	NATURAL GAS PIPEL
-	-	-	RECEIVED:	12/23/81	JA: TX			
-	-	-	102-2	CARLA UNIT #1 (LEASE #07257)		GIDDINGS (AUSTIN CHAL	8.0	VALERO TRANSMISSI
-	-	-	102-2	DORER UNIT #1 (LEASE #14668)		GIDDINGS (AUSTIN CHAL	6.0	PHILLIPS PETROLEU
-	-	-	102-2	MISS VICKIE UNIT #1		GIDDINGS (AUSTIN CHAL	365.0	VALERO TRANSMISSI
-	-	-	RECEIVED:	12/23/81	JA: TX			
-	-	-	103	DUNAWAY		BOONSVILLE (BEND CONG	0.0	NATURAL GAS PIPEL
-	-	-	RECEIVED:	12/23/81	JA: TX			
-	-	-	108	WARREN BALL #1		VICTORIA NORTH (3500)	18.3	TENNESSEE GAS PIP
-	-	-	RECEIVED:	12/23/81	JA: TX			
-	-	-	103	J W COOKE UNIT 2 #5		CARTHAGE SOUTH (TRAVI	356.0	NATURAL GAS PIPEL
-	-	-	RECEIVED:	12/23/81	JA: TX			
-	-	-	102-4	E LONG #1		WILDCAT	185.0	
-	-	-	102-4	MUSSELMAN #1		WILDCAT-PROPOSED TELF	365.0	TRUNK LINE GAS CO
-	-	-	RECEIVED:	12/23/81	JA: TX			
-	-	-	103	MARTIN SCHULZ UNIT #1		GIDDINGS (AUSTIN CHAL	1.0	PHILLIPS PETROLEU
-	-	-	RECEIVED:	12/23/81	JA: TX			
-	-	-	103	JEFFREY UNIT #5		WILLOW SPRINGS (BODEN	120.0	ARKANSAS LOUISIAN
-	-	-	RECEIVED:	12/23/81	JA: TX			
-	-	-	102-4	R D BLUNTZER #1		AGUA DULCE (8020)	30.0	DELHI GAS PIPELIN
-	-	-	RECEIVED:	12/23/81	JA: TX			
-	-	-	102-2	STATE TRACT 818-L NO B-3		SAMEDAN FRIO	1350.0	EL PASO NATURAL G
-	-	-	RECEIVED:	12/23/81	JA: TX			
-	-	-	103	HENDERSON #1		JACK COUNTY REGULAR	451.1	SUN GAS GATHERING
-	-	-	103	PEARL T KURK #11		YOUNG COUNTY REGULAR	7.3	SUN GAS GATHERING
-	-	-	103	RAGLAND #1		BRAZEEL (CADD0)	18.3	SUN GAS GATHERING
-	-	-	RECEIVED:	12/23/81	JA: TX			
-	-	-	103	HOBART RANCH #870		HEMPHILL (GRANITE WAS	114.0	CITIES SERVICE GA
-	-	-	RECEIVED:	12/23/81	JA: TX			
-	-	-	103	O L GUY #2		JOAQUIN FIELD (TRAVIS	580.0	SOUTHERN NATURAL
-	-	-	RECEIVED:	12/23/81	JA: TX			
-	-	-	102-4	GALLIMORE & LINDER #1-T		MAGNOLIA CITY N (5480	168.0	ESPERANZA TRANSMI
-	-	-	RECEIVED:	12/23/81	JA: TX			
-	-	-	102-4	JOHNSTON #1		MCCLISH-STONE	100.0	TEXAS UTILITIES F

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-STALLWORTH OIL & GAS INC								
8212207	F-06-034829	4242330443	102-4	107-TF	STALLWORTH-HOLLEY GAS UNIT #1	CHAPEL HILL (COTTON V	0.0	UNITED GAS PIPELI
8212208	F-06-034830	4242330429	102-4	107-TF	STALLWORTH-V L SHOFNER GAS UNIT #2	CHAPEL HILL (COTTON V	0.0	UNITED GAS PIPELI
-STEVE JERNIGAN INC								
8212350	F-10-042704	4229530943	103	RECEIVED:	DAISY GRAVES #2			0.0 PHILLIPS PETROLEU
-STROUBE & REIFF								
8212174	F-78-028163	4215131037	103	RECEIVED:	FIELDS #2 15945			10.8 PALO DURO PIPELIN
8212173	F-78-028162	4225331358	103	RECEIVED:	MURPHEE #1 15986			10.8 PALO DURO PIPELIN
8212175	F-78-028164	4225331486	103	RECEIVED:	MURPHEE A #1 16317			10.8 PALO DURO PIPELIN
8212172	F-78-028160	4225331361	103	RECEIVED:	TINER #1 15985			10.8 PALO DURO PIPELIN
-STROUBE EXPLORATION INC								
8212171	F-78-028159	4214131031	103	RECEIVED:	FIELDS #1-A 16423			10.8 PALO DURO PIPELIN
-SUN OIL COMPANY (DELAWARE)								
8212244	F-04-037762	4221500000	103	RECEIVED:	J D JEFFRESS #11	JEFFRESS	1000.0	
-SUPERIOR OIL CO								
8212271	F-03-039868	4205131630	102-2	103	CLEM LEDNICKY #1	GIDDINGS (AUSTIN CHAL	0.0	
8212273	F-03-039997	4205131666	102-2	103	R W EDWARDS A #1	GIDDINGS (AUSTIN CHAL	0.0	
-TARTAN OIL & GAS								
8212242	F-03-037699	4248100000	102-4	RECEIVED:	WITTING #1	CRESCENT (FRIO 5360)	100.0	ESPERANZA TRANSMI
-TEE OPERATING CO								
8212250	F-03-038622	4204130559	102-2	RECEIVED:	VARISCO #1	GIDDINGS (AUSTIN CHAL	0.0	
-TENNECO OIL COMPANY								
8212170	F-04-028022	4235531392	103	RECEIVED:	W W BOGEL #1	AGUA DULCE (8250)	37.0	
-TEXACO INC								
8212293	F-08-040640	4243130949	103	RECEIVED:	E B COPE #2	CONGER SV (PENN)	331.0	
8212333	F-8A-042252	4221933108	103	RECEIVED:	MONTGOMERY EST DAVIES NCI-2 #77	LEVELLAND	6.9	AMOCO PRODUCTION
-TEXAS AMERICAN OIL CORP								
8212266	F-08-039773	4232930968	102-4	RECEIVED:	S W MIDLAND #1	MIDLAND S W (MISSISSI	73.0	MOBIL PRODUCING T
-TEXAS INTERNATIONAL PET CORP								
8212258	F-06-039447	4240131166	103	RECEIVED:	BEALL UNIT #1	DIRGIN (COTTON VALLEY	68.0	DELHI GAS PIPELIN
8212217	F-05-036539	4228930390	107-DP	RECEIVED:	GUS LANIER #1	WILDCAT	1460.0	
-TEXAS OIL & GAS CORP								
8212264	F-05-039648	4216130645	103	RECEIVED:	AYCOCK #1	WILDCAT	0.0	
8212248	F-06-038424	4240131043	103	RECEIVED:	BENNETT #1	OAK HILL (COTTON VALL	0.0	
8212269	F-05-039842	4216130644	103	RECEIVED:	BLAIR #1	BEAR GRASS NE (COTTON	0.0	
8212268	F-7C-039839	4210533261	103	RECEIVED:	BULLOCK #2	WORLD WEST (STRAWN)	0.0	DELHI GAS PIPELIN
8212290	F-05-040609	4216100000	103	RECEIVED:	HILL G #1	REED (HAYNESVILLE)	0.0	DELHI GAS PIPELIN
8212295	F-05-040768	4234931648	102-4	RECEIVED:	INNON "B" #1	KERENS SOUTH (SMACKOV	0.0	DELHI GAS PIPELIN
8212196	F-02-832945	4228531281	102-4	RECEIVED:	STOVALL O #1	S W SPEAKS (2180*)	0.0	TEXAS EASTERN TRA
8212291	F-03-040610	4220131194	103	RECEIVED:	WALKER D #2	DECKERS PRAIRIE (BAYE	0.0	
-THE DOV CHEMICAL COMPANY								
8212345	F-06-042634	4207330426	103	RECEIVED:	J O HUGHGINS GAS UNIT #1	WHITE OAK CREEK (TRAV	275.0	DELHI GAS PIPELIN
-TRAVELERS OIL CO								
8212194	F-10-032654	4217900000	108	RECEIVED:	12/23/81 JA: TX	EAST PANHANDLE	4.0	TRANSWESTERN PIPE
8212195	F-10-032653	4217900000	108	RECEIVED:	CARPENTER E #1 87654	EAST PANHANDLE	13.0	TRANSWESTERN PIPE
8212193	F-10-032652	4217900000	108	RECEIVED:	DUNIGAN A #2 87328	EAST PANHANDLE	1.0	TRANSWESTERN PIPE
-TXO PRODUCTION CORP								
8212176	F-10-028306	4219530738	103	RECEIVED:	12/23/81 JA: TX	HANSFORD MORROW LOWE	440.0	DELHI GAS PIPELIN
8212342	F-10-042513	4229330673	103	RECEIVED:	BLOODGETT A #1-L	KIOWA CREEK NE (TONKA	40.0	NORTHERN NATURAL
8212184	F-7C-031142	4223500000	103	RECEIVED:	PHILLIPS G #1	DOVE CREEK (CANYON C)	300.0	COLUMBIA GAS TRAN
-U S OPERATING INC								
8212214	F-03-036017	4205131315	102-2	RECEIVED:	WINTERBOTHAM J #1	GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
-UNION TEXAS PETROLEUM								
8212214	F-03-036017	4205131315	102-2	RECEIVED:	HEATHER UNIT #1 RRC ID N/A	GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8212284	F-7C-040410	4223531737	103		SUGG #12# #1 12/23/81 JA: TX	ANDREW A (CANYON)	109.5	CRA INC
--VANDERBILT RESOURCES CORPORATION								
8212322	F-01-041937	4217730989	102-4	103	BURCHARD #1	PEACH CREEK (BUDA)	75.0	VALERO TRANSMISSI
8212323	F 01-041991	4217730854	102-4	103	PETTUS #1	PEACH CREEK	75.0	VALERO TRANSMISSI
8212348	F-03-042698	4248131520	108		STOCKTON #1	STOCKTON (CATAHOULA)	15.0	TENNESSEE GAS PIP
--VORIT EXPLORATION CO INC								
8212235	F-7B-037348	4236332426	102-4		12/23/81 JA: TX LEON JENKINS UNIT I #1 (94397)	MINERAL WELLS S (CONG)	0.0	SOUTHWESTERN GAS
--L COTTON								
8212286	F-01-040451	4231131561	103		12/23/81 JA: TX EBERT GAS UNIT #1-A	CAMPANA S (LOMA NOVIA	255.0	HOUSTON PIPE LINE
--WARREN PETR CO A DIV OF GULF OIL CO								
8212356	F-08-042797	4210332611	103		12/23/81 JA: TX W N MADDELL 1208	SAND HILLS (MC KNIGHT	44.9	EL PASO NATURAL G
8212357	F-08-042805	4210332606	103		12/23/81 JA: TX W N MADDELL 1211	SAND HILLS (MCKNIGHT)	57.8	EL PASO NATURAL G
--WILLIAM PERLMAN								
8212168	F-7C-025106	4243532109	103		12/23/81 JA: TX MACK CAUTHORN 109-1 85941	SHURELY RANCH (CANYON	45.0	EL PASO NATURAL G
--WINDSOR PRODUCING CO								
8212292	F-03-040626	4228730953	102-2	103	12/23/81 JA: TX CUMMINS CREEK #1	GIDDINGS BUDA	36.5	GAS PRODUCTS INC
8212329	F-03-042108	4228730977	102-2	103	SIMMANG UNIT #1	GIDDINGS (AUSTIN CHAL	36.5	PGP GAS PRODUCTS
--WORLDWIDE ENERGY CORPORATION								
8212222	F-06-036565	4242330457	102-4		12/23/81 JA: TX DENMAN #E-1	SUNSHINE (RODESSA)	0.0	SEMCO GAS INC
8212221	F-06-036564	4242330431	102-4		DENMAN #4	SUNSHINE (RODESSA)	100.0	SEMCO GAS INC
8212219	F-06-036562	4242330449	102-4		DENMAN B-1	SUNSHINE (RODESSA)	100.0	SEMCO GAS INC
8212220	F-06-036563	4242330474	102-4		WWE WARREN #1	SUNSHINE (RODESSA)	0.0	SEMCO GAS INC

OTHER PURCHASERS

8212234 MESA PIPE LINE CO

BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (\*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before February 11, 1982.

Categories within each NGPA section are indicated by the following codes:

- Section 102-1: New OCS lease
- 102-2: New Well (2.5 mile rule)
- 102-3: New well (1000 ft rule)
- 102-4: New onshore reservoir
- 102-5: New reservoir on old OCS lease
- Section 107-Dp: 15,000 feet or deeper
- 107-GB: Geopressed 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. 82-1968 Filed 1-25-82; 8:45 am]

BILLING CODE 6717-01-M

## Office of Energy Research

### Conservation Panel, Energy Research Advisory Board; Meeting

Notice is hereby given of the following meeting:

- Name: Conservation Panel of the Energy Research Advisory Board (ERAB). ERAB is a Committee constituted under the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770).
- Date and time: February 26, 1982, 9 a.m. to 5 p.m.
- Place: Department of Energy, Forrestal Building, Room 4A-110, 1000 Independence Avenue SW., Washington, DC 20585
- Contact: Mary Gant, Energy Research Advisory Board, Department of Energy, Forrestal Building, ER-6, 1000 Independence Avenue SW., Washington, DC 20585, Telephone: 202/252-8933

Purpose of the parent board: To advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Tentative agenda: Discussion of draft report of Conservation Panel

Public participation: The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Energy Research Advisory Board at the address or telephone number listed above. Requests must be received 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.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC, between 8:30 a.m. and 4 p.m. Monday through Friday, except Federal holidays.

Issued at Washington, DC, on January 21, 1982.

J. Ronald Young,

Associate Director for Management, Office of Energy Research.

[FR Doc. 82-2011 Filed 1-26-82; 8:45 am]

BILLING CODE 6450-01-M

### Multiprogram Lab Panel, Energy Research Advisory Board; Meeting

Notice is hereby given of the following meeting:

- Name: Multiprogram Lab Panel of the Energy Research Advisory Board (ERAB). ERAB is a Committee constituted under the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770)
- Date and Time: February 17, 1982, 9 a.m. to 5 p.m.
- Place: Department of Energy, Forrestal Building, Room 4A-110, 1000 Independence Avenue SW., Washington, DC 20585
- Contact: Mary Gant, Energy Research Advisory Board, Department of Energy, Forrestal Building, ER-6, 1000 Independence Avenue SW., Washington, DC 20585, Telephone: 202/252-9833
- Purpose of the parent board: To advise the Department of Energy on the overall research and development conducted in DOE and to provide long range guidance in these areas to the Department.
- Tentative agenda: Discussion of draft report of Multiprogram Lab Panel
- Public participation: The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Energy Research Advisory Board at the address or telephone number listed above. Requests must be received 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.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC, between 8:30 a.m. and 4 p.m. Monday through Friday, except Federal holidays.

Issued at Washington, DC, on January 21, 1982.

J. Ronald Young,

Office of Energy Research.

[FR Doc. 82-2010 Filed 1-26-82; 8:45 am]

BILLING CODE 6450-01-M

## Office of Fossil Energy

### Implementation of the Advisory Committee on Federal Assistance for Alternative Fuel Demonstration Facilities

The Federal Nonnuclear Energy Research and Development Act (the Act) (Pub. L. 93-577), as amended by Pub. L. 95-238, established an advisory panel to advise the Secretary of Energy on matters relating to the development of alternative fuels.

As required by Pub. L. 95-238, the Committee will include Governors or their designees which are designated by the Chairman of the National Governors Conference; and representatives of Indian tribes, industry, environmental organizations, and the general public designated by the Secretary of Energy.

Further information concerning this Advisory Committee may be obtained by contacting the DOE Advisory Committee Management Office at (202) 252-5187.

Issued at Washington, D.C. on January 28, 1982.

James B. Edwards,

Secretary of Energy.

[FR Doc. 82-2280 Filed 1-26-82; 10:59 am]

BILLING CODE 6450-01-M

## ENVIRONMENTAL PROTECTION AGENCY

[OPP 55000 PH-10-FRL-2032-2]

### Idaho; Intent To Approve State Plan for Issuance of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(f) of the Federal Insecticide, Fungicide, and Rodenticide

Act (FIFRA), as amended (Pub. L. 95-396, 92 Stat. 819; 7 U.S.C. 136 et seq.) and the implementing regulations of 40 CFR Part 172, Subpart B, require each State desiring to issue experimental use permits to submit a plan to EPA for its experimental use permit program. Any State experimental use program under this section shall be maintained in accordance with the State Plan approved under this section. This is a notice of intent to approve such a plan for the State of Idaho.

**DATE:** Comments should be received on or before February 26, 1982.

**ADDRESS:** Written comments should be submitted to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, D.C. 20460.

Comments should bear the identifying notation OPP 55000. The administrative record supporting this action is available for public inspection in Rm. E-107 at the address noted above from 8:00 a.m. to 4:00 p.m. Monday through Friday, except legal holidays. Complete copies of the Idaho State Plan are available for public inspection at:

Idaho Department of Agriculture, 120 Klotz Lane, Boise, Idaho 83701;  
U.S. Environmental Protection Agency, Region X, 1200 6th Avenue, Seattle, Washington 98101.

**FOR FURTHER INFORMATION CONTACT:**

Lyn Frandsen, U.S. Environmental Protection Agency, Region X, 1200 6th Avenue, Seattle, Washington 98101, (206-442-1090).

**SUPPLEMENTARY INFORMATION:** Section 5(f) of FIFRA as amended, and the implementing regulations at 40 CFR Part 172 Subpart B, require each State desiring to issue experimental use permits to submit a plan for its experimental use permit program to EPA for approval. Any State experimental use permit program shall be maintained in accordance with the State Plan approved under this section.

On September 19, 1980, EPA received such a plan from the State of Idaho. EPA finds that the Idaho State Plan satisfies the requirements of section 5(f) of the amended FIFRA and 40 CFR Part 172, Subpart B, and EPA intends to approve the Idaho State Plan.

Complete copies of the Idaho State Plan are available for public inspection, and public comment is solicited. Accordingly, this intent to approve shall become effective immediately.

Dated: December 8, 1981.

John R. Spencer,  
Regional Administrator, Region X.  
[FR Doc. 82-1444 Filed 1-26-82; 8:45 am]  
BILLING CODE 6560-38-M

[OPP 55001; A-1-FRL-1991-3]

**Vermont; Intent To Approve State Plan for Issuance of Experimental Use Permits**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** Section 5(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (Pub. L. 95-396, 92 Stat. 819; 7 U.S.C. 136 et seq.) and the implementing regulations of 40 CFR Part 172, Subpart B, require each State desiring to issue experimental use permits to submit a plan to EPA for its experimental use permit program. Any State experimental use program authorized under this section of FIFRA shall be maintained in accordance with the State Plan as approved. This is a notice of intent to approve such a plan for the State of Vermont.

**DATE:** Comments should be received on or before February 26, 1982.

**ADDRESS:** Written comments should be submitted to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M Street SW., Washington, D.C. 20460.

Comments should bear the identifying notation OPP 55001. The administrative record supporting this action is available for public inspection in Rm. E-107 at the address noted above from 8:00 a.m. to 4:00 p.m. Monday through Friday, except legal holidays. Complete copies of the Vermont State Plan are available for public inspection at:

Vermont Department of Agriculture, 116 State Street, Montpelier, Vermont 05602;  
U.S. Environmental Protection Agency, Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

**FOR FURTHER INFORMATION CONTACT:**

Dr. Harold E. Kazmaier, U.S. Environmental Protection Agency, Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203, (617) 223-5126.

**SUPPLEMENTARY INFORMATION:** Section 5(f) of FIFRA as amended, and the implementing regulations at 40 CFR Part 172 Subpart B, require each State desiring to issue experimental use permits to submit a plan for its experimental use permit program to EPA

for approval. Any State experimental use permit program shall be maintained in accordance with the State Plan approved under this section.

On March 23, 1981, EPA received such a plan from the State of Vermont. EPA finds that the Vermont State Plan satisfies the requirements of section 5(f) of the amended FIFRA and 40 CFR Part 172, Subpart B, and EPA intends to approve the Vermont State Plan.

Complete copies of the Vermont State Plan are available for public inspection, and public comment is solicited. The Office of Management and Budget (OMB) has granted EPA an exemption from OMB Review [under the authority of Executive Order 12291, section 8(b)] of notice of intent to approve [and final approval] State Plans for issuing state experimental use permits. Accordingly, this intent to approve shall become effective upon publication.

Dated: November 4, 1981.

Lester A. Sutton,  
Regional Administrator, Region I.  
[FR Doc. 82-1443 Filed 1-26-82; 8:45 am]  
BILLING CODE 6560-38-M

[OPP-C30210; PH-FRL-2036-3]

**Certain Companies; Applications to Conditionally Register Pesticide Products Containing New Active Ingredients**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This notice announces receipt of applications to conditionally register pesticide products containing active ingredients not included in any previously registered pesticide product pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

**DATE:** Comments by January 26, 1982.

**ADDRESS:** Written comments, identified by the document control number [OPP-C30210] and the file number, should be submitted to: William Miller, Product Manager (PM-16), Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** William Miller (PM-16), (703-557-2600).

**SUPPLEMENTARY INFORMATION:** EPA received applications to conditionally register the following pesticide products containing active ingredients not included in any previously registered pesticide product in accordance with the

provisions of section 3(c)(4) of FIFRA. Notice of receipt of these applications does not imply a decision by the Agency on the applications.

#### Applications Received

1. File Symbol: 46693-E.  
Applicant: Borregaard Industries Ltd., c/o International Pheromones Ltd., 21-24 Cockspur St., London, England. Agent: Henley and Co., Inc., 750 3rd Ave., New York, NY 10017.

Product name: Methyl Eugenol.  
Active ingredient: Methyl eugenol 95%.  
Proposed classification: Insecticide.  
General use for formulation of methyl eugenol malathion combinations.

2. File Symbol: 46693-L.  
Applicant: Borregaard Industries Ltd.  
Product name: Dorsalural/ IPL Blocks.  
Active ingredients: Methyl eugenol 62%; malathion 19.1%.

Proposed classification: Insecticide. For general use to control oriental fruit fly on noncropland (rural and urban).

3. File Symbol: 46693-R.  
Applicant: Borregaard Industries Ltd.  
Product name: Dorsalural/ IPL Tips.  
Active ingredients: Methyl eugenol 62%; malathion 19.1%.

Proposed classification: Insecticide.  
General use to control oriental fruit fly on cropland (rural).

4. File Symbol: 46693-U.  
Applicant: Borregaard Industries Ltd.  
Active Ingredients: Methyl eugenol 62%; malathion 19.1%.

Proposed classification: Insecticide.  
General use to control oriental fruit fly on cropland (rural).

5. File Symbol: 46693-G.  
Applicant: Borregaard Industries Ltd.  
Product name: Dorsalural/ IPL Jel.  
Active ingredients: Methyl eugenol 62%; malathion 21%.

Proposed classification: Insecticide.  
General use to control oriental fruit fly on cropland and noncropland (urban and rural).

Notice of approval or denial of an application to register a pesticide product will be announced in the **Federal Register**. Except for such material protected by section 10 of FIFRA, the test data and other scientific information deemed relevant to the registration decision may be made available after approval under the provisions of the Freedom of Information Act. The procedure for requesting such data will be given in the **Federal Register** if an application is approved.

Comments received within the specified time period will be considered before a final decision is made; comments received after the time specified will be considered only to the extent possible without delaying processing of the application.

The label furnished by the applicant, as well as all written comments filed pursuant to this notice, will be available in the product manager's office between

8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays. It is suggested that persons interested in reviewing the application file, telephone the product manager's office to ensure that the file is available on the date of intended visit.

(Sec. 3(c)(4) of FIFRA, as amended)

Dated: January 12, 1982.

Douglas D. Camp, *Director, Registration Division, Office of Pesticide Programs.*

[FR Doc. 82-1831 Filed 1-26-82; 8:45 am]

BILLING CODE 6560-32-M

#### [OPP-30107B; PH-FRL-2036-4]

### Roussel Corp.; Approval of Application To Register a Pesticide Product Containing New Active Ingredient

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

**SUMMARY:** EPA has approved the application by Roussel Corp. to register the pesticide product Paraclox Slimicide containing an active ingredient not included in any previously registered pesticide product pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

**FOR FURTHER INFORMATION CONTACT:** Arturo Castillo, Product Manager (PM) 32, Registration Division (TS-767C), Office of Pesticide Programs, Environment Protection Agency, CM#2 Rm. 303, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7170).

**SUPPLEMENTARY INFORMATION:** EPA issued a notice published in the **Federal Register** of March 1, 1976 (41 FR 8823) that Roussel Corp., 155 E. 44th St., New York, NY 10017, had submitted an application to register the pesticide product PIROR R80 Slimicide containing 15 percent of the active ingredient paraclor (parahydroxy-2-oxophenylacetyl-droxymic acid chloride).

The application was approved on November 17, 1981 under the name "Paraclox Slimicide." The active ingredient was redesignated as (N,4-dihydroxy-alpha-oxobenzene-ethanimidoyl chloride). The product was assigned EPA registration No. 5086-11.

A copy of the approved label and the list of data references used to support registration are available for public inspection in the office of the product manager. The data and other scientific information used to support registration, except for the material specifically protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide

Act (FIFRA), as amended (92 Stat. 819; 7 U.S.C. 136), will be available for public inspection in accordance with section 3(c)(2) of FIFRA within 30 days after registration date. Requests for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A-101), EPA, 401 M St., SW., Washington, D.C. 20460. Such requests should: (1) identify the product name and registration number and (2) specify the data or information desired.

(Sec. 3(c)(2) FIFRA, as amended)

Dated: January 11, 1982.

Edwin L. Johnson, *Director, Office of Pesticide Programs.*

[FR Doc. 82-1830 Filed 1-26-82; 8:45 am]

BILLING CODE 6560-32-M

#### [PH-FRL-2036-2; PF-254]

### Certain Companies; Notice of Filing of pesticide Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

**SUMMARY:** This notice announces that certain companies have filed pesticide petitions with the EPA proposing that tolerances be established for certain pesticide chemicals in or on certain raw agricultural commodities.

**ADDRESS:** Written comments to the product manager (PM) cited in each petition at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Written comments may be submitted while the petitions are pending before the agency. The comments are to be identified by the document control number "[PF-254]" and the specific petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

**FOR FURTHER INFORMATION CONTACT:** The product manager cited in each specific petition at the telephone number provided.

**SUPPLEMENTARY INFORMATION:** EPA gives notice that the following pesticide petitions have been submitted to the agency proposing establishment of tolerances for certain pesticide chemicals in or on certain raw agricultural commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for

determining residues, where required, is given in each petition.

PP 2F2607. The Upjohn Co., 7171 Portage Rd., Kalamazoo, MI 49001. Proposes amending 40 CFR 180.200 by establishing tolerances for the combined residues of the fungicide 2,6-dichloro-4-nitroaniline in or on peanuts at 0.5 part per million (ppm); peanut hulls at 5.0 ppm; peanut hay (vines) at 50.0 ppm; fat, meat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.06 ppm; and milk at 0.01 ppm. The proposed analytical method for determining residues is mass spectrometry in combination with gas chromatography. (PM 21, Henry M. Jacoby, 703-557-1900).

PP 8E2100. Janssen R&D, Inc., 501 George St., New Brunswick, NJ 08903. Proposes amending 40 CFR Part 180 by establishing tolerances for the combined residues of the fungicide 1-[2-(2,4-dichlorophenyl)-2-(2-propenyloxy)ethyl]-1H-imidazole and its metabolites  $\alpha$ -(2,4-dichlorophenyl)-1H-imidazole-1-ethanol and 3(1-[2-(2,4-dichlorophenyl)-2-(1H-imidazole-1-yl) ethoxy]) 1,2-propanediol in or on bananas (whole) at 2.0 ppm of which no more than 0.2 ppm is in the edible pulp. The proposed analytical method for determining residues is high-pressure liquid chromatography with a reverse phase system using an ultraviolet detector. (PM 21, Henry M. Jacoby, 703-557-1900).

PP 2F2608. American Cyanamid Co., P.O. Box 400, Princeton, NJ 08540. Proposes amending 40 CFR 180.352 by establishing a tolerance for the combined residues of the insecticide terbufos [S-[[[(1,1-dimethylethyl)thio]methyl] O,O-diethylphosphorodithioate) and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodity soybean grain at 0.05 ppm. The proposed analytical method for determining residues is a gas chromatographic procedure equipped with a flame photometric detector in the phosphorus mode. (PM 16, William H. Miller, 703-557-2600).

PP 2F2609. American Cyanamid Co. Proposes amending 180.395 by establishing tolerances for residues of the insecticide tetrahydro-5,5-dimethyl-2(1H)-pyrimidinone [3-[4-(trifluoromethyl)phenyl]-1-[2-[4-(trifluoromethyl)phenyl]-ethenyl]-2-propenyloxy]hydrazide in or on the raw agriculture commodities pineapple and sugarcane at 0.05 ppm. The proposed analytical method for determining residues is high pressure liquid chromatography (HPLC) utilizing an electron capture detector. (PM 15, Georgia LaRocca, 703-557-2400).

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136)

Dated: January 11, 1982.

Douglas D. Campi,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 82-1832 Filed 1-26-82; 8:45 am]

BILLING CODE 6560-32-M

## FEDERAL COMMUNICATIONS COMMISSION

### National Industry Advisory Committee, Domestic and International Common Carrier Communications Services Subcommittee; Meeting

Pursuant to the provisions of Pub. L. 92-463, announcement is made of a public meeting of the Domestic and International Common Carrier Communications Services Subcommittee of the National Industry Advisory Committee (NIAC) to be held Wednesday, February 10, 1982. The Subcommittee will meet in Commission Meeting Room 856, at the Federal Communications Commission, 1919 M Street, NW., Washington, D.C. at 10:00 a.m.

Purpose: To consider emergency communications matters.

Agenda: As follows:

- Items: 1. Opening remarks by Chairman.
2. Establishment of a Mutual Aid system for domestic communications common carrier companies.
    - a. Report by satellite carriers of procedures used in the event of a major satellite failure by any cause.
    - b. Present and proposed safeguards to protect facilities from terrorist activities.
    - c. Identification of requirements needed to develop and implement a domestic mutual aid system.
  3. Subcommittee and NCS/FEMA report on progress and actions necessary to develop a survivable communications network as stated in Presidential Directive # 53.
    - a. On a voluntary basis by carriers.
    - b. On a reimbursable basis.
- Note: All subcommittee members should come prepared to comment regarding the above on behalf of their companies.
4. Update of RP's certified by FCC.
  5. Report by representatives of the Broadcast Services Subcommittee regarding problems associated with reconfiguration of the National level Emergency Broadcast System.
  6. Other business.
  7. Adjournment.

Any member of the general public may attend or file a written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Those desiring more specific information about the meeting may telephone the

Emergency Communications Division, FCC, (202) 632-7232.

The Commission's Advisory Committee Management Officer has reviewed this notice and agrees that the desirability of holding this meeting on the assigned date requires this notice be given with less than the usual 15-day advance.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82-2012 Filed 1-26-82; 8:45 am]

BILLING CODE 6712-01-M

### [Report No. 1329]

### Petitions for Reconsideration and Applications for Review of Actions in Rule Making Proceedings

January 21, 1982.

The following listings of petitions for reconsideration and applications for review filed in Commission rulemaking proceedings is published pursuant to CFR § 429(e). Oppositions to such petitions for reconsideration and applications for review must be filed within 15 days after publication of this Public Notice in the *Federal Register*. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of Section 64.702 of the Commission's Rules and Regulations (Second Computer Inquiry). (Docket No. 20828)

Filed by: Thomas J. O'Reilly, Attorney for United States Independent Telephone Association on 1-8-82. Thomas L. Jones, Attorney for Continental Telephone Corporation, James R. Hobson, Attorney for GTE Service Corporation and John M. Lothschuetz, Attorney for United Telephone Systems, Inc., on 1-8-82

Subject: Amendment of Policies and Procedures for Amending the FM Table of Assignments, Section 73.202(b) of the Commission's Rules (BC Docket No. 80-130)

Filed by: Jonathan D. Blake & Jonathan L. Wiener, Attorneys for Association of Maximum Service Telecasters, Inc., on 1-7-82

Subject: Amendment of Section 73.202(b) Table of Assignments, FM Broadcast Stations. (Natchitoches, Louisiana) (BC Docket No. 81-436, RM-3772)

Filed by: Arthur Stambler, Attorney for Natchitoches Broadcasting Company, Inc. (KNOC/KDBH-FM) on 1-15-82. (Application for Review).

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82-2013 Filed 1-26-82; 8:45 am]

BILLING CODE 6712-01-M

**FEDERAL EMERGENCY  
MANAGEMENT AGENCY**

(FEMA-651-DR)

**California; Amendment to Notice of  
Major Disaster Declaration****AGENCY:** Federal Emergency  
Management Agency.**ACTION:** Notice**SUMMARY:** This notice amends the  
Notice of a major disaster for the State  
of California (FEMA-651-DR), dated  
January 7, 1982, and related  
determinations.**DATED:** January 15, 1982**FOR FURTHER INFORMATION CONTACT:**Sewall H. E. Johnson, Disaster  
Assistance Programs, Federal  
Emergency Management Agency,  
Washington, D.C. 20472, (202) 287-0501.*Notice:* The Notice of a major disaster  
for the State of California dated January  
7, 1982, is hereby amended to include  
the following areas among those areas  
determined to have been adversely  
affected by the catastrophe declared a  
major disaster by the President in his  
declaration of January 7, 1982:Alameda County for Individual Assistance  
and Public Assistance.San Joaquin and Santa Clara Counties for  
Public Assistance only.(Catalog of Federal Domestic Assistance No.  
83.300, Disaster Assistance)**Lee M. Thomas,***Associate Director, State and Local Programs  
and Support, Federal Emergency  
Management Agency.*

[FR Doc. 82-1986 Filed 1-26-82; 8:45 am]

**BILLING CODE 6718-03-M**determined that greater guidance should  
be given to the industry concerning the  
scope and type of self-policing required  
to fulfill the obligations of conference  
and ratemaking groups under the Act.Accordingly, on February 23, 1973, the  
Commission issued a notice of Proposed  
Rulemaking to revise regulations  
governing section 15 agreements and to  
specifically amend those portions of  
General Order 7 dealing with self-  
policing systems.<sup>1</sup> This Proposed Rule  
required: (1) conferences to engage a  
policing body independent of the  
conference; (2) policing bodies to inspect  
conferences' books and records; and (3)  
availability of all self-policing records  
for Commission inspection. After receipt  
of comments, the Commission issued a  
further notice of Proposed Rulemaking  
on October 17, 1973 to amend the self-  
policing regulations.<sup>2</sup> These  
amendments basically proposed to  
broaden the original reporting  
requirements set forth in General Order  
7.After permitting interested parties an  
opportunity to comment on these  
proposed rules, the Commission  
promulgated its "Final Rules" relating to  
General Order 7 on April 28, 1978.<sup>3</sup>  
However, the Commission subsequently  
entertained nineteen petitions for  
reconsideration. After evaluating these  
petitions, the Commission issued its  
"Reconsideration and Modification of  
Final Rules" on September 14, 1978.<sup>4</sup> The  
Commission denied petitioners' Request  
for Reconsideration of the September  
Rules and affirmed these rules on  
December 18, 1978.General Order 7, revised (46 CFR 528),  
was intended to establish minimum  
standards for judging the adequacy of  
self-policing activities, assist ocean  
carriers in obtaining expeditious  
approval of the self-policing aspects of  
their section 15 agreements, provide the  
Commission with access to reliable  
information concerning the nature and  
performance of self-policing systems,  
and curtail rebating and other  
malpractices by ocean carriers (46 CFR  
528.0(a)). It requires that every section  
15 ratemaking agreement filed with the  
Commission contain provisions  
establishing and describing a system for  
self-policing its members, that these  
provisions establish a policing authority  
and an impartial "arbitrator" or  
"adjudicator" and describe their  
functions, and that the conferences be  
prohibited from inserting provisions in  
their Agreement which deny theCommission access to self-policing  
records. (46 CFR Part 528)Many conferences challenged these  
revisions to General Order 7 on both  
substantive and procedural grounds,  
appealing to the United States Court of  
Appeals, District of Columbia Circuit.  
Their appeal challenged those  
provisions of General Order 7 requiring  
Agreement members to engage an  
independent self-policing body, granting  
self-policing entities certain  
investigative authority, and prohibiting  
Agreement members from denying the  
Commission access to self-policing  
records or documents. On September 11,  
1980, the court upheld the Commission's  
neutral body self-policing rules in *Trans-  
Pacific Freight Conference of Japan/  
Korea v. FMC*, — F. 2d —, 15 SRR 775  
(D.C. Cir. 1980), cert. denied, — U.S. —,  
May 20, 1981. The court stated that:Commission regulations prescribing the  
kind of self-policing body that the  
conferences must employ, as well as dictating  
to that body the procedures that must be  
followed for investigating and adjudicating  
breaches of conference agreements, the type  
of reports that must be submitted to the  
Commission, were not taken as a whole,  
contrary to congressional intent that the  
conferences engage in self-regulation. In view  
of the widespread failure on the part of the  
conferences to secure their members'  
adherence to the obligations in the  
conference agreements and to the Shipping  
Act, the Commission was authorized to adopt  
as a general rule more detailed and  
comprehensive provisions concerning the  
type and scope of the self-policing systems  
that the Commission deemed necessary to  
ensure that malpractices in the industry were  
curtailed.Since the date of this final decision,  
the conferences listed in Appendix A  
have taken no action whatsoever to  
comply with the requirements of  
General Order 7. Because section 15 of  
the Shipping Act, 1916, requires the  
disapproval of agreements which are not  
adequately self-policed, it is therefore  
necessary to institute formal  
proceedings and require the conferences  
listed in Appendix A to show cause why  
their agreements should not be  
disapproved for failure to comply with  
the requirements of General Order 7.Therefore, it is ordered, That pursuant  
to sections 15 and 22 of the Shipping  
Act, 1916, the Respondents listed in  
Appendix A, and their member lines, are  
ordered to show cause why their  
Agreements should not be disapproved  
for failure to comply with General Order  
7 (46 CFR Part 528);It is further ordered, That in  
accordance with Rule 42 of the  
Commission's Rules of Practice and  
Procedure (46 CFR 502.42), the Bureau of<sup>1</sup> 38 FR 4982 (1973).<sup>2</sup> 38 FR 28,841 (1973).<sup>3</sup> 43 FR 18,175 (1978).<sup>4</sup> 43 FR 42,757 (1978).**FEDERAL MARITIME COMMISSION**

[Docket No. 82-8]

**Compliance With General Order 7,  
Revised, Self-Policing; Order To Show  
Cause**Section 15 of the Shipping Act, 1916,  
(Act) (46 U.S.C. 814) requires the  
disapproval of conference and  
ratemaking agreements which are not  
adequately self-policed. In 1963, the  
Commission promulgated rules which  
prescribed general reporting  
requirements and directed conferences  
and ratemaking groups to include in  
their agreements a general description  
of the methods used to police their  
activities under these agreements (46  
CFR 528 *et seq.*). Subsequent trade  
investigations conducted by the  
Commission over a ten-year period,  
however, revealed that malpractices  
remained a major problem in some  
trades. Consequently, the Commission

Hearings and Field Operations shall be a party to this proceeding;

It is further ordered, That this proceeding shall be limited to the submission of affidavits of fact and memoranda of law and replies thereto pursuant to the following schedule:

By the close of business March 10, 1982, affidavits of fact and memoranda of law shall be filed by Respondents and served upon all parties.

By the close of business April 9, 1982, reply affidavits and memoranda shall be filed by the Commission's Bureau of Hearings and Field Operations and served upon all parties.

By the close of business April 16, 1982, all parties must file requests for evidentiary hearing and/or discovery, if desired, which requests must be accompanied by a statement setting forth in detail the facts to be proven or developed, their relevance to the issues in this proceeding and why such proof cannot be submitted through further affidavit.

Oral argument will be scheduled at a later date if requested and/or deemed necessary by the Commission.

It is further ordered, That notice of this Order be published in the **Federal Register** and that a copy thereof be served upon Respondents;

It is further ordered, That persons other than those already parties to this proceeding who desire to become parties to this proceeding and to participate therein shall file a petition to intervene pursuant to Rule 72 of the Commission's Rules of Practice and Procedure (46 CFR 502.72) no later than close of business February 19, 1982.

It is further ordered, That persons permitted to intervene in support of Respondents' position shall conform to the filing schedule assigned to Respondents; and, that persons permitted to intervene in opposition to Respondents' position shall conform to the filing schedule assigned to the Commission's Bureau of Hearings and Field Operations.

It is further ordered, That all documents submitted by any party of record in this proceeding shall be directed to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, in an original and fifteen copies as well as being mailed directly to all other parties of record.

By the Commission,

**Francis C. Hurney,**  
Secretary.

#### Appendix A

*International Household Goods Rate Agreement (No. 8470)*, Household Goods Carriers' Bureau, Agent, Francis L. Wyche,

Executive Secretary, 2425 Wilson Boulevard, Arlington, Virginia 22201

*U.S. Hawaii/Puerto Rico/Guam Household Goods Rate Agreement (No. 8480)*, Household Goods Carriers' Bureau, Agent, Francis L. Wyche, Executive Secretary, 2425 Wilson Boulevard, Arlington, Virginia 22201

*U.S. Alaska Household Goods Rate Agreement (No. 8490)*, Household Goods Carriers' Bureau, Agent, Francis L. Wyche, Executive Secretary, 2425 Wilson Boulevard, Arlington, Virginia 22201

*Pacific India Rate Agreement (No. 8760)*, H. P. Blok, Secretary, 417 Montgomery Street, San Francisco, California 94104

*Pacific India Rate Agreement (No. 9247)*, H. P. Blok, Secretary, 417 Montgomery Street, San Francisco, California 94104

[FR Doc. 82-1965 Filed 1-26-82; 8:45 am]

BILLING CODE 6730-01-M

#### Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

James Robert McDermott, P.O. Box 2871, El Cajon, CA 92021

Logistics International, Inc., 8508 Cedar Street, Silver Spring, MD 20910,  
Officers: Quang Luong Phan,  
President, Arnold Davidson,  
Secretary/Treasurer, David Mayer,  
Director

Mighal International, Inc., 223 Sunshine Drive, Pacifica, CA 94044, Officers:  
Miguel W. Heras, President/Director,  
Halford M. Kekuewa, Executive Vice President/Director, Fiordelis B. Kekuewa, Secretary, Rosalinda S. Sapinosa, Treasurer, Lee Ann K. Certeza, Assistant Treasurer, Brian K. Shih, Director/Vice President of Administration.

By the Federal Maritime Commission,  
Dated: January 22, 1982.

**Francis C. Hurney,**  
Secretary.

[FR Doc. 82-2016 Filed 1-26-82; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight License No. 221]

#### Intercontinental Transport; Order of Revocation

On January 8, 1982, Intercontinental Transport, 1650 Pacific Coast Highway, P.O. Box 65, Redondo Beach, CA 90277 requested the Commission to revoke its Independent Ocean Freight Forwarder License No. 221.

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), § 10.01(e) dated November 12, 1981;

It is ordered, that Independent Ocean Freight Forwarder License No. 221 issued to Intercontinental Transport, be revoked effective January 8, 1982 without prejudice to reapplication for a license in the future.

It is further ordered, that Independent Ocean Freight Forwarder License No. 221 issued to Intercontinental Transport be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Intercontinental Transport.

Albert J. Klingel, Jr.,

Director Bureau of Certification and Licensing.

[FR Doc. 82-2015 Filed 1-26-82; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 2191]

#### R. P. C. Shipping Co.; Order of Revocation

On January 21, 1982, R. P. C. Shipping Company, 2401 N.W. 33rd Avenue, Miami, FL 33142 requested the Commission to revoke its Independent Ocean Freight Forwarder License No. 2191.

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), § 10.01(e) dated November 12, 1981;

It is ordered, that Independent Ocean Freight Forwarder License No. 2191 issued to R. P. C. Shipping Company, be revoked effective January 21, 1982.

It is further ordered, that Independent Ocean Freight Forwarder License No. 2191 issued to R. P. C. Shipping Company be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal**

Register and served upon R. P. C. Shipping Company.

Albert J. Klingel, Jr.,

*Director, Bureau of Certification and Licensing.*

[FR Doc. 82-2018 Filed 1-26-82; 8:45 am]

BILLING CODE 6730-01-M

**[Independent Ocean Freight Forwarder License No. 1870-R]**

**Sea Cargo, Inc.; Order of Revocation**

On January 15, 1982, Sea Cargo, Inc., 4302 East St. Joseph Way, Phoenix, AZ 85018 surrendered its Independent Ocean Freight Forwarder License No. 1870-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), § 10.01(e) dated November 12, 1981;

It is ordered, that Independent Ocean Freight Forwarder License No. 1870-R issued to Sea Cargo, Inc. be revoked effective January 15, 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 Sea Cargo, Inc.

Albert J. Klingel, Jr.,

*Director, Bureau of Certification and Licensing.*

[FR Doc. 82-2017 Filed 1-26-82; 8:45 am]

BILLING CODE 6730-01-M

**[Independent Ocean Freight Forwarder License No. 2236]**

**Mary Y. Upton, d.b.a. Houston Expeditors; Order of Revocation**

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Mary Y. Upton d.b.a. Houston Expeditors, 8144 Niles, Houston, TX 77017 was cancelled effective January 15, 1982.

By letter dated December 21, 1981, Mary Y. Upton d.b.a. Houston Expeditors was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 2236 would be automatically revoked unless a valid surety bond was filed with the Commission.

Mary Y. Upton d.b.a. Houston Expeditors has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised), section 10.01(f) dated November 12, 1981;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 2236 be and is hereby revoked effective January 15, 1982.

It is ordered, that Independent Ocean Freight Forwarder License No. 2236 issued to Mary Y. Upton d.b.a. Houston Expeditors be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon Mary Y. Upton d.b.a. Houston Expeditors.

Albert J. Klingel, Jr.,

*Director, Bureau of Certification and Licensing.*

[FR Doc. 82-2014 Filed 1-26-82; 8:45 am]

BILLING CODE 6730-01-M

**[Independent Ocean Freight Forwarder License No. 2033]**

**W. F. Whelan & Co.; Order of Revocation**

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of W. F. Whelan & Co., P.O. Box 484222 International Terminal, Room 241, Metropolitan Airport, Detroit, MI 48242 was cancelled effective January 15, 1982.

By letter dated December 21, 1981, W. F. Whelan & Co. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 2033 would be automatically revoked unless a valid surety bond was filed with the Commission.

W. F. Whelan & Co. has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised), § 10.01(f) dated November 12, 1981;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 2033 be and is hereby revoked effective January 15, 1982.

It is ordered, that Independent Ocean Freight Forwarder License No. 2033 issued to W. F. Whelan & Co. be

returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon W. F. Whelan & Co.

Albert J. Klingel, Jr.,

*Director, Bureau of Certification & Licensing.*

[FR Doc. 82-2019 Filed 1-26-82; 8:45 am]

BILLING CODE 6730-01-M

**FEDERAL RESERVE SYSTEM**

**BSD Bancorp, Inc.; Acquisition of Bank**

BSD Bancorp, Inc., San Diego, California, 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 100 percent of the voting shares of the successor by merger to American Valley Bank, El Cajon, California. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than February 12, 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, January 22, 1982.

Theodore E. Downing, Jr.,

*Assistant Secretary of the Board.*

[FR Doc. 82-2163 Filed 1-26-82; 8:45 am]

BILLING CODE 6210-01-M

**Buffalo Bancorporation, Inc.; Formation of Bank Holding Company**

Buffalo Bancorporation, Inc., Buffalo, South Dakota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 67 percent or more of the voting shares of First State Bank, Buffalo, South Dakota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to

comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 19, 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, January 20, 1982.

Theodore E. Downing, Jr.,  
Assistant Secretary of the Board.

[FR Doc. 82-2178 Filed 1-26-82; 8:45 am]

BILLING CODE 6210-01-M

#### Carolina BanCorp, Inc.; Acquisition of Bank

Carolina BanCorp, Inc., Sanford, North Carolina, 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 100 percent of the voting shares of the successor by merger to Bank of Alamance, Graham, North Carolina. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 19, 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, January 20, 1982.

Theodore E. Downing, Jr.,  
Assistant Secretary of the Board.

[FR Doc. 82-2179 Filed 1-26-82; 8:45 am]

BILLING CODE 6210-01-M

#### Central Bancorporation; Formation of Bank Holding Company

Central Bancorporation, Wichita, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of CENAR Corporation, Wichita, Kansas, thereby indirectly acquiring 90 percent of the voting shares of Central Bank and Trust Company,

Wichita, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 12, 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, January 22, 1982.

Theodore E. Downing, Jr.,  
Assistant Secretary of the Board.

[FR Doc. 82-2164 Filed 1-26-82; 8:45 am]

BILLING CODE 6210-01-M

#### Central Bancorporation, Inc., Central Colorado Co., C.C.B., Inc.; Acquisition of Bank

Central Bancorporation, Inc., Central Colorado Company, and C.C.B., Inc., all located in Denver, Colorado, have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Central Bank of Chapel Hills, N.A., Colorado Springs, Colorado, a proposed new 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 of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 12, 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, January 22, 1982.

Theodore E. Downing, Jr.,  
Assistant Secretary of the Board.

[FR Doc. 82-2165 Filed 1-26-82; 8:45 am]

BILLING CODE 6210-01-M

#### Central Counties Bancorp, Inc.; Formation of Bank Holding Company

Central Counties Bancorp, Inc., State College, Pennsylvania, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Central Counties Bank, State College, Pennsylvania. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Philadelphia. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 16, 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, January 20, 1982.

Theodore E. Downing, Jr.,  
Assistant Secretary of the Board.

[FR Doc. 82-2180 Filed 1-26-82; 8:45 am]

BILLING CODE 6210-01-M

#### First Alsip Bancorp, Inc.; Formation of Bank Holding Company

First Alsip Bancorp, Inc., Alsip, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80.0 percent or more of the voting shares of First State Bank of Alsip, Alsip, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than February 12, 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, January 22, 1982.

Theodore E. Downing, Jr.,  
Assistant Secretary of the Board.

[FR Doc. 82-2166 Filed 1-26-82; 8:45 am]

BILLING CODE 6210-01-M

### First Bancorp of Belleville, Inc.; Acquisition of Bank

First Bancorp of Belleville, Inc., Belleville, Illinois, 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 First United Bancshares, Inc., Belleville, Illinois. 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 the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 12, 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, January 22, 1982.

Theodore E. Downing, Jr.,  
Assistant Secretary of the Board.

[FR Doc. 82-2167 Filed 1-26-82; 8:45 am]

BILLING CODE 6210-01-M

### First Massachusetts Management Corp.; Formation of Bank Holding Company

First Massachusetts Management Corporation, Boston, Massachusetts, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First Massachusetts Financial Corporation, Boston, Massachusetts. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than February 19, 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, January 20, 1982.

Theodore E. Downing, Jr.,  
Assistant Secretary of the Board.

[FR Doc. 82-2182 Filed 1-26-82; 8:45 am]

BILLING CODE 6210-01-M

### First Texas Financial Corp.; Formation of Bank Holding Company

First Texas Financial Corporation, Dallas, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First Texas Bank, Dallas, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 12, 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, January 22, 1982.

Theodore E. Downing, Jr.,  
Assistant Secretary of the Board.

[FR Doc. 82-2168 Filed 1-26-82; 8:45 am]

BILLING CODE 6210-01-M

### F&M Financial Services Corp.; Formation of Bank Holding Company

F&M Financial Services Corporation, Menomonee Falls, Wisconsin, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Farmers & Merchants Bank, Menomonee Falls, Wisconsin. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 17, 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, January 20, 1982.

Theodore E. Downing, Jr.,  
Assistant Secretary of the Board.

[FR Doc. 82-2181 Filed 1-26-82; 8:45 am]

BILLING CODE 6210-01-M

### Fulton Bancshares, Inc.; Formation of Bank Holding Company

Fulton Bancshares, Inc., Alpharetta, Georgia, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Fulton County Bank, Alpharetta, Georgia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 12, 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, January 22, 1982.

Theodore E. Downing, Jr.,  
Assistant Secretary of the Board.

[FR Doc. 82-2169 Filed 1-26-82; 8:45 am]

BILLING CODE 6210-01-M

### GRP, Inc.; Acquisition of Bank

GRP, Inc., Atlanta, Georgia, 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 100 percent (less directors' qualifying shares) of the voting shares of

The National Bank of Georgia, Atlanta, Georgia; First Commercial Bank, Buford, Georgia; and Clayton County Bank, Riverdale, Georgia. 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)).

The applications 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 applications 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 February 12, 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, January 22, 1982.

Theodore E. Downing, Jr.,  
Assistant Secretary of the Board.

[FR Doc. 82-2170 Filed 1-26-82; 8:45 am]

BILLING CODE 6210-01-M

#### Island American Bancshares, Inc.; Formation of Bank Holding Company

Island American Bancshares, Inc., Galveston, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of American Bank, Galveston, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the applications should submit views in writing to the Reserve Bank, to be received not later than February 12, 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, January 22, 1982.

Theodore E. Downing, Jr.,  
Assistant Secretary of the Board.

[FR Doc. 82-2171 Filed 1-26-82; 8:45 am]

BILLING CODE 6210-01-M

#### Keene Bancorp, Inc.; Formation of Bank Holding Company

Keene Bancorp, Inc., Keene, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First State Bank, Keene, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 12, 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, January 22, 1982.

Theodore E. Downing, Jr.,  
Assistant Secretary of the Board.

[FR Doc. 82-2172 Filed 1-26-82; 8:45 am]

BILLING CODE 6210-01-M

#### Lyon County State Bancshares, Inc.; Formation of Bank Holding Company

Lyon County State Bancshares, Inc., Emporia, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The Lyon County State Bank, Emporia, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 12, 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, January 22, 1982.

Theodore E. Downing, Jr.,  
Assistant Secretary of the Board.

[FR Doc. 82-2173 Filed 1-26-82; 8:45 am]

BILLING CODE 6210-01-M

#### Maryland National Corp.; Acquisition of Bank

Maryland National Corporation, Baltimore, Maryland, 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 100 percent of the voting shares of Central Atlantic Bank, National Association, Newark, Delaware, a *de novo* 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 of Richmond. 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 February 12, 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, January 22, 1982.

Theodore E. Downing, Jr.,  
Assistant Secretary of the Board.

[FR Doc. 82-2174 Filed 1-26-82; 8:45 am]

BILLING CODE 6210-01-M

#### Minnehaha Bancshares, Inc.; Acquisition of Bank

Minnehaha Bancshares, Inc. Sioux Falls, South Dakota, 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 94 percent or more of the voting shares of Farmers State Bank, Flandreau, South Dakota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 12, 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, January 22, 1982.

Theodore E. Downing, Jr.,  
*Assistant Secretary of the Board.*

[FR Doc. 82-2175 Filed 1-26-82; 8:45 am]  
BILLING CODE 6210-01-M

### Merchants Bancorp, Inc.; Formation of Bank Holding Company

Merchants Bancorp, Inc., Aurora, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to The Merchants National Bank of Aurora, Aurora, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 12, 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, January 20, 1982.

Theodore E. Downing, Jr.,  
*Assistant Secretary of the Board.*

[FR Doc. 82-2183 Filed 1-26-82; 8:45 am]  
BILLING CODE 6210-01-M

### National Bancshares Corporation of Texas; Acquisition of Bank

National Bancshares Corporation of Texas, San Antonio, Texas, 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 100 percent of the voting shares of First State Bank, of Corpus Christi, Corpus Christi, Texas, and substantially all of the assets of Corpus Christi, Bankshares, Inc., Corpus Christi, Texas. The factors that are considered in acting on the application are set forth in

Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 19, 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, January 20, 1982.

Theodore E. Downing, Jr.,  
*Assistant Secretary of the Board.*

[FR Doc. 82-2184 Filed 1-26-82; 8:45 am]  
BILLING CODE 6210-01-M

### Pan American Banks, Inc.; Acquisition of Bank

Pan American Banks Inc., Miami, Florida, 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 66 per cent or more of the voting shares of People American National Bank of North Miami, North Miami, Florida; Peoples Downtown National Bank, Miami, Florida; Peoples First National Bank of Miami Shores, Miami Shores, Florida; Peoples First National Bank of North Miami Beach, North Miami Beach, Florida; Peoples Hialeah National Bank, Hialeah, Florida; Peoples Liberty National Bank of North Miami, North Miami, Florida; and Peoples National Bank of Commerce, Miami, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. 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 February 12, 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, January 22, 1982.

Theodore E. Downing, Jr.,  
*Assistant Secretary of the Board.*

[FR Doc. 82-2176 Filed 1-26-82; 8:45 am]  
BILLING CODE 6210-01-M

### Peoples Capital Corp.; Formation of Bank Holding Company

Peoples Capital Corporation, Union, Mississippi, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Peoples Bank of Mississippi, N.A., Union, Mississippi. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 17, 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, January 20, 1982.

Theodore E. Downing, Jr.,  
*Assistant Secretary of the Board.*

[FR Doc. 82-2185 Filed 1-26-82; 8:45 am]  
BILLING CODE 6210-01-M

### Quad Cities First Co.; Formation of Bank Holding Company

Quad Cities First Company, Rock Island, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares, less directors' qualifying shares, of the successor by merger to First National Bank of the Quad Cities, Rock Island, Illinois. 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)).

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the applications should submit views in writing to the Reserve Bank, to be

received not later than February 19, 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, January 20, 1982.

**Theodore E. Downing, Jr.,**

*Assistant Secretary of the Board.*

[FR Doc. 82-2186 Filed 1-26-82; 8:45 am]

BILLING CODE 6210-01-M

### **Texas American Bancshares, Inc.; Acquisition of Bank**

Texas American Bancshares, Inc., Fort Worth, Texas, 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 100 percent of the voting shares of First National Bank in Breckenridge, Breckenridge, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. 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 February 12, 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, January 22, 1982.

**Theodore E. Downing, Jr.,**

*Assistant Secretary of the Board.*

[FR Doc. 82-2177 Filed 1-26-82; 8:45 am]

BILLING CODE 6210-01-M

### **Trabanc; Formation of Bank Holding Company**

Trabanc, Salt Lake City, Utah, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Tracy Collins Bank & Trust, Salt Lake City, Utah. The factors that are considered in acting on the

application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. 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 February 18, 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, January 20, 1982.

**Theodore E. Downing, Jr.,**

*Assistant Secretary of the Board.*

[FR Doc. 82-2187 Filed 1-26-82; 8:45 am]

BILLING CODE 6210-01-M

### **Union Colony Bancorp.; Formation of Bank Holding Company**

Union Colony Bancorp., Greeley, Colorado, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Union Colony Bank, Greeley, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 11, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, 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, January 20, 1982.

**Theodore E. Downing, Jr.,**

*Assistant Secretary of the Board.*

[FR Doc. 82-2188 Filed 1-26-82; 8:45 am]

BILLING CODE 6210-01-M

### **Wabanc, Inc.; Formation of Bank Holding Company**

Wabanc, Inc., Wabash, Indiana, has applied for the Board's approval under

section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to The First National Bank of Wabash, Wabash, Indiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 19, 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, January 20, 1982.

**Theodore E. Downing, Jr.,**

*Assistant Secretary of the Board.*

[FR Doc. 82-2189 Filed 1-26-82; 8:45 am]

BILLING CODE 6210-01-M

### **Wabash Valley Bancorporation, Inc.; Formation of Bank Holding Company**

Wabash Valley Bancorporation, Inc., Peru, Indiana, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Wabash Valley Bank and Trust Company, Peru, Indiana. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 17, 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, January 20, 1982.

Theodore E. Downing, Jr.,

*Assistant Secretary of the Board.*

[FR Doc. 82-2190 Filed 1-26-82; 8:45 am]

BILLING CODE 6210-01-M

### Wells-Foster Bankshares, Inc.; Formation of Bank Holding Company

Wells-Foster Bankshares, Inc., Carrington, North Dakota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 97.75 percent or more of the voting shares of Farmers State Bank, Carrington, North Dakota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 19, 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, January 20, 1982.

Theodore E. Downing, Jr.,

*Assistant Secretary of the Board.*

[FR Doc. 82-2191 Filed 1-26-82; 8:45 am]

BILLING CODE 6210-01-M

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### Alcohol, Drug Abuse, and Mental Health Administration

#### Rape Prevention and Control Advisory Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following national advisory body scheduled to assemble during the month of February 1982.

#### Rape Prevention and Control Advisory Committee

February 24; 9:00 a.m.—Open—Conference  
Room F

February 25; 9:00 a.m.—Open—Conference  
Room L

5600 Fishers Lane, Rockville, Maryland  
(Parklawn Building)

Contact: Mary Lystad, Ph.D., Executive Secretary, Room 15-89, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, (301) 443-1910

**Purpose:** The Rape Prevention and Control Advisory Committee advises the Secretary of Health and Human Services, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and the Director, National Institute of Mental Health, through the National Center for the Prevention and Control of Rape (NCPCR), on matters regarding the needs and concerns associated with rape in the United States and makes recommendations pertaining to activities to be undertaken by the Department to address the problems of rape.

**Agenda:** The entire meeting will be open to the public. The Committee will report on research, training, and prevention activities, the fiscal year 1982 and 1983 budgets, as well as an in-house project focusing on exemplary rape crisis centers. The Committee will report on recent research on sexual abuse in the family, rape of adolescents, and research on sexual abuse, the law and the criminal justice system.

Substantive information may be obtained from the contact person listed above. Mrs. Helen Garrett, Committee Management Officer, NIMH, Room 9-95, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, telephone (301) 443-4333, will furnish upon request summaries of the meeting and rosters of the Committee members.

Dated: January 21, 1982.

Elizabeth A. Connolly,

*Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.*

[FR Doc. 82-1964 Filed 1-26-82; 8:45 am]

BILLING CODE 4160-20-M

#### Office of Human Development Services

[Program Announcement No. HDS-82-3]

#### Discretionary Funds Programs

**AGENCY:** Office of Human Development Services, HHS.

**SUBJECT:** Extension closing date for submitting applications under Program Announcement Number 82-1.

**SUMMARY:** The Office of Human Development Services (HDS) including the Administration for Children, Youth and Families (ACYF), Administration on Developmental Disabilities (ADD), Administration on Aging (AoA), Administration for Native Americans (ANA), Office of Policy Development

(OPD), and the Office of Policy Coordination and Review (OPCR) announced November 16, 1981, 46 FR 56364 that competing preapplications would be accepted for new research, demonstration, evaluation and training and technology transfer grants and cooperative agreements authorized by its multiple discretionary funding program legislation. This announcement extends the closing date of the November 16 announcement.

**DATE:** January 27, 1982.

As a result of national adverse weather conditions, the closing date for submission of preapplications is extended to January 22, 1982. Conditions for meeting the closing date remain as stated in the November 16 announcement and the supplemental announcement published in the *Federal Register* on January 13, 1982.

Dated: January 21, 1982.

Dorcas R. Hardy,

*Assistant Secretary for Human Development Services.*

[FR Doc. 82-1987 Filed 1-26-82; 8:45 am]

BILLING CODE 4130-01-M

[Program Announcement No. HDS-82-4]

#### Discretionary Funds Programs

**AGENCY:** Office of Human Development Services, HHS.

**SUBJECT:** Extension closing date for submitting applications under Program Announcement Number 13612-822.

**SUMMARY:** The Administration for Native Americans (ANA) in the Office of Human Development Services (OHDS) announced November 12, 1981, 46 FR 55779, that funds were available for Native American Projects. This announcement extends the closing date of the November 12th announcement.

**DATE:** January 27, 1982.

As a result of national adverse weather conditions, the closing date for submission of applications is extended to January 22, 1982. Conditions for meeting the closing date remain as stated in the November 12 announcement.

Dated: January 21, 1982.

Dorcas R. Hardy,

*Assistant Secretary for Human Development Services.*

[FR Doc. 82-1988 Filed 1-26-82; 8:45 am]

BILLING CODE 4130-01-M

## DEPARTMENT OF THE INTERIOR

## Bureau of Indian Affairs

## Irrigation Operation and Maintenance Charges; Water Charges and Related Information on the Blackfeet Irrigation Project, Montana

This notice of operation and maintenance rates and related information is published under the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs in 230 DMI and redelegated by the Assistant Secretary—Indian Affairs to the Area Directors in 10 BIAM 3. The authority to issue regulations is vested in the Secretary of the Interior by U.S.C. 301 and Sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9), and also under 25 CFR 191.1(e).

Pursuant to final rule published on June 14, 1977, in 42 FR 30361, this notice sets forth changes to the operation and maintenance charges and related information applicable on all lands in the Blackfeet Irrigation Project. These charges were proposed pursuant to the authority contained in the Acts of August 1, 1914, and March 7, 1928 (38 Stat. 583, 25 U.S.C. 385; 45 Stat. 210, 25 U.S.C. 387).

Interested persons were given 30 days in which to submit written comments, views or arguments regarding the proposed rates and related provisions. Fourteen written comments were received during the 30-day comment period. All comments received opposed the 100% increase as previously projected. Through the necessity of negotiation a \$2.00 raise was obtained.

In compliance with the above, the operation and maintenance charges for the lands under the Blackfeet Irrigation Project, Montana for the calendar year 1982 and subsequent years until further notice, are hereby fixed at \$6.00 per acre for the assessable area under the constructed works on all irrigable lands within Designated Boundaries of the Blackfeet Irrigation Project.

221-131. Excess Water Assessment. Additional water, when available, may be delivered upon request at the rate of \$3.33 per acre foot or fraction thereof.

Dated: January 11, 1982.

M. A. Fairbanks,

Superintendent, Blackfeet Agency.

[FR Doc. 82-2020 Filed 1-26-82; 8:45 am]

BILLING CODE 4310-02-M

## Bureau of Land Management

[W-71209]

## Realty Action Sale of Public Lands in Park County, Wyoming

January 18, 1982.

The following described lands have been determined to be suitable for disposal by sale pursuant to section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1713, at no less than the fair market value.

## Sixth Principal Meridian, Wyoming

T. 52 N., R. 104 W.,

Sec. 18, Lot 49.

Containing 0.4 acres.

The land is to be sold noncompetitively to Lee and Charlotte Wurst. The purpose of this sale is to resolve a longstanding occupancy trespass. The terms and conditions applicable to the sale are:

1. A reservation to the United States of the right to construct ditches or canals pursuant to the Act of August 30, 1890, 43 U.S.C. 945;

2. All mineral deposits in the lands so patented, and to it, or persons authorized by it, the right to prospect, mine, and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe;

3. Subject to those rights of A. G. Andrikopolous, his successors and assigns under oil and gas lease W-69459 issued February 1, 1980, pursuant to the Act of February 25, 1920 (30 U.S.C. 181, et seq.).

Detailed information concerning the sale is available for review at the Bureau of Land Management, Worland District Office, 1700 Robertson Avenue, P.O. Box 119, Worland, Wyoming 82401.

On or before March 4, 1982, interested parties may submit comments to the State Director, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001. Any adverse comments will be evaluated by the State Director who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become a final determination of the Department of the Interior.

Harold G. Stinchcomb,  
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82-1963 Filed 1-26-82; 8:45 am]

BILLING CODE 4310-84-M

[AA-6653-A, AA-6653-B]

On September 4 and November 7, 1974, Chitina Native Corporation for the

Native village of Chitina filed selection applications AA-6653-A and AA-6653-B respectively, under the provisions of Sec. 12 of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611 (1976)) (ANCSA), for the surface estate of certain lands in the vicinity of Chitina, Alaska.

As to the lands described below, the applications, as amended, are properly filed and meet the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a) of ANCSA, aggregating approximately 103,995 acres, is considered proper for acquisition by Chitina Native Corporation and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA:

U.S. Survey No. 1506, Alaska, situated approximately 2 miles north of Chitina, on the Edgerton Highway.

Containing 160 acres.

U.S. Survey No. 1875, Indian Cemetery, situated on the Richardson Highway, approximately one-half mile north of Chitina, Alaska.

Containing .025 acre.

U.S. Survey No. 3579, Alaska, Lot 17, situated along the Edgerton Highway between mile 23 and 28 from Chitina, Alaska.

Containing 80.20 acres.

U.S. Survey No. 4977, Alaska, Lots 6, 14, 23, 25 and 37, situated along the Edgerton Highway between mile 18 and mile 24 from Chitina, Alaska.

Containing 605.10 acres.

Mineral Survey No. 905, Alaska, known as the Empire, Lizzie and Republic lode claims, in the Chitina (formerly Valdez) Mining District of Alaska.

Containing 34,189 acres.

## Copper River Meridian, Alaska

T. 2 S., R. 3 E. (Partially Surveyed)

Sec. 1, Lots 1 to 6, inclusive, S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ ;

Sec. 2, Lots 1 to 4, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;

Sec. 3, Lots 1 to 4, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;

Sec. 4, Lots 1 to 6, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;

Sec. 5, Lots 1 to 5, inclusive;

Sec. 6, Lots 1 to 9, inclusive, SE $\frac{1}{4}$ , SW $\frac{1}{4}$ ;

Sec. 7, Lots 1 to 6, inclusive, W $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$  and the unsurveyed portion south and west of the left bank of Tonsina River;

Sec. 8, Lots 1 to 5, inclusive, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 9, Lots 1 to 4, inclusive;

Sec. 10, Lots 1 to 4, inclusive, NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Secs. 11, and 12;

Sec. 13, Lots 1 to 4, inclusive, N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ ;

Sec. 14, Lots 1 to 4, inclusive, NE $\frac{1}{4}$ ;

- Sec. 23, Lots 1 to 5, inclusive, SW  $\frac{1}{4}$ SW  $\frac{1}{4}$ , E  $\frac{1}{2}$ SW  $\frac{1}{4}$ SE  $\frac{1}{4}$ ;
- Sec. 24, Lots 1 to 4, inclusive. Containing approximately 6,483 acres.
- T. 2 S., R. 4 E. (Partially Surveyed)
- Sec. 19, Lots 1 to 4, inclusive;
- Sec. 20, Lots 1 and 2, W  $\frac{1}{2}$ NE  $\frac{1}{4}$ , N  $\frac{1}{2}$ NW  $\frac{1}{4}$ , N  $\frac{1}{2}$ SE  $\frac{1}{4}$ NW  $\frac{1}{4}$ ;
- Sec. 21, Lots 1, 3 and 4, W  $\frac{1}{2}$ E  $\frac{1}{2}$ SE  $\frac{1}{4}$ SW  $\frac{1}{4}$ , and the unsurveyed portion north of the right bank of the Copper River, excluding the Copper River;
- Sec. 27, Lots 6 to 10, inclusive, SW  $\frac{1}{4}$ NE  $\frac{1}{4}$ , E  $\frac{1}{2}$ NE  $\frac{1}{4}$ NW  $\frac{1}{4}$ , W  $\frac{1}{2}$ NE  $\frac{1}{4}$ NE  $\frac{1}{4}$ SW  $\frac{1}{4}$ , NW  $\frac{1}{4}$ NE  $\frac{1}{4}$ SW  $\frac{1}{4}$ , S  $\frac{1}{2}$ NE  $\frac{1}{4}$ SW  $\frac{1}{4}$ , N  $\frac{1}{2}$ SW  $\frac{1}{4}$ SW  $\frac{1}{4}$ , N  $\frac{1}{2}$ NW  $\frac{1}{4}$ SE  $\frac{1}{4}$ , excluding Native allotments AA-5972 Parcel D, AA-6000 Parcel B, AA-7589 and AA-7637; and that portion north of the right bank of the Copper River, excluding the Copper River;
- Sec. 28, Lots 1 and 2, N  $\frac{1}{2}$ SW  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , excluding Native allotments AA-3101, AA-5972 Parcel D, AA-7637; and the unsurveyed portion south and west of the left bank of the Tonsina River;
- Sec. 35, Lots 1 to 5, inclusive, E  $\frac{1}{2}$ NW  $\frac{1}{4}$ , NW  $\frac{1}{4}$ NW  $\frac{1}{4}$ , and the unsurveyed portion south and east of the left bank of the Tonsina River. Excluding the Copper River, U.S. Survey No. 3111, U.S. Survey No. 3549, Native allotments AA-5605, AA-5928, AA-6016 and AA-6112;
- Sec. 36, excluding the Copper River. Containing approximately 1,754 acres.
- T. 3 S., R. 4 E. (Unsurveyed)
- Sec. 1, excluding the Copper River, U.S. Survey No. 5198 and Native allotment AA-5707;
- Sec. 2, excluding the Copper River, Native allotments A-063660 and AA-6112;
- Sec. 3. Containing approximately 1,510 acres.
- T. 2 S., R. 5 E. (Unsurveyed)
- Secs. 31 and 32, excluding the Copper River;
- Secs. 33 and 36, inclusive, all. Containing approximately 3,653 acres.
- T. 3 S., R. 5 E. (Unsurveyed)
- Secs. 1 and 2;
- Secs. 3, 4 and 5, excluding the Copper River;
- Sec. 6, excluding the Copper River, U.S. Survey No. 5198, and Native allotment AA-5882;
- Sec. 7, excluding Native allotment AA-5882;
- Sec. 8, excluding U.S. Survey No. 3578;
- Sec. 9, excluding Native allotments AA-5967 Parcel B and AA-7651;
- Sec. 10, excluding the Copper River, U.S. Survey No. 3548, and Native allotment AA-7651;
- Sec. 11, excluding the Copper River and Native allotment AA-2520 Parcel B;
- Sec. 12;
- Sec. 13, excluding the Copper River;
- Sec. 14, excluding the Copper River and Native allotment AA-5972 Parcel A;
- Sec. 15, excluding U.S. Survey No. 3548, Native allotments AA-7651 and AA-8045;
- Sec. 16, excluding Native allotment AA-7651;
- Secs. 17 to 22, inclusive;
- Sec. 23, excluding the Copper River, and Native allotment AA-5972 Parcels B and C;
- Sec. 24, excluding the Copper River and U.S. Survey No. 3550;
- Sec. 25, excluding the Copper River, U.S. Survey No. 3547 and U.S. Survey No. 3550;
- Secs. 26 to 35, inclusive;
- Sec. 36, excluding the Copper River. Containing approximately 18,967 acres.
- T. 4 S., R. 5 E. (Unsurveyed)
- Sec. 1, excluding the Copper River;
- Sec. 2, excluding U.S. Survey No. 1506;
- Secs. 3 to 10, inclusive;
- Sec. 11, excluding U.S. Survey No. 1506 and U.S. Survey No. 1875;
- Sec. 12, excluding the Copper River;
- Sec. 13, excluding the Copper River, U.S. Survey No. 596, U.S. Survey No. 1225, U.S. Survey No. 3221 and Native allotment AA-5568 Tract 1;
- Sec. 14, excluding U.S. Survey No. 264, U.S. Survey No. 596, U.S. Survey No. 597, U.S. Survey No. 702, U.S. Survey No. 941, U.S. Survey No. 942, U.S. Survey No. 1225 and U.S. Survey No. 1875;
- Secs. 15 to 21, inclusive;
- Sec. 22, excluding Native allotment AA-6275;
- Sec. 23, excluding the Copper River, U.S. Survey No. 264, U.S. Survey No. 597, U.S. Survey No. 1810, U.S. Survey No. 2011, Native allotments AA-5730, AA-5889, AA-6275, AA-6613 and AA-7343;
- Sec. 24, excluding the Copper River, U.S. Survey No. 3221, Native allotments AA-5730 and AA-6613;
- Sec. 25, excluding the Copper River;
- Sec. 26, excluding the Copper River and Native allotment AA-5730;
- Secs. 27 to 34, inclusive;
- Secs. 35 and 36, excluding the Copper River. Containing approximately 19,955 acres.
- T. 2 S., R. 6 E. (Unsurveyed)
- Sec. 36. Containing approximately 640 acres.
- T. 3 S., R. 6 E. (Unsurveyed)
- Sec. 1;
- Secs. 7 to 29, inclusive;
- Secs. 30 and 31, excluding the Copper River;
- Secs. 32 to 36, inclusive. Containing approximately 19,524 acres.
- T. 5 S., R. 6 E. (Unsurveyed)
- Secs. 2 and 3;
- Secs. 4 and 5, excluding Mineral Survey No. 613;
- Secs. 6, 9, and 10. Containing approximately 4,398 acres.
- T. 2 S., R. 7 E. (Unsurveyed)
- Secs. 19 and 20;
- Sec. 21, excluding Mineral Survey No. 905;
- Secs. 22, 25 and 26;
- Sec. 27, excluding Mineral Survey No. 630, Mineral Survey No. 661A and Mineral Survey No. 662A;
- Sec. 28, excluding Mineral Survey No. 661A and Mineral Survey No. 665B;
- Sec. 29, excluding Mineral Survey No. 661B and Mineral Survey No. 665B;
- Secs. 30, 31 and 32;
- Sec. 33, excluding Mineral Survey No. 661A;
- Sec. 34, excluding Mineral Survey No. 565, Mineral Survey No. 630, Mineral Survey No. 631, Mineral Survey No. 660B, Mineral Survey No. 661A, Mineral Survey No. 662B and Mineral Survey No. 665A;
- Sec. 35, exclusive Mineral Survey No. 565, Mineral Survey No. 659, Mineral Survey No. 660A and Mineral Survey No. 665A;
- Sec. 36, excluding Mineral No. 658, Mineral Survey No. 659 and Mineral Survey No. 660A. Containing approximately 9,561 acres.
- T. 3 S., R. 7 E. (Unsurveyed)
- Sec. 31. Containing approximately 628 acres.
- T. 4 S., R. 7 E. (Partially Surveyed)
- Surveyed
- Sec. 14, NW  $\frac{1}{4}$ NW  $\frac{1}{4}$ ;
- Sec. 15, N  $\frac{1}{2}$ NE  $\frac{1}{4}$ , SW  $\frac{1}{4}$ NE  $\frac{1}{4}$ ;
- Sec. 23, N  $\frac{1}{2}$ N  $\frac{1}{2}$ , S  $\frac{1}{2}$ NE  $\frac{1}{4}$ . Unsurveyed
- Sec. 6;
- Sec. 7, excluding Native allotment AA-7332 Parcel A;
- Secs. 8 to 11, inclusive;
- Sec. 12, excluding U.S. Survey No. 5190;
- Sec. 15;
- Sec. 16, excluding U.S. Survey No. 5365;
- Sec. 17, excluding U.S. Survey No. 4097; U.S. Survey No. 5365 and Native allotment AA-7332 Parcel B;
- Sec. 18, excluding Native allotments AA-7332 Parcel A and AA-7562;
- Sec. 19;
- Sec. 20, excluding Native allotment AA-7332 Parcel B;
- Secs. 21 to 29, inclusive;
- Secs. 30, 31, and 32, excluding the Chitina River;
- Secs. 33 to 36, inclusive; Containing approximately 16,043 acres. Aggregating approximately 103,995 acres.
- The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:
1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(f)); and
  2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in casefile AA-6653-EE, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.
- Allowable Uses**
- 25 Foot Trail*—The uses allowed on a twenty-five (25) foot wide trail easement are: Travel by foot, dogsled, animals,

snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

**50 Foot Trail**—The uses allowed on a fifty (50) foot wide trail easement are: Travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, track vehicles and four-wheel drive vehicles.

**60 Foot Road**—The uses allowed on a sixty (60) foot wide road easement are: Travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

**One Acre Site**—The uses allowed for a site easement are: Vehicle parking (e.g., aircraft, boats, ATV's, snowmobiles, cars, trucks), temporary camping, and loading or unloading. Temporary camping, loading, or unloading shall be limited to 24 hours.

a. (EIN 1 C3, C5, D1, L) An easement for an existing access trail twenty-five (25) feet in width from site EIN 37 C5 on the left bank of the Copper River in Sec. 3, T. 3 S., R. 5 E., Copper River Meridian, northeasterly to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

b. (EIN 1c C3, C5, D1, L) An easement for an existing access trail, twenty-five (25) feet in width, from EIN 1g C3, C5, D1, L in Sec. 1, T. 4 S., R. 7E., Copper River Meridian, northwesterly to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

c. (EIN 1d C3, C5, D1, L) An easement for an existing access trail fifty (50) feet in width from road EIN 1g C3, C5, D1, L in Sec. 12, T. 4 S., R. 7 E., Copper River Meridian, easterly to public land. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

d. (EIN 1g C3, C5, D1, L) An easement fifty (50) feet in width for an existing road from Omnibus Act Route No. 850 in Sec. 22, T. 4 S., R. 7 E., Copper River Meridian, near Strelina, northerly to public lands. The uses allowed are those listed above for a sixty (60) foot wide road easement.

e. (EIN 6 C5, D9) An easement for an existing access trail twenty-five (25) feet in width from Liberty Falls Campground in Sec. 8, T. 3 S., R. 5 E., Copper River Meridian, westerly to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement, except for two- and three-wheel vehicles and small all-terrain vehicles which are limited to winter use only.

f. (EIN 7 C5, D9) An easement for an existing access trail fifty (50) feet in width from the Edgerton Highway in Sec. 26, T. 3 S., R. 5 E., Copper River Meridian, westerly to public land. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

g. (EIN 8 C5, D1) An easement sixty (60) feet in width for an existing road from site EIN 8a C5, D1 in Sec. 11, T. 4 S., R. 5E., Copper River Meridian, southerly along the west shore of First Lake to the Edgerton Highway in Sec. 11, T. 4 S., R. 5 E., Copper River Meridian. The uses allowed are those listed above for a sixty (60) foot wide road easement.

h. (EIN 8a C5, D1) A one (1) acre site easement upland of the ordinary high water mark on the west shore of First Lake in Sec. 11, T. 4 S., R. 5 E., Copper River Meridian, with an additional twenty-five (25) foot wide easement on the bed of the lake along the waterfront of the site. The uses allowed are those listed above for a one (1) acre site easement.

i. (EIN 17 C8) An easement fifty (50) feet in width for an existing road width from Omnibus Act Route FAS 851 in Secs. 26 and 35, T. 4 S., R. 5 E., Copper River Meridian, southeasterly to site EIN 22 C1 at the junction of O'Brien Creek and the Copper River. The uses allowed are those listed above for a sixty (60) foot wide road easement.

j. (EIN 18 C5, D1, L) An easement for a combination existing and proposed access trail twenty-five (25) feet in width from site EIN 19 C1, L on the left bank of the Copper River in Sec. 25, T. 4 S., R. 5 E., Copper River Meridian, southeasterly to public land in T. 5 S., R. 6 E., Copper River Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

k. (EIN 19 C1, L) A one (1) acre site easement upland of the ordinary high water mark in Sec. 25, T. 4 S., R. 5 E., Copper River Meridian, on the left bank of the Copper River. The uses allowed are those listed above for a one (1) acre site.

l. (EIN 22 C1) A three (3) acre site easement upland of the ordinary high water mark in Secs. 26 and 35, T. 4 S., R. 5 E., Copper River Meridian, on the right bank of the Copper River at the mouth of O'Brien Creek. The uses allowed are the same as those listed above for a one (1) acre site.

m. (EIN 28 L) An easement for an existing access trail twenty-five (25) feet in width from site EIN 36 C5 adjacent to the Edgerton Highway in Sec. 15, T. 2 S., R. 3 E., Copper River Meridian, northeasterly along the east boundary of Lot 37, U.S. Survey No. 4977 to the

Copper River. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

n. (EIN 33 E) A one (1) acre site easement upland of the ordinary high water mark in Sec. 12, T. 4 S., R. 5 E., Copper River Meridian, on the left bank of the Copper River. The uses allowed are those listed above for a one (1) acre site.

o. (EIN 33a'E) An easement fifty (50) feet in width for an existing road from the Omnibus Act Route FAS No. 850 in Sec. 7, T. 4 S., R. 6 E., Copper River Meridian, northwesterly to site EIN 33 E. The uses allowed are those listed above for a sixty (60) foot wide road easement.

p. (EIN 35 C5, L) An easement fifty (50) feet in width, twenty-five (25) feet on each side of the centerline, for existing telephone and electrical distribution lines along the Edgerton Highway from Sec. 31, T. 1 S., R. 3 E., Copper River Meridian, to the terminus of the distribution system located in Sec. 27, T. 2 S., R. 4 E., Copper River Meridian. The uses allowed are those uses associated with the operation and maintenance of telephone and electrical lines.

q. (EIN 37 C5) A one (1) acre site easement upland of the ordinary high water mark in Sec. 3, T. 3 S., R. 5 E., Copper River Meridian on the left bank of the Copper River. The uses allowed are those listed above for a one (1) acre site.

The grant of the above-described land shall be subject to:

1. Issuance of a patent confirming the boundary description of the unsurveyed lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by a lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971, (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access is now provided for under existing law;

3. Any right-of-way interest in the Copper River Highway (FAS Route No. 851), extending one hundred fifty (150) feet on each side of the centerline, transferred to the State of Alaska by

quitclaim deed dated June 3, 1959, executed by the Secretary of Commerce under the authority of the Alaska Omnibus Act, Public Law 86-70 (73 Stat. 141) from T. 6 S., R. 4 E., Copper River Meridian, Alaska, northerly to a junction with FAS Route No. 850 at the village of Chitina, located in T. 4 S., R. 5 E., Copper River Meridian, Alaska;

4. Any right-of-way interest in the Edgerton Cutoff Highway (FAS Route No. 851) transferred to the State of Alaska by quitclaim deed dated June 3, 1959, executed by the Secretary of Commerce under the authority of the Alaska Omnibus Act, Pub. L. 86-70 (73 Stat. 141), from the village of Chitina in T. 4 S., R. 5 E., Copper River Meridian, Alaska, northwesterly to its junction with FAP Route No. 71.

5. Any right-of-way interest in the Chitina-McCarthy Road (FAS Route No. 850) transferred to the State of Alaska by quitclaim deed dated June 3, 1959, executed by the Secretary of Commerce under the authority of the Alaska Omnibus Act, Pub. L. 86-70 (73 Stat. 141) from the junction with FAS Route No. 851 at the village of Chitina in T. 4 S., R. 5 E., Copper River Meridian, Alaska, easterly to McCarthy.

6. The following are rights-of-way for Federal Aid Highway Act of August 27, 1958 as amended 23 U.S.C. 317:

a. A-055571, located in Sec. 35, T. 2 S., R. 4 E., Secs. 1 and 2, T. 3 S., R. 4 E., and Secs. 6, 7, 8, 9, 15 and 16, T. 3 S., R. 5 E., Copper River Meridian, Alaska;

b. A-057859, located in Sec. 8, T. 3 S., R. 5 E., Copper River Meridian, Alaska;

c. A-063403, located in lot 17 of U.S. Survey No. 3579, lots 6, 14, 25 and 37 of U.S. Survey No. 4977, and Sec. 27, T. 2 S., R. 4 E., Copper River Meridian, Alaska;

d. AA-798, located in U.S. Survey No. 1506, Secs. 14, 15, 23, 25, 26 and 35, T. 3 S., R. 5 E., and Secs. 2, 11 and 14, T. 4 S., R. 5 E., Copper River Meridian, Alaska;

e. AA-817, located in Sec. 27, T. 2 S., R. 4 E., Copper River Meridian, Alaska;

f. AA-2527, located in U.S. Survey No. 1506 and Sec. 11, T. 4 S., R. 5 E., Copper River Meridian, Alaska;

g. AA-2922, located in Secs. 12 and 13, T. 4 S., R. 5 E., Copper River Meridian, Alaska;

h. AA-5894, located in Sec. 13, T. 4 S., R. 5 E., Copper River Meridian, Alaska;

7. The following are rights-of-way for Federal Aid material sites. Act of August 27, 1958, as amended (23 U.S.C. 317):

a. A-051674, located in Sec. 15, T. 3 S., R. 5 E., Copper River Meridian, Alaska;

b. A-05346, located in Sec. 8 T. 3 S., R. 5 E., Copper River Meridian, Alaska;

c. A-053477, located in Sec. 8 T. 3 S., R. 5 E., Copper River Meridian, Alaska;

d. A-057712, located in Sec. 35, T. 3 S., R. 5 E., Copper River Meridian, Alaska;

e. A-062456, located in Sec. 35, T. 2 S., R. 4 E., Copper River Meridian, Alaska;

f. AA-363, located in Sec. 2, T. 4 S., R. 5 E., Copper River Meridian, Alaska;

g. AA-364, located in Secs. 25 and 26, T. 3 S., R. 5 E., Copper River Meridian, Alaska;

h. AA-2857, located in Secs. 13, T. 4 S., R. 5 E., Copper River Meridian, Alaska;

i. AA-8175, Parcel 5, located in Sec. 35, T. 2 S., R. 4 E., Copper River Meridian, Alaska.

8. A right-of-way, AA-5565, located in Secs. 12 and 13, T. 4 S., R. 5 E., Copper River Meridian, Alaska, for a dike in connection with the Chitina River Bridge. Act of August 27, 1958, as amended, 23 U.S.C. 107, 317; and

9. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Chitina Native Corporation is entitled to conveyance of 115,200 acres of land selected pursuant to Sec. 12(a) of ANSCA. Together with the lands herein approved, the total acreage conveyed or approved for conveyance is approximately 103,995 acres. The remaining entitlement of approximately 11,205 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANSCA, conveyance of the subsurface estate of the lands described above shall be issued to AHTNA, Incorporated, when the surface estate is conveyed to Chitina Native Corporation, and shall be subject to the same conditions as the surface conveyance.

Within the above described lands, only the following inland water bodies are considered to be navigable:

The Copper River and its interconnecting sloughs.

The Chitina River and its interconnecting sloughs.

All other named and unnamed water bodies within the lands to be conveyed were reviewed. Based on existing evidence they were determined to be nonnavigable.

In accordance with Department regulation 43 CFR 2650.7(d), notice of this decision is being published once in the *Federal Register* and once a week, for four (4) consecutive weeks, in the COPPER VALLEY VIEWS.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, provided, however, pursuant to Pub. L. 96-487, this decision constitutes the final administrative determination of the Department of the Interior concerning navigability of water bodies.

Appeals should be filed with the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 100, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until February 26, 1982, to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of the requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Chitina Native Corporation, P.O. Box 3, Chitina, Alaska 99566

AHTNA, Inc., Drawer G, Copper Center, Alaska 99573

State of Alaska, Department of Natural Resources, Division of Research and Development, Pouch 7-005, Anchorage, Alaska 99510

Lower Tonsina, Inc., Drawer G, Copper Center, Alaska 99573

Ann Johnson,  
Chief, Branch of ANCSA Adjudication.

[FR Doc. 82-1989 Filed 1-26-82; 8:45 am]

BILLING CODE 4310-84-M

[UT-910]

### Utah; Intensive Wilderness Inventory Decisions in Effect

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

**SUMMARY:** On January 4, 1982 the Interior Board of Land Appeals (IBLA) dismissed the appeals on Wilderness Inventory Units UT-060-140A, 164, 167, 169, 188, 191, 196, 197/198, 204, 205B, 224, 227, and 229. The appellant failed to file the appeal and a Statement of Reasons

in a timely manner. Therefore, the Utah State Director's decision as originally published in the November 14, 1980 Federal Register (45 FR 75602) or as amended in the March 5, 1981 Federal Register (46 FR 5332), is now in effect. In that decision portions of the inventory units were found to contain wilderness characteristics and were identified as Wilderness Study Areas. Those areas identified as Wilderness Study Areas will remain under management restrictions imposed by section 603 of Pub. L. 94-579.

Also on January 4, 1982, the Interior Board of Land Appeals (IBLA) affirmed the Utah State Director's decision on the Wilderness Study Area (WSA) UT-060-201. Therefore the Utah State Director's decision as originally published in the November 14, 1980 Federal Register (45 FR 75602) and as amended in the March 5, 1981 Federal Register (46 FR 5332) is now in effect. In that decision approximately 65,000 acres were identified as a WSA. The WSA will remain under management restrictions imposed by section 603 of Pub. L. 94-579.

**FOR FURTHER INFORMATION CONTACT:**  
Kent Biddulph, Utah Wilderness  
Coordinator, (801) 524-5326.

Dated: January 19, 1982.

Roland G. Robinson Jr.,  
State Director.

[FR Doc. 82-2021 Filed 1-26-82; 8:45 am]

BILLING CODE 4310-94-M

## National Park Service

### Maggie L. Walker National Historic Site

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice of availability of environmental assessment (and its summary) for the general management plan, Maggie L. Walker National Historic Site, Richmond, Virginia.

**SUMMARY:** The National Park Service has prepared an Environmental Assessment (and its summary) as a step in General Management Planning process for Maggie L. Walker National Historic Site, Richmond, Virginia. This Assessment presents six alternatives for the future management and development of the site, with an assessment of the environmental impacts of each alternative.

The alternatives propose different levels of preservation, restoration, and adaptation of buildings on the site for visitor use and interpretation. Two alternatives proposed minimal expenditure of funds; three alternatives propose mixtures of visitor use and commercial leasing of space to fully protect and utilize the site; and one

alternative proposes full National Park Service and visitor use of the site. Discussion of these alternatives and their impacts by the National Park Service and the public will lead to the selection of an alternative and determination of need for an environmental impact statement.

Copies of the Environmental Assessment will be available for review beginning February 2, 1982, at the headquarters, Richmond National Battlefield Park, 3215 E. Broad Street, Richmond, Virginia 23223; at the Richmond City Library (downtown location); and at the Mid-Atlantic Regional Office, National Park Service 143 So. Third Street, Room 310, Philadelphia, Pennsylvania 19106.

With this Notice of Availability, the National Park Service is inviting written comments on the Environmental Assessment for the General Management Plan.

**DATES:** Written comments on the Assessment will be accepted until March 15, 1982.

**ADDRESSES:** Copies of the Environmental Assessment and its summary may be obtained from the Superintendent, Maggie L. Walker National Historic Site, c/o Richmond National Battlefield Park, 3215 E. Broad Street, Richmond, Virginia 23223. Written comments may also be directed to the Superintendent.

Dated: January 14, 1982

James W. Coleman, Jr.,  
Regional Director, Mid-Atlantic Region.

[FR Doc. 82-2049 Filed 1-26-82; 8:45 am]

BILLING CODE 4310-70-M

## [A18 (SAMO)]

### Santa Monica Mountains National Recreation Area Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Santa Monica Mountains National Recreation Area Advisory Commission will be held on Tuesday, February 23, 1982 at 7:30 p.m. in the auditorium at Colina Intermediate School, 1500 Hillcrest Drive, Thousand Oaks, CA.

The Advisory Commission was established by Pub. L. 95-625 to provide for free exchange of ideas between the National Park Service and the public to facilitate the solicitation of advice or other counsel from members of the public on problems pertinent to the National Park Service in Los Angeles and Ventura Counties.

Members of the Commission are as follows:

Dr. Norman P. Miller, Chairperson  
Honorable Marvin Braude  
Ms. Sarah Dixon  
Ms. Margot Feuer  
Dr. Henry David Gray  
Mr. Edward Heidig  
Mr. Frank Hendler  
Ms. Mary C. Hernandez  
Mr. Bob Lovellette  
Ms. Susan Barr Nelson  
Mr. Carey Peck  
Mr. Donald Wallace

The major agenda item includes the following:

Draft report on management of parklands by local jurisdictions  
Interim parking at Rancho Sierra Vista  
Status report on trails  
Superintendent's status report.

The meeting is open to the public. Any member of the public may file with the Commission a written statement concerning issues to be discussed.

Persons wishing to receive further information on this meeting or who wish to submit written statements may contact the Superintendent, Santa Monica Mountains National Recreation Area, 22900 Ventura Boulevard, Suite 140, Woodland Hills, California 91364.

Minutes of the meeting will be available for public inspection by March 31, 1982, at the above address.

Dated: January 18, 1982.

Robert S. Chandler,  
Superintendent Santa Monica Mountains  
National Recreation Area.

[FR Doc. 82-2050 Filed 1-26-82; 8:45 am]

BILLING CODE 4310-70-M

## INTERSTATE COMMERCE COMMISSION

[Volume No. 223]

### Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: January 22, 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.

#### Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 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 Sporn, Ewing, and Shaffer.  
Agatha L. Mergenovich,  
Secretary.

MC 44300 (Sub-20)X, filed January 8, 1982. Applicant: HESS CARTAGE COMPANY, P.O. Box 3020, 17065 Hess Avenue, Melvindale, MI 48122. Representative: Martin J. Leavitt, Sullivan & Leavitt, P.C., 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Lead and Subs 5, 6, 7, 8, 9, 11, 13 and 17. Broaden: sugar to "food and related products" in lead; chemicals, calcium chloride and dry chemicals in bulk, to "chemicals and related products" in lead and Subs 11 and 13; cement and dry cement also in bags, in bulk, to "clay, concrete, glass or stone products," in lead and Subs 5, 6, 7, 8, 9 and 17; remove Chicago, IL and Wyandotte, MI facilities restrictions in Subs 7 and 11; broaden to: Midland County, MI and Mason County, WV for Midland, MI and Mason City, WV, and Bay, Genesee, Wayne and Livingston Counties, MI for Essexville, Fenton and Detroit, MI in lead; St. Clair County for Port Huron, MI in Sub 5; Cook County, IL for Chicago, IL in Sub 7; Wayne, St. Clair and Kalamazoo Counties, MI for Detroit, Port Huron and Schoolcraft, MI in Sub 8; Wayne County, MI for Wyandotte, MI, and Mason County, WV for Mason City, WV in Sub 11; Gratiot County, MI for St. Louis, MI in Sub 13; remove restrictions, in tank vehicles, in tank equipment, and against use of dump trucks in Subs 7, 8, and 11; broaden to radial service in all authorities.

MC 117730 (Sub-92)X, filed January 6, 1982. Applicant: KOUBENEC MOTOR SERVICE, INC., Route 47, Huntley, IL 60142. Representative: Stephen H. Loeb, Suite 2027, 33 North LaSalle Street, Chicago, IL 60602. Subs 24, 25, 27, 40, 46, 57, 65, 74. Broaden: Sub 24, pickles, pickled tomatoes, sauerkraut and pickle relish (except commodities in bulk) to

"food and related products"; Woodstock facilities to McHenry County, IL; Sub 25, remove in-container, facilities, originating-at destined-to restrictions; broaden Buffalo and North Tonawanda to Erie and Niagara Counties, NY, Emlenton and North Warren to Venango and Warren Counties, PA, and St. Marys to Pleasants County, WV; Sub 27 remove in vehicles equipped with mechanical refrigeration, facilities, and originating at/destined to restrictions; broaden chemicals (except commodities in bulk, in tank vehicles) to "chemicals and related products"; Sub 40, foodstuffs (except commodities in bulk) to "food and related products," Sub 46, remove facilities, originating at/destined to restrictions; broaden chemicals (except commodities in bulk, in tank vehicles) to "chemicals and related products;" Sub 57, remove from part (a) facilities restrictions at Madison and Jefferson, WI, Goodlettsville, TN and from parts (a) and (b) originating at/destined to restriction; broaden part (1), foodstuff and food seasonings (except in bulk) and part (2) materials, equipment and supplies used in the manufacture and distribution of those commodities when moving in mixed loads to "food and related products;" Sub 65, welding materials and supplies, electric motors, electric welders, hand trucks, and parts and accessories therefor, to "electrical machinery, equipment and supplies," remove facilities restriction; Sub 74, broaden part (1), castings, part (2) steel forgings and part (3) materials and supplies used in the manufacture and distribution of steel forgings, to "metal products;" Danville and Harvey facilities to Vermilion and Cook Counties, IL; all subs, to radial authority.

MC 118513 (Sub-3)X, filed January 15, 1982. Applicant: DIERINGER TRUCKING SERVICE, INC., 1732 Hilton Street, Fairbanks, AK 99701. Representative: Warren G. Kellicut, 437 E Street, Suite 500, Anchorage, AK 99501. Sub 2 Certificate, broaden: "Between Valdez, AK, on the one hand, and, on the other those points in AK (1) on AK Hwy 2 between and including Fairbanks, AK and the United States-Canada boundary line; (2) within 10 miles of that portion of AK Hwy 2; (3) on AK Hwy 1 between and including Tok Junction and Anchorage, AK; (4) on AK Hwy 4 between Valdez and junction AK Hwys 4 and 2 at or near Buffalo Center, AK; (5) on AK Hwy 10 between and including junction AK Hwys 4 and 10 and Chitina, AK; (6) on AK Hwy 5 between and including Tetlin Junction and Eagle, AK; (7) on AK Hwy 6 between and including Fairbanks and Circle, AK; and (8) within 10 miles of at

portion of AK Hwy 6;" to "Between points in the Second, Third and Fourth Judicial Districts of Alaska."

MC 119343 (Sub-4)X, filed January 18, 1982. Applicant: MINDEMANN TRUCKIN, INC., N63 W22985 Main Street, Sussex, WI 53089. Representative: Daniel R. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. Sub-No. 2 certificate and MC-145746 (Sub-No. 4) permit to (1) change rough and cut stone to "clay, concrete, glass, or stone products in Sub-2;" (2) broaden Lannon, WI, and Menomonee and Lisbon Townships, to Waukesha County, WI in Sub 2; and (3) to radial service in Sub-No. 2; (4) broaden to between points in the U.S. under continuing contract(s) with the named shipper, in Sub 4.

MC 123279 (Sub-13)X, filed January 13, 1982. Applicant: CHARTER EXPRESS, INC., 8418 Tallmadge Road, R.D. #6, Ravenna, OH 42266. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Sub 6F, broaden from Cheviot, Bridgeton and Miamitown, OH to Hamilton County, OH.

MC 124887 (Sub-137)X, filed January 12, 1982. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, FL 32421. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. Sub 116F certificate: (1) broaden iron and steel articles and metals to "metal products and ores and minerals," and (2) remove "except in bulk" restriction.

MC 127304 (Sub-20)X, filed January 18, 1982. Applicant: CLEAR WATER TRUCK COMPANY, INC., 9101 North West Street, Valley Center, KS 67148. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Sub-17F permit broaden: (1) To "petroleum, natural gas and their products, automotive supplies, and machinery" from lubricants, automotive supplies, and hand lubrication equipment and (2) to "between points in the U.S. (except AK and HI)" under continuing contract(s) with a named shipper.

MC 127887 (Sub-3)X, filed January 18, 1982. Applicant: RAINWATER TRUCKING CO., INC., 1123 South 6th Street, Fort Smith, AR 72901. Representative: Troy R. Douglas, P.O. Box 1881, Fort Smith, AR 72902. Lead and Sub No. 1 (1) lead and Sub-No. 1 broaden heavy machinery, wooden or metal poles and bridge and construction steel to "those commodities which because of their size or weight require the use of special handling or equipment;" (2) remove exclusion of "Little Rock and points in its commercial

zone" from the territorial description, lead; (3) remove "prior movement by rail" restriction, lead.

MC 128448 (Sub-3)X, filed January 8, 1982. Applicant: VICTOR LEASING COMPANY, d.b.a. WESTLUND TRUCKING CO.; P.O. Box 2900, Bakersfield, CA 93303. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306. Subs 1 and 2F permits: (1) broaden to "metal products" from iron or steel articles and fabricated and prefabricated metal articles, Sub 1; (2) remove the "prior movement by water" restriction, Sub 1; and (3) broaden to "between points in the U.S., under continuing contract(s) with named shippers, both permits.

MC 134820 (Sub-14)X, filed January 8, 1982. Applicant: R. S. ALBRIGHT, INC., 6640 Ellis Ave. S., Seattle, WA 98108. Representative: R. S. Albright (same address as applicant). Subs 1, 3, 6 and 8 permits. Broaden to between points in U.S., under continuing contract(s) with named shippers.

MC 140581 (Sub-30)X, filed September 30, 1981, previously noticed in *Federal Register* on October 26, 1981, republished to notice the following omissions. Applicant: HAGWOOD ENTERPRISES, INC., 2472 Pinson Hwy., Birmingham, AL 35217. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Sub-No. 19: broaden Houston, TX, to include Galveston and Liberty Counties, TX, in addition to those counties previously noticed.

MC 140898 (Sub-12)X, filed January 11, 1982. Applicant: KENDRICK TRUCKING CORPORATION, P.O. Box 19097, Louisville, KY 40219. Representative: James W. Kendrick (same as applicant). Lead and Subs 1, 3F, 4F, 6F, 8F and 9F, (A) broaden in lead part (2), Subs 1, 9, and 6 to "such commodities as are dealt in or used by mining, earth moving or quarrying companies," from repair and maintenance parts for mining, earth moving, quarrying equipment, and vehicles used in mining, earth moving, and quarrying; Sub 3, part 2 to "pulp, paper and related products" from paper and paper products; Sub 4 part (1) to "machinery" from mechanical and fabric dust collectors and wet scrubbers; Sub 4, part (2) to "such commodities as are dealt in or used in the manufacture, sale and distribution of dryers" from iron or steel gears, pinions and trunnions and iron castings used in the manufacture of rotary dryers; Sub 4, part (3) "such commodities as are dealt in or used in the manufacture, sale and distribution of material handling systems" from equipment and supplies used in the construction of material

handling systems; Sub 8 to "machinery" from surface-mounted hydraulic automobile lift, (B) all authorities to radial authority; (C) lead and Subs 3, 4, 8, and 6 delete the facilities limitations (D) lead and Subs 1, 3, 4, 6, by elimination of restrictions to transportation of traffic originating or destined to the named facilities; (E) remove restriction to shipment of no more than 5,000 pounds from one consignor to anyone consignee at one location in a single day in Sub-No. 1. (F) broaden Wise, VA, to Wise County in the lead; (G) delete in bulk exceptions in Sub 4 (parts 2 and 3).

MC 142546 (Sub-5X), filed January 11, 1982. Applicant: MER-LOU TRANSPORTATION, INC., P.O. Box 247, Millsboro, DE 19966. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113. No. MC-142546 Sub 1 certificate, and lead MC-136301 and Subs 3, 7 and 8F permits: Broaden to "food and related products and materials, equipment and supplies used in the manufacture and distribution of food and related products," from (a) malt beverages, MC-142546 Sub 1; (b) pickled products, in containers, and supplies and materials, lead MC-136301 and Sub 3; (c) pickled products, in containers, MC-136301 Sub 7; and (d) foodstuffs, MC-136301 Sub 8F; Remove "except in bulk" restriction, MC-136301 Sub 3; Broaden to (a) county-wide, radial authority: Onondaga County, NY (South Volney), and New Castle County, DE (Wilmington), MC-142546 Sub 1; (b) between points in the U.S., under continuing contract(s) with a named shipper, in permits.

MC 145565 (Sub-4X), filed January 6, 1982. Applicant: C. D. BRESHEARS, d.b.a. J & B SERVICES, 1307 S. Lincoln St., Casper, WY 82601. Representative: C. D. Breshears (same address as applicant). Sub-No. 2F: (1) broaden Casper, WY, to Natrona County; (2) delete the exception of oil drilling rigs; (3) add "machinery and materials" to equipment and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum.

MC 145637 (Sub-10X), filed January 7, 1982. Applicant: B&B EXPRESS, INC., P.O. Box 5552, Station B, Greenville, SC 29606. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., NW., Washington, DC 20004. MC-145973 Sub 2F permit. Broaden materials, supplies and equipment used in the manufacture of new furniture to "furniture and fixtures, and materials, equipment and supplies used in the

manufacture and distribution of furniture and fixture;" to between points in U.S., under continuing contract(s) with named shipper.

MC 145836 (Sub-5X), filed January 5, 1982. Applicant: TRYCO TRUCKING CO., INC., 2508 Starita Rd., Charlotte, NC 28213. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Ave., NW., Washington, DC 20005. Sub 3F certificate: Remove the originating at or destined to facilities of shipping associations and their members restriction.

MC 145936 (Sub-4X), filed January 15, 1982. Applicant: G & M TRUCKING, INC., 15313 Goodrich Dr., NW., Gig Harbor, WA 98335. Representative: Kenneth R. Mitchell, 2320A Milwaukee Wy, Tacoma, WA 98421. Sub 2F broaden: ice cream to "dairy products"; service to radial authority; and Union City to Alameda County, CA.

MC 146546 (Sub-3)X, filed January 11, 1982. Applicant: JOHN W. AND CARLENE C. ARNETT, d.b.a. LUCARJO CARRIERS, 4643 Prescott, Lincoln, NE 68506. Representative: Max H. Johnston, P.O. Box 6597, Lincoln, NE 68506. Sub 2 permit: (1) broaden furniture and materials, supplies and equipment to "furniture and fixtures, and materials, supplies and equipment;" and (2) broaden the territorial authority to between points in the U.S., under continuing contract(s) with a named shipper.

MC 147387 (Sub-4)X, filed January 7, 1982. Applicant: BAMA TRANSPORTATION COMPANY, INC., 2727 East 11th St., Tulsa, OK 74104. Representative: Michael J. Masterson (same address as applicant). No. MC-139642 Sub-4 permit, broaden: (1) to "materials and supplies used in the manufacture of food and related products" from materials and supplies (except in bulk) used . . . bakery products; and (2) to between points in the U.S. under continuing contract(s) with named shipper.

MC 149324 (Sub-4)X, filed January 11, 1982. Applicant: BLACK ARROW TRANSPORT, INC., 200 Chestnut Street, P.O. Box 1924, Springfield, MA 01101. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. Sub 2X certificate, broaden part (1) to radial authority; and MC 144022 (Sub-2)F permit broaden to between points in the U.S. under continuing contract(s) with named shipper.

MC 149563 (Sub-13)X, filed December 3, 1981, previously noticed in the *Federal Register* of December 24, 1981, republished as corrected this issue. Applicant: SUPER TRUCKERS, INC.,

3900 Commerce Avenue, P.O. Box 111, Fairfield, AL 35064. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Subs 1 and 3: (1) broaden South Calera, AL, to Chilton County in Sub-No. 3; (2) Rapids Parish, LA for Bunkie, in Sub-No. 1; (3) a correct the spelling of Torras, LA, and Bellewood, MS, in Sub-No. 1. The purpose of this republication is noted above and are in addition to the Federal Register publication of 12-24-81.

[FR Doc. 82-1990 Filed 1-26-82; 8:45 am]  
BILLING CODE 7035-01-M

### Motor Carrier Temporary Authority Applications

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

### Motor Carriers of Property

#### Notice No. F-185

The following applications were filed in Region 3. Send protests to ICC,

Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 107478 (Sub-3-10TA), filed January 11, 1982. Applicant: OLD DOMINION FREIGHT LINE, INC., Post Office Box 2006, High Point, NC 27261. Representative: Kim D. Mann, 7101 Wisconsin Avenue, Suite 1010, Washington, D.C. 20014. *Contract carrier: Irregular. General commodities (except household goods as defined by the Commission and classes A and B explosives)* between points in AL, FL, GA, MD, MS, NC, SC, TN, and VA under a continuing contract with J.C. Penney Company, Inc. Supporting shipper: J.C. Penney Company, Inc., 1301 Avenue of the Americas, New York, NY 10019.

MC 115654 (Sub-3-32TA), filed January 12, 1982. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Jackie Hastings Jones (same as applicant). *Contract Carrier: Irregular. General commodities (except Classes A and B explosives, Household Goods as defined by the Commission, commodities which because of size and weight require the use of special equipment, and commodities in bulk)*, between points in the US under continuing contract(s) with Ferro Corporation. Supporting shipper: Ferro Corporation, 20 Culvert St., Nashville, TN 37210.

MC 121815 (Sub-3-3TA), filed January 12, 1982. Applicant: ALL SOUTH MOTOR FREIGHT, INC., P.O. Box 100893, Nashville, TN 37210. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004. *General commodities (except classes A&B explosives, household goods as defined by the Commission, and commodities in bulk)*, between points in Davidson County, TN, on the one hand, and, on the other, points in NC and SC. Supporting shipper(s): There are 14 supporting shipper statements which may be examined at the Commission's Regional Authority Center in Atlanta, GA. Note: Applicant intends to tack with its authority in docket number MC-121815 (Sub 4X) and to interline at Nashville, Memphis, and Chattanooga, TN; Charlotte, NC; and St. Louis, MO.

The following applications were filed in Region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 54855 (Sub-1-2), filed January 15, 1982. Applicant: LOUISVILLE, NEW ALBANY, & CORYDON RAILROAD COMPANY, d.b.a. LOUISVILLE AND CORYDON TRANSFER, 210 Walnut St., Corydon, IN 47112. Representative:

Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Transportation equipment and parts, lumber and wood products and those commodities dealt in and sold by home center supply stores* between the facilities of Evans Products Company and its subsidiaries on the one hand, and, on the other, points in AL, CA, FL, GA, IL, IN, KS, KY, MI, MO, OH, PA, SC, TN and TX, for 270 days. Supporting shipper: Evans Products Company, Suite 900 East Tower, 2550 Golf Road, Rolling Meadows, IL 60008.

MC 98154 (Sub-4-6TA) filed January 15, 1982. Applicant: BRUCE CARTAGE, INCORPORATED, 3460 East Washington Road, Saginaw, MI 48601. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. *Merchandise as are dealt in by retail department stores* between the facilities of Meijer, Inc., located at points in MI and OH. Supporting Shipper: Meijer, Incorporated, 2727 Walker Road, NW, Grand Rapids, MI 49504.

MC 98154, (Sub-4-5TA) filed January 13, 1982. Applicant: BRUCE CARTAGE, INC., 3460 E. Washington, Road, Saginaw, MI 48601. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. *Household appliances, including television sets, crated and uncrated, between Wayne County, MI and St. Joseph County, IN.* An underlying ETA seeks 120-day authority. Supporting Shipper: Fretter Appliance Company, 35901 Schoolcraft, Livonia, MI 48150.

MC 141620 (Sub-4-3TA), filed January 14, 1982. Applicant: VAN BUS DELIVERY, d.b.a. UNITED VAN BUS, 2601-32nd Avenue, South, Minneapolis, MN 55406. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Popular Avenue, Memphis, TN 38137. *Contract, Irregular such commodities as are dealt in by retail stores and catalog outlets*, between Minneapolis, MN, on the one hand, and, on the other, points in Pierce and St. Croix Counties, WI, under a continuing contract with Montgomery Ward and Company. Supporting shipper: Montgomery Ward and Company, One Montgomery Ward Plaza, Chicago, IL 60671.

MC 144696 (Sub-4-7TA), filed January 14, 1982. Applicant: MEEUWSEN PRODUCE, INC., 9525 Ransom St., Zeeland, MI 49464. Representative: Edward N. Button, 635 Oak Hill Ave., Hagerstown, MD 21740. *Coal and Ice*, from Punxsutawney, PA to points in MI, OH, IL, IN, WI, KY, and CT. Supporting shipper: Michigan Ice Services Company, 145½ E. Kalamazoo Ave., Kalamazoo, MI 49006.

MC 146062 (Sub-4-1TA), filed January 14, 1982. Applicant: J. C. HAULING CO., P.O. Box 12, Millstadt, IL 62260. Representative: Joseph E. Rebman 314 N. Broadway, Suite 1300, St. Louis, MO 63102. *Zinc and zinc byproducts* between Gary, IN, on the one hand, and, on the other, Coffeyville, KS and Hillsboro, IL. Supporting Shipper: Sherwin-Williams Company, Chicago, IL.

MC 152514 (Sub-4-4TA), filed January 14, 1982. Applicant: MOTOR ACTIVITIES, LTD., 860 Skokie Hwy., Lake Bluff, IL 60044. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. *Such commodities as are sold or used by retail and wholesale food and drug outlets and industrial distributors* (except in bulk) between Racine and Waxdale, WI and the Chicago, IL Commercial Zone, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting Shipper: S. C. Johnson & Son, Inc., Racine, WI 53403 and Park Corp., Barrington, IL.

MC 159296 (Sub-4-2TA), filed January 14, 1982. Applicant: BLUE AND WHITE EXPRESS OF MICHIGAN, INC., P.O. Box 1753, 27906 Mound Road, Warren, MI 48090. Representative: W. B. Elmer, 615 E. 8th Street, Traverse City, MI 49684. *Canned and packaged foods, household supplies, beverages and equipment, material and store supplies, and such items as are dealt in by grocery stores; health and beauty aid items, toiletries, and general merchandise as dealt in by drug stores* between points in Michigan, Scranton, PA and commercial zone, Havre De Grace, MD, Baltimore, MD and commercial zone, Evansville, IN and commercial zone, Miami, FL and commercial zone, Fostoria, OH, on the one hand and on the other, points and place in OH, IN, IL, WI, NY, PA, NJ, FL, Richmond, VA and Norfolk, VA and commercial zones, St. Louis, MO, Carrollton, MO, Marshall, MO, Kansas City, MO and commercial zones, Baltimore, MD and commercial zone and Kansas City, KS and commercial zone. Two supporting shippers: Chatham Super Markets, 2300 E. Ten Mile Road, Warren, MI 48091 and Faygo Beverages, Inc., 3579 Gratiot, Detroit, MI 48207.

MC 160088 (Sub-4-1TA), filed January 14, 1982. Applicant: TRAILER TRANSIT, INC., 719 Wabash Street, Michigan City, IN 46360. Representative: Brian R. Busch (same address as applicant). *Transportation equipment* between points in the U.S. \*Supporting Shippers: Fruehauf Corporation, 10900 Harper Ave., Detroit, MI 48232; Evans Tank Co., P.O. Drawer 1589, Lubbock, TX 79401;

Walker Stainless Equipment Co., Inc., P.O. Box 202, New Lisbon, WI 53950; Brenner Tank Inc., 450 Arlington Ave., Fond du Lac, WI 54935; Transportation Equipment Corp., 900—6th Ave., SE., Minneapolis, MN 55414; The Heil Co., 3000 W. Montana, Milwaukee, WI 53215.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 152277 (Sub-5-4TA), filed January 15, 1982. Applicant: LONG MILE RUBBER COMPANY, 155 South Court, Exchange Park, Dallas, TX 75245. Representative: James Petty (same as applicant). Contract, Irregular; *food and related products* between points in the U.S. under a continuing contract with Ben C. Williams Sales Company, 6000 Denton Drive, Dallas, TX.

MC 24583 (Sub-5-6TA), filed January 15, 1982. Applicant: FRED STEWART COMPANY, P.O. Box 340, El Dorado, AR 71730. Representative: Tom E. Moore (same as above). *Petroleum and related products*, between Jefferson County, AL and points in the U.S. Supporting shipper, International Oil Company, Birmingham, AL.

MC 144693 (Sub-5-3TA), filed January 14, 1982. Applicant: GLENN'S TRUCK SERVICE, INC., #1 Produce Row, St. Louis, MO 63102. Representative: Ronald R. Adams, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Sponge rubber carpet cushion*, from Cape Girardeau, Missouri, to points in California, Oregon, and Washington. Supporting shipper: Recticel Foam Corporation, P.O. Box 655, Buffalo, NY 14240.

MC 147378 (Sub-5-6TA), filed January 14, 1982. Applicant: BAMA TRANSPORTATION COMPANY, INC., 5247 East Pine, Tulsa, OK 74115. Representative: Jack R. Anderson, Suite 305, Reunion Center, 9 East Fourth Street, Tulsa, OK 74103. Contract, Irregular; *Foodstuffs*, from Tulsa, OK to points in Dallas, TX; Amarillo, TX; Lubbock, TX; Austin, TX; Albuquerque, NM; Wichita, KS; Dodge City, KS; Kansas City, MO; Denver, CO; Little Rock, AR; and from Santa Ana, CA to points in Tulsa, OK. Supporting shipper: The Original Chili Bowl, Inc., 9016 East 46th St., Tulsa, OK 74145.

MC 147422 (Sub-5-2TA), filed January 15, 1982. Applicant: BOND TRANSFER, INC., 1831 Mills Avenue, El Paso, TX 79901. Representative: Gary L. Thompson, President (same as applicant). *General commodities, (except Class A & B explosives, household goods, as defined by the*

*Commission and commodities in bulk*), between points in El Paso County, TX, Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lea, Lincoln, Luna, Otero and Sierra Counties, NM and points in Bernalillo, Curry, De Baca, Guadalupe, Quay, Roosevelt, Socorro and Torrance Counties, NM. Supporting shippers: 30.

Note.—Applicant intends to interline.

MC 151819 (Sub-5-24TA), filed January 15, 1982. Applicant: CARGO-MASTER, INC., 2815 Gaston Av., Dallas, TX 75226-1306. Representative: Jackson Salasky, 2815 Gaston Av., Dallas, TX 75226-1306. *Malt beverages, and related materials and supplies* from the facilities of the Joseph Schlitz Brewing Company at or near Longview, TX to points in CO. Supporting shipper(s): Twin City Distributing Company P.O. Box 637, Greeley, CO 80632; Murray Brothers Distributing Company, 1505 W. 3rd Ave., Denver, CO 80223.

MC 154436 (Sub-5-2TA), filed January 14, 1982. Applicant: MARILYN THOMAS, d.b.a. MAT TRUCKING, 2604 West Pleasant Ridge Road, Arlington, TX 76016. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. Contract, irregular; *plastic products, and materials used in the manufacture of plastic products*, between Dallas, TX, on the one hand, and, on the other Gardena, Valencia and Los Angeles, CA; Morgantown and West Jefferson, NC; Lake City, PA; Lynnbrook, NY; Providence, RI; Fort Gibson, MS; Minneapolis, MN; Laredo and Del Rio, TX; and Fredonia, WI; under continuing contract(s) with Plastics Manufacturing Company, Dallas, TX.

MC 159792 (Sub-2TA), filed January 14, 1982. Applicant: MID-AMERICA DAIRYMEN, INC., P.O. Box 1837 S.S.S., Springfield, MO 65805. Representative: E. R. Grant (same as applicant). *General commodities (except classes A and B explosives, household goods, and commodities in bulk)*, (1) between points in and East of ND, SD, NE, CO, OK, TX, and (2) between points in CA, on the one hand, and, on the other, points in and East of ND, SD, NE, CO, OK, and TX. Restricted to traffic moving for the account of Grand Enterprises, Inc. Supporting shipper: Grand Enterprises, Inc., P.O. Box 10036, Springfield, MO 65808.

MC 159982 (Sub-5-1TA), filed January 14, 1982. Applicant: O. L. EXPRESS, LTD., P.O. Box 327, Carlisle, IA 50047. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. Contract; Irregular. *Meats, meat products, meat by-products and articles used by meat packing houses* between the facilities of Swift Independent

Packing Co. at pts in the U.S., on the one hand, and, on the other, pts in the U.S. Supporting shipper: Swift Independent Packing Company, Manager of Transportation Operations, 115 W. Jackson Blvd., 7th Fl., Chicago, IL 60604.

MC 160085 (Sub-5-1TA), filed January 14, 1982. Applicant: NEBRASKA SALT & GRAIN CO., Route 2, Box 1, Gothenburg, NE 69138. Representative: Jesse F. Davis, Practitioner, 3917 East Funston, Wichita, KS 67218. Contract, Irregular: *Super-expanded light shale aggregate, in bulk*, Between plantsites of Buildex, Inc., at or near Mackie, McPherson County, KS, and Ottawa in Franklin County, KS, and plantsite of Valley Block Co., Loveland, Larimer County, CO, under continued contract(s) with Valley Block Co., Loveland, CO.

MC 160086 (Sub-5-1TA), filed January 14, 1982. Applicant: RONNIE READY, d.b.a. READY TANK COMPANY, Route 1, Terlton, OK 74081. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154. *Chemicals, in bulk*, between the facilities of Resource Recovery and Refining Company at or near Sand Springs, OK on the one hand, and, on the other, Zionsville, IN; Wichita, KS; Dallas, TX and Fort Smith, AR. Supporting shipper: Resource Recovery and Refining Company, 5833 South Lewis, Tulsa, OK 74105.

MC 160095 (Sub-5-1), filed January 15, 1982. Applicant: SHIPPERS TRANSPORT, INC., P.O. Box 6344, Kansas City, MO 64126. Representative: Richard J. Ussary (same address as applicant). Contract, Irregular. *Emulsifiers, enrichments, flavors, and food stuffs used in the food industry*, from Olathe, KS to points in the U.S. Supporting shipper: Paniplus Company, 100 Paniplus Roadway, Olathe, KS 66061.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 82-1991 Filed 1-26-82; 8:45 am]  
BILLING CODE 7035-01-M

[Finance Docket Nos. 29699, 29716]

**Aroostook Valley Railroad Co.—  
Abandonment Between Washburn and  
Caribou, ME—Petition for Exemption  
and Abandonment Between Rands and  
Washburn, ME—Exemption**

**AGENCY:** Interstate Commerce  
Commission.

**ACTION:** Notice of Consolidation and  
Exemption.

**SUMMARY:** The Interstate Commerce  
Commission consolidates these  
proceedings and exempts them from the  
requirements of 49 U.S.C. 10903.

**DATES:** The exemptions are effective on  
February 26, 1982. Petitions to reopen  
this action for reconsideration must be  
filed March 18, 1982.

**ADDRESSES:** Send pleadings to:

- (1) Section of Finance, Room 5414,  
Interstate Commerce Commission,  
12th St. and Constitution Ave.,  
Washington, D.C. 20423
- (2) Petitioner's Representative, Linda  
Smith Dyer, Aroostook Valley  
Railroad Company, 32 Parsons Street,  
Presque Isle, ME 04769.

**FOR FURTHER INFORMATION CONTACT:**

Richard A. Kelly, (202)-275-7245  
Irwin Elyn, (202)-275-7698.

**SUPPLEMENTARY INFORMATION:** Copies  
of the complete decision may be  
obtained from Room 2227 at the  
Commission's Headquarters at 12th and  
Constitution Avenue, N.W., Washington,  
DC 20423, or by calling the  
Commission's toll-free number for  
copies at 800-424-5403.

Decided: January 20, 1982.  
By the Commission, Chairman Taylor,  
Vice-Chairman Gilliam, Commissioners  
Gresham and Clapp.  
Agatha L. Mergenovich,  
Secretary.

[FR Doc. 82-1992 Filed 1-26-82; 8:45 am]  
BILLING CODE 7035-01-M

[Finance Docket No. 28640 (Sub-No. 8)]

**Chicago, Milwaukee, St. Paul & Pacific  
Railroad Co.—Reorganization;  
Authorization of Chicago, Milwaukee,  
St. Paul & Pacific Railroad Co. Bond  
and Debenture Holders Protective  
Committee**

January 21, 1982.

**AGENCY:** Interstate Commerce  
Commission.

**ACTION:** Institution of proceeding.

**SUMMARY:** The Commission is instituting  
a proceeding under Section 77(p) of the  
former Bankruptcy Act (11 U.S.C. 205) to  
consider the application of the Chicago,  
Milwaukee, St. Paul and Pacific Railroad  
Bond and Debenture Holders Protective  
Committee (Committee) for authority to  
solicit authorizations from holders of  
debt securities of the Chicago,  
Milwaukee, St. Paul and Pacific Railroad  
Company (MILW) to represent them in  
proceedings for MILW's reorganization.  
This proceeding will be handled under  
modified procedure; the following  
schedule is set for the submission of  
evidence.

**DATES:** (1) Verified statements  
supporting or opposing the application  
are due February 22, 1982; (2) Verified  
replies are due March 8, 1982.

**ADDRESSES:** An original and 10 copies of  
all statements, referring to Finance  
Docket No. 28640 (Sub-No. 8), should be  
sent to: Section of Finance, Room 5414,  
Interstate Commerce Commission,  
Washington, D.C. 20423.

Copies should also be served on:

- (1) Applicant's representative: Robert W.  
Hallock, Kirkland & Ellis, 200 East  
Randolph Drive, Suite 6000, Chicago,  
IL 60601
- (2) Clerk: United States District Court,  
Northern District of Illinois, Eastern  
Division, 209 South Dearborn Street,  
Chicago, IL 60606 and
- (3) Parties to MILW's Reorganization  
Court proceedings.

**FOR FURTHER INFORMATION CONTACT:**

Richard A. Kelly, (202) 275-7564.

**SUPPLEMENTARY INFORMATION:** The  
Committee requests authority to solicit  
proxies or authorizations to represent  
and act for holders of the following  
MILW securities in MILW's  
reorganization proceedings:

- (1) MILW First Mortgage Bonds,  
Series A, due 1994; principal amount  
\$11,600,000.
- (2) MILW General Mortgage Income  
Bonds, Series A, due 2019; principal  
amount \$24,685,000.
- (3) MILW General Mortgage  
Convertible Income Bonds, Series B, due  
2044; principal amount \$31,127,000.
- (4) MILW Income Debentures, Series  
A, due 2055; principal amount  
\$55,604,000.
- (5) The Southern Indiana Railway  
Company First Mortgage Bonds, due  
1994; principal amount \$5,100,000.
- (6) Chicago, Terre Haute and  
Southeastern Railway Company First  
and Refunding Mortgage Bonds, due  
1994; principal amount \$7,170,000.
- (7) Chicago, Terre Haute and  
Southeastern Railway Company Income  
Mortgage Bonds, due 1994; principal  
amount \$4,739,000.

The Committee is proposed of the  
following members:

- (1) American Financial Corporation,  
One East Fourth Street, Cincinnati, OH  
45202, Owner of \$25,058,000 principal  
amount of MILW Income Debentures,  
Series A, due 2055, which is  
approximately 45 percent of the total  
amount outstanding of this security.
- (2) Daniel R. Long III, Suite 330—The  
Quadrangle, Village of Cross Keys,  
Baltimore, MD 21210, Owner of \$231,000  
principal amount of MILW Income  
Debentures, Series A, due 2055, which is  
approximately 0.4 percent of the total  
amount outstanding of this security.
- (3) Jerome L. Greene, Marshall,  
Bratter, Greene, Allison & Tucker, 430  
Park Avenue, New York, NY 10021,

Owner of the following: (a) \$755,000 principal amount of MILW Income Debentures, Series A, due 2055, which is approximately 1.4 percent of the total amount outstanding of this security.

(b) \$300,000 principal amount of Chicago, Terre Haute and Southeastern Railway Company First and Refunding Mortgage Bonds, due 1994, which is approximately 4.2 percent of the total amount outstanding of this security.

(c) \$200,000 principal amount of MILW First Mortgage Bonds, Series A, due 1994, which is approximately 1.7 percent of the total amount outstanding of this security.

Interested persons may participate as parties in this proceeding by filing verified statements as indicated above. Copies of the Committee's application may be obtained from its representative.

The Committee may not act in a representative capacity until so authorized by the Commission. Each member of the Committee may participate in MILW reorganization proceedings on its own behalf until the Commission acts on the application.

By the Commission, Reese H. Taylor, Jr., Chairman.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 82-1994 Filed 1-26-82; 8:45 am]  
BILLING CODE 7035-01-M

[Finance Docket No. 29535 (Sub-1)]

**Missouri-Kansas-Texas Railroad Co.-  
Exemption-Trackage Rights Over  
Missouri Pacific Railroad Co. Between  
Fort Worth and Dallas in Tarrant and  
Dallas Counties, TX**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of Exemption.

**SUMMARY:** The Commission exempts from the requirement of prior approval under 49 U.S.C. 11343 the acquisition of trackage rights by Missouri-Kansas-Texas Railroad Company over 30.8 miles of Missouri Pacific Railroad Company track between Fort Worth and Dallas, in Tarrant and Dallas Counties, TX.

**DATES:** This exemption will be effective March 1, 1982. Petition for reconsideration of this action must be filed by February 16, 1982.

**ADDRESSES:** Send pleadings to:

- (1) Interstate Commerce Commission, Section of Finance, Room 5414, 12th Street and Constitution Ave., NW., Washington, DC 20423; and
- (2) Petitioners' representative: Michael E. Roper, Commerce Counsel,

Missouri-Kansas-Texas Railroad Company, 701 Commerce Street, Dallas, TX 75202.

**FOR FURTHER INFORMATION CONTACT:**

Richard A. Kelly (202) 275-7245.

For copies of the full decision write to: Interstate Commerce Commission, Room 2227, Washington, DC 20423, or call toll free: (800) 424-5403.

Pleadings should refer to Finance Docket No. 29535 (Sub-No. 1).

**SUPPLEMENTARY INFORMATION:** A decision in this proceeding containing additional information may be obtained from the Office of the Secretary.

Dated: January 21, 1982.

By the Commission, Chairman, Taylor, Vice Chairman Gilliam, Commissioners Gresham and Clapp.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 82-1993 Filed 1-26-82; 6:45 am]  
BILLING CODE 7035-01-M

**INTERNATIONAL TRADE  
COMMISSION**

[Investigation No. 337-TA-113]

**Certain Log Splitting Pivoted Lever  
Axes**

Order No. 1

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Donald K. Duvall as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the **Federal Register**.

Issued: January 15, 1982.

Donald K. Duvall,  
Chief Administrative Law Judge.

[FR Doc. 82-2065 Filed 1-26-82; 8:45 am]  
BILLING CODE 7020-02-M

[Investigation No. 337-TA-114]

**Certain Miniature Plug-In Blade Fuses  
Order**

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Janet D. Saxon as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the **Federal Register**.

Issued: January 18, 1982.

Donald K. Duvall,  
Chief Administrative Law Judge.

[FR Doc. 82-2067 Filed 1-26-82; 8:45 am]  
BILLING CODE 7020-02-M

[Investigation No. 701-TA-145  
(Preliminary)]

**Certain Steel Wire Nails From Korea**

**AGENCY:** International Trade Commission.

**ACTION:** Institution of a preliminary countervailing duty investigation and the scheduling of a conference to be held in connection with the investigation.

**SUMMARY:** The U.S. International Trade Commission hereby gives notice of the institution of investigation No. 701-TA-145 (Preliminary) under section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Korea of steel wire nails,<sup>1</sup> provided for in items 646.25 and 646.26 of the Tariff Schedules of the United States Annotated (1982), upon which bounties or grants are alleged to be paid. **EFFECTIVE DATE:** January 19, 1982.

**FOR FURTHER INFORMATION CONTACT:** Judith C. Zeck, Office of Investigations, U.S. International Trade Commission (202-523-0339).

**SUPPLEMENTARY INFORMATION:**

**Background.**—This investigation is being instituted in response to a petition filed on January 19, 1982, by counsel on behalf of Atlantic Steel Co., Florida Wire and Nail, New York Wire Mills, Virginia Wire and Fabric, Tree Island Steel, Inc., and Armco Inc., U.S. producers of steel wire nails.

The Commission must make its determination in this investigation within 45 days after the date of the filing of the petition or, in this case, by March 5, 1982 (19 CFR 207.17). The investigation will be subject to Part 207 of the Commission's Rules of Practice and Procedure (19 CFR 207, 44 FR 76457), and particularly subpart B thereof.

**Written Submissions.**—Any person may submit to the Commission on or before February 16, 1982, a written statement of information pertinent to the subject matter of this investigation. A

<sup>1</sup> For purposes of this investigation, brads, spikes, staples and tacks are not included.

signed original and nineteen copies of such a statement must be submitted.

Any business information which a submitter desires the Commission to treat as confidential shall be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of § 201.6 of the Commission's rules of practice and procedure (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

**Conference.**—The Director of Operations of the Commission has scheduled a conference in connection with this investigation for 9:30 a.m., e.s.t., on February 12, 1982, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Parties wishing to participate in the conference should contact the supervisory investigator for this investigation, Mr. John MacHatton (202-523-0439). It is anticipated that parties in support of the petition for countervailing duties and parties opposed to the petition will each be allocated one hour within which to make an oral presentation at the conference. Further details concerning the conduct of the conference will be provided by the supervisory investigator.

**Inspection of the Petition.**—A copy of the petition filed with the Department of Commerce in this case is available for public inspection at the Office of the Secretary, U.S. International Trade Commission.

This notice is published pursuant to § 207.12 of the Commission's rules of practice and procedure (19 CFR 207.12).

Issued: January 22, 1982.

By order of the Commission.

**Kenneth R. Mason,**  
Secretary.

[FR Doc. 82-2066 Filed 1-26-82; 8:45 am]

BILLING CODE 7020-02-M

[332-134]

### Conditions Relating to the Importation of Canadian Softwood Lumber Into the United States

**AGENCY:** International Trade Commission.

**ACTION:** The Commission has rescheduled the hearing dates for the above captioned investigation No. 332-134. The hearing will now be held in Room 223, Federal Center Building, 1220 SW 3rd Street, Portland, Oregon, beginning at 10:00 a.m., on March 3, 1982, and continued on March 4, 1982 as required. Requests to appear at the

public hearing should be filed on writing with the Secretary, United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, not later than noon February 24, 1982.

Written statements should be submitted at the earliest practicable date, but no later than March 5, 1982.

The hearing was originally scheduled to begin February 17, 1982. The Commission's initial notice concerning the investigation, including the scope, the hearing, and procedures for submitting information, was published in the *Federal Register* of December 29, 1981 (46 FR 62969-62970).

Transmission of the Commission's report on this investigation to the Committee on Finance is scheduled for April 19, 1982.

By order of the Commission.

Issued: January 20, 1982

**Kenneth R. Mason,**  
Secretary.

[FR Doc. 82-2064 Filed 1-26-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 751-TA-5]

### Salmon Gill Fish Netting of Manmade Fibers from Japan; Notice of Change of Public Hearing Date

**AGENCY:** International Trade Commission.

**ACTION:** Change of date of public hearing in connection with investigation No. 751-TA-5.

**SUMMARY:** Notice is hereby given that the United States International Trade Commission has changed the date of the previously announced public hearing in the subject investigation (46 FR 62347). The hearing will now be held on March 2, 1982, beginning at 10:00 a.m., p.s.t., in room 223 of the New Federal Building, 1220 S.W. 3rd Street, Portland, Oregon.

**SUPPLEMENTARY INFORMATION:** Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m., e.s.t.) on January 29, 1982. All persons desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 2:00 p.m., e.s.t., on February 2, 1982, in Room 117 of the U.S. International Trade Commission Building and must file prehearing statements on or before February 10, 1982. Any person may submit to the Commission on or before March 9, 1982, written statements of information pertinent to the subject matter of the investigation.

**FOR FURTHER INFORMATION CONTACT:** Daniel Leahy, Office of Investigations,

U.S. International Trade Commission, (202) 523-1369.

By order of the Commission.

Issued: January 20, 1982.

**Kenneth R. Mason,**  
Secretary.

[FR Doc. 82-2068 Filed 1-26-82; 8:45 am]

BILLING CODE 7020-02-M

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

[Docket No. 81-18]

#### Gail G. L. Li, M.D., Honolulu, Hawaii; Hearing

Notice is hereby given that on July 21, 1981, the Drug Enforcement Administration, Department of Justice, issued to Gail G. L. Li, M.D., an Order To Show Cause as to why the Drug Enforcement Administration should not revoke his DEA Certificate of Registration, ALO218962.

Thirty days having elapsed since the said Order To Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 9:30 a.m., on Tuesday, February 2, 1982, in the U.S. Coast Guard Courtroom, Room 9126, 300 Ala Moana Boulevard, Honolulu, Hawaii.

Dated: January 25, 1982.

**Francis M. Mullen, Jr.,**

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 82-2162 Filed 1-26-82; 8:45 am]

BILLING CODE 4410-09-M

## NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

### Changed Meeting Date

January 20, 1982.

Pursuant to Section 10(a)(2), of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), as amended notice is hereby given that the National Advisory Committee on Oceans and Atmosphere (NACOA) has changed the April 12 and 13 meeting.

The Committee, consisting of 18 non-Federal members appointed by the President from academia, business and industry, public interest organizations, and State and local government was established by Congress by Pub. L. 95-63, on July 5, 1977. Its duties are to (1) undertake a continuing review, on a selective basis, of national ocean policy,

coastal zone management, and the status of the marine and atmospheric science and service programs of the United States; (2) advise the Secretary of Commerce with respect to the carrying out of the programs administered by the National Oceanic and Atmospheric Administration; and (3) submit an annual report to the President and to Congress setting forth an assessment, on a selective basis, of the status of the Nation's marine and atmospheric activities, and submit such other reports as may from time to time be requested by the President or Congress.

The meeting dates are as follows:

Monday and Tuesday—January 18 and 19  
 Monday and Tuesday—March 1 and 2  
 Tuesday and Wednesday—April 13 and 14  
 (revised)  
 Monday and Tuesday—May 24 and 25  
 Monday and Tuesday—July 19 and 20  
 Monday and Tuesday—August 30 and 31  
 Monday and Tuesday—October 25 and 26  
 Monday and Tuesday—December 13 and 14

The public is welcome at the sessions and will be admitted to the extent that seating is available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning these meetings may be obtained through the Committee's Executive Director, Steven N. Anastasion, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, 3300 Whitehaven Street, NW., Washington, DC 20235. The telephone number is 202/653-7818.

Dated: January 21, 1982.

Steven Anastasion,  
 Executive Director.

[FR Doc. 82-1995 Filed 1-26-82; 8:45 am]

BILLING CODE 3510-12-M

A portion of this meeting will be open to the public on Friday, February 5, 1982 from 1:30-5:30 p.m. and on Saturday, February 6, 1982 from 9:00 a.m.-3:30 p.m. Topics for discussion will include Federal Encouragement of Private Fundraising; Endowment Relationships with State and Local Arts Agencies; Program Review/Guidelines for Folk Arts, Inter-Arts, Endowment Fellows, Orchestra, Chorus, Music Training and Recording programs.

The remaining sessions of this meeting on Friday, February 5, 1982 from 9:00 a.m.-12:15 p.m., Saturday, February 6, 1982 from 3:30-5:30 p.m. and Sunday, February 7, 1982 from 9:00 a.m.-1:00 p.m. are for the purpose of Council review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants, and for discussion and development of confidential FY 1983 budgetary materials to be submitted to the Office of Management and Budget and the Congress. In accordance with the determination of the Chairman published in the *Federal Register* of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

Dated: January 22, 1982.

John H. Clark,

Director, Office of Council and Panel Operations National Endowment for the Arts.

[FR Doc. 82-1996 Filed 1-26-82; 8:45 am]

BILLING CODE 7537-01-M

or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Thursday, February 11, 1982—8:30 a.m. until the conclusion of business.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to Mr. Herman, Alderman (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m., EST. The cognizant Designated Federal Employee for this meeting is Mr. John C. McKinley.

Dated: January 19, 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82-2029 Filed 1-26-82; 8:45 am]

BILLING CODE 7590-01-M

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### National Council on the Arts; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the National Council on the Arts will be held on Friday, February 5, 1982 from 9:00 a.m.-5:30 p.m. and on Saturday, February 6, 1982 from 9:00 a.m.-5:30 p.m., and on Sunday, February 7, 1982 from 9:00 a.m.-1:00 p.m. at the Four Seasons Hotel, 2800 Pennsylvania Avenue, NW., Washington, D.C.

## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on Reactor Safeguards, Subcommittee on Reactor Radiological Effects; Meeting

The ACRS Subcommittee on the Reactor Radiological Effects will hold a meeting at 8:30 a.m. on February 11, 1982 in Room 1046, 1717 H Street, NW, Washington, DC. The Subcommittee will listen to presentations and discuss BWR plant radiation exposure experience and exposure reduction measures.

In accordance with the procedures outlined in the *Federal Register* on September 30, 1981, (46 FR 47903), oral

[Docket Nos. 50-400 and 50-401]

Carolina Power & Light Co. and North Carolina Municipal Power Agency No. 3 (Shearon Harris Nuclear Power Plant, Units 1 and 2); Receipt of Application for Facility Operating Licenses; Availability of Applicants' Environmental Report; Consideration of Issuance of Facility Operating Licenses; and Opportunity for Hearing

Notice is hereby given that the Nuclear Regulatory Commission (the Commission) has received an application from Carolina Power & Light Company and North Carolina Municipal

Power Agency Number 3 (the applicants) for facility operating licenses to possess, use, and operate the Shearon Harris Nuclear Power Plant, Units 1 and 2, two pressurized water nuclear reactors (the facility) located in Wake and Chatham Counties, North Carolina, approximately sixteen miles southwest of Raleigh, North Carolina. Each of the reactors is designed to operate at a core power level of 2785 megawatts thermal, with an equivalent net electrical output of approximately 900 megawatts each. At the time that construction permits were issued for the Shearon Harris Nuclear Power Plant, there were four units to the facility. Subsequently, by letter dated December 18, 1981, which transmitted the application for operating licenses, the applicants have stated that Units 3 and 4 of the facility have been cancelled.

The applicants have also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, an environmental report, as part of its application. The report, which discusses environmental considerations related to the proposed operation of the facility, is being made available at the State Clearinghouse, Division of Budget and Management, Department of Administration, 116 West Jones Street, Raleigh, North Carolina 27611 and at the Triangle J. Regional Council of Governments, P.O. Box 12276, Research Triangle Park, North Carolina 27709.

After the environmental report has been analyzed by the Commission's staff, a draft environmental statement will be prepared. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the **Federal Register**, a notice of availability of the draft statement, requesting comments from interested persons on the draft statement. The notice will also contain a statement to the effect that any comments of Federal agencies and State and local officials will be made available when received. The draft environmental statement will focus only on matters which differ from those previously discussed in the final environmental statement prepared in connection with the issuance of the construction permits. Upon consideration of comments submitted with respect to the draft environmental statement, the Commission's staff will prepare a final environmental statement, the availability of which will be published in the **Federal Register**.

The Commission will consider the issuance of facility operating licenses to Carolina Power & Light Company and

North Carolina Municipal Power Agency Number 3, which would authorize the applicants to possess, use and operate the Shearon Harris Nuclear Power Plant, Units 1 and 2 in accordance with the provisions of the licenses and the technical specifications appended thereto, upon: (1) The completion of a favorable safety evaluation of the application by the Commission's staff; (2) the completion of the environmental review required by the Commission's regulations in 10 CFR Part 51; (3) the receipt of a report on the applicants application for facility operating licenses by the Advisory Committee on Reactor Safeguards; and (4) a finding by the Commission that the application for the facility licenses, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations in 10 CFR Chapter 1. Construction of the facility was authorized by Construction Permit Nos. CPPR-158 and CPPR-159 issued by the Commission on January 27, 1978. The applicants have advised that construction will be completed by December 1984 and June 1988 for Units 1 and 2 respectively.

With regard to Executive Order 11988, Floodplain Management, the Shearon Harris facility will have structures (or construction activities) located on the floodplain. The subject of floodplain management will be discussed in the Commission's environmental statement referenced above.

By Commission Memorandum and Order CLI-80-12, dated April 17, 1980 (11 NRC 514), the Commission directed the staff to conduct a preliminary assessment of Carolina Power & Light Company on the issue of management qualifications for operation at the time that an application was tendered for operating licenses for the Shearon Harris facility, and to include the results of that assessment in the notice of opportunity for hearing under 10 CFR 2.105. The staff has completed its preliminary assessment of this issue in accordance with the Commission direction. It is recognized that the final organization to support and control plant operation may be somewhat different from that now described in the Shearon Harris Final Safety Analysis Report and as modified by changes now underway. The staff will review the final organization and management of Carolina Power & Light Company as part of its detailed review of the Shearon Harris application and will report the results of that review in the staff's safety evaluation report. For now, however, on the basis of the preliminary

assessment, the staff has concluded that the proposed organization and management for operation of the Shearon Harris facility, at both the corporate and plant levels, are acceptable. A copy of Commission Memorandum and Order CLI-80-12 and the staff's preliminary assessment of Carolina Power & Light Company on the issue of management qualifications are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. and at the Wake County Public Library, 104 Fayetteville Street, Raleigh, North Carolina 27601.

In addition, the licenses will not be issued until the Commission has made the findings reflecting its review of the application under the Act, which will be set forth in the proposed licenses, and has concluded that the issuance of the licenses will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of the licenses, the applicants will be required to execute an indemnity agreement as required by Section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

By February 26, 1982, the applicants may file a request for a hearing with respect to issuance of the facility operating licenses. By February 26, 1982 any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date(s), the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary of the Commission, or designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in

the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspects(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend his petition, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street-NW., Washington D.C. by February 26, 1982. A copy of the petition must also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington D.C. 20555, and to Shaw Pittman, Potts, and Trowbridge, 1800 M Street NW., Washington D.C. Attention: George F. Trowbridge, attorney for the applicants. Any requests for additional information regarding the content of this notice should be addressed to the Chief Hearing Counsel, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington D.C. 20555.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details pertinent to the matters under consideration, see the application for the facility operating licenses, including the Final Safety Analysis Report and the Environmental Report, dated December 18, 1981, which

are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Wake County Public Library, 104 Fayetteville Street, Raleigh, North Carolina 27601. As they become available, the following documents may be inspected at the above locations: (1) The safety evaluation report prepared by the Commission's staff; (2) the draft environmental statement; (3) the final environmental statement; (4) the report of the Advisory Committee on Reactor Safeguards (ACRS) on the application for facility operating licenses; (5) the proposed facility operating licenses; and (6) the technical specifications, which will be attached to the proposed facility operating licenses.

Copies of the proposed operating licenses and the ACRS report, when available, may be obtained by request to the Director, Division of Licensing, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the Commission's staff safety evaluation report and final environmental statement, when available, may be purchased at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

Dated at Bethesda, Maryland this 15th day of January, 1982.

For the Nuclear Regulatory Commission.  
Frank J. Miraglia,  
Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 82-2028 Filed 1-26-82; 8:45 am]

BILLING CODE 7590-01-M

#### [Docket No. 50-321]

#### Georgia Power Co., et al. (Edwin I. Hatch Nuclear Plant, Unit No. 1); Modification of January 13, 1981 Order I

The Georgia Power Company (the licensee) and three co-owners are the holders of Facility Operating License No. DPR-57 which authorizes the licensee to operate the Edwin I. Hatch Nuclear Plant, Unit No. 1 (the facility) at steady state reactor power levels not in excess of 2436 megawatts thermal (rated power). The facility is a boiling water reactor located at the licensee's site in Appling County, Georgia.

#### II

On January 13, 1981 the Commission issued an Order modifying the license requiring: (1) the licensee to promptly assess the suppression pool hydrodynamic loads in accordance with NEDO-21888 and NEDO-24583-1 and

the Acceptance Criteria contained in Appendix A to NUREG-0661 and (2) design and install any plant modifications needed to assure that the facility conforms to the Acceptance Criteria contained in Appendix A to NUREG-0661. The Order, published in the *Federal Register* on January 28, 1981 (46 FR 9279) required installation of any plant modifications needed to provide compliance with the Acceptance Criteria in Appendix A to NUREG-0661 be completed not later than April 30, 1982, or, if the plant is shutdown on that date, before the resumption of power operation thereafter.

#### III

On October 31, 1979 the staff issued an initial version of its acceptance criteria to the affected licensees. These criteria were subsequently revised in February 1980 to reflect acceptable alternative assessment techniques which would enhance the implementation of this program. Throughout the development of these acceptance criteria, the staff has worked closely with the Mark I Owners Group in order to encourage partial plant-unique assessments and modifications to be undertaken.

Since the development of these acceptance criteria, significant progress has been made by the licensee in meeting the Order requirements. However, by letter dated February 27, 1981, the licensee stated that unforeseen difficulties and delays have been encountered primarily related to one or more of the following: (1) Torus and torus attached piping analyses; (2) equipment delivery; (3) the use of interpretations and/or alternate approaches to the NUREG-0661 Acceptance Criteria; (4) plant-unique design and modification problems; and (5) slippages in refueling outages that have necessitated revision of the Order date.

Most of the major modifications, which are those associated with the torus, vent system, internal structures and safety relief valve piping have been or will be completed by the existing Order date. These modifications comprise a significant portion of the total program effort. The remaining items to be completed are primarily associated with the torus attached piping modifications.

The Commission is aware that substantial improvements have already been made in the margins of safety of the containment systems and expects improvements will continue to be made during the period until all the modifications required for compliance

with this Order are completed. The Commission further believes an acceptable balance has been achieved between completion of the major modifications, which provide significant improvement in the safety margin, and the granting of additional time for completion of the remaining modifications which fully restore the originally intended safety margin. In consideration of the range of completion dates submitted by all of the affected licensees and an assessment of the nature of the remaining effort involved in the analysis, design and installation of the needed plant modifications, the Commission has concluded that the licensee's proposed completion schedule is both responsive and practicable.

The Commission has, therefore, determined to modify the January 13, 1981 Order to extend the previously imposed completion dates for needed plant modifications. This Order continues in effect the exemption to General Design Criterion 50 of Appendix A to 10 CFR Part 50 granted on January 13, 1981.

#### IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, including Sections 103 and 161i, and the Commission's rules and regulations in 10 CFR Parts 2 and 50, it is ordered that the completion date specified in Section V of the January 13, 1981, "Order for Modification of License," is hereby changed to read as follows: "Prior to the start of Cycle 7." The Order of January 13, 1981, except as modified herein, remains in effect in accordance with its terms.

#### V

The licensee may request a hearing on this Order on or before February 26, 1982. A request for hearing shall be submitted to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the request shall also be sent to the Secretary of the Commission, and the Executive Legal Director at the same address.

If a hearing is requested by the licensee, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such a hearing shall be whether the completion date specified in Section V of the January 13, 1981, "Order for Modification of License," should be changed to: "Prior to the start of Cycle 7."

This Order shall become effective upon expiration of the period within

which a hearing may be requested or, if a hearing is requested, on the date specified in an order issued following further proceedings on this Order.

Dated at Bethesda, Maryland, this 19th day of January 1982.

For the Nuclear Regulatory Commission.

**Darrell G. Eisenhut,**

*Director, Division of Licensing, Office of Nuclear Reactor Regulation.*

[FR Doc. 82-2023 Filed 1-26-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-366]

**Georgia Power Co., et al. (Edwin I. Hatch Nuclear Plant, Unit No. 2);  
Modification of January 13, 1981 Order**

#### I

The Georgia Power Company (the licensee) and three co-owners are the holders of Facility Operating License No. NPF-5 which authorizes the licensee to operate the Edwin I. Hatch Nuclear Plant, Unit No. 2 (the facility) at steady state reactor power levels not in excess of 2436 megawatts thermal (rated power). The facility is a boiling water reactor located at the licensee's site in Appling County, Georgia.

#### II

On January 13, 1981 the Commission issued an Order modifying the license requiring: (1) the licensee to promptly assess the suppression pool hydrodynamic loads in accordance with NEDO-21888 and NEDO-24583-1 and the Acceptance Criteria contained in Appendix A to NUREG-0661 and (2) design and install any plant modifications needed to assure that the facility conforms to the Acceptance Criteria contained in Appendix A to NUREG-0661. The Order, published in the Federal Register on January 28, 1981 (46 FR 9280) required installation of any plant modifications needed to provide compliance with the Acceptance Criteria in Appendix A to NUREG-0661 be completed not later than January 31, 1982, or, if the plant is shutdown on that date, before the resumption of power operation thereafter.

#### III

On October 31, 1979 the staff issued an initial version of its acceptance criteria to the affected licensees. These criteria were subsequently revised in February 1980 to reflect acceptable alternative assessment techniques which would enhance the implementation of this program. Throughout the development of these acceptance criteria, the staff has worked closely with the Mark I Owners Group

in order to encourage partial plant-unique assessments and modifications to be undertaken.

Since the development of these acceptance criteria, significant progress has been made by the licensee in meeting the Order requirements. However, by letter dated February 27, 1981, the licensee stated that unforeseen difficulties and delays have been encountered primarily related to one or more of the following: (1) Torus and torus attached piping analyses; (2) equipment delivery; (3) the use of interpretations and/or alternate approaches to the NUREG-0661 Acceptance Criteria; (4) plant-unique design and modification problems; and (5) slippages in refueling outages that have necessitated revision of the Order date.

The major modifications, which are those associated with the torus, vent system, internal structures and safety relief valve piping, which comprise approximately 75% of the total program effort, have already been completed or are in process of being completed during the current outage. The remaining items to be completed are primarily associated with the torus attached piping modifications.

The Commission is aware that substantial improvements have already been made in the margins of safety of the containment systems and expects improvements will continue to be made during the period until all the modifications required for compliance with this Order are completed. The Commission further believes an acceptable balance has been achieved between completion of the major modifications, which provide significant improvement in the safety margin, and the granting of additional time for completion of the remaining modifications which fully restore the originally intended safety margin. In consideration of the range of completion dates submitted by all of the affected licensees and an assessment of the nature of the remaining effort involved in the analysis, design and installation of the needed plant modifications, the Commission has concluded that the licensee's proposed completion schedule is both responsive and practicable.

The Commission has, therefore, determined to modify the January 13, 1981 Order to extend the previously imposed completion dates for needed plant modifications. This Order continues in effect the exemption to General Design Criterion 50 of Appendix A to 10 CFR Part 50 granted on January 13, 1981.

## IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, including Sections 103 and 161i, and the Commission's rules and regulations in 10 CFR Parts 2 and 50, it is ordered that the completion data specified in Section V of the January 13, 1981, "Order for Modification of License," is hereby changed to read as follows: "Prior to the start of Cycle 4." The Order of January 13, 1981, except as modified herein, remains in effect in accordance with its terms.

## V

The licensee may request a hearing on this Order on or before February 26, 1982. A request for hearing shall be submitted to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the request shall also be sent to the Secretary of the Commission and the Executive Legal Director at the same address.

If a hearing is requested by the licensee, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such a hearing shall be whether the completion date specified in Section V of the January 13, 1981, "Order for Modification of License," should be changed to: "Prior to the start of Cycle 4."

This Order shall become effective upon expiration of the period within which a hearing may be requested or, if a hearing is requested, on the date specified in an order issued following further proceedings on this Order.

Dated at Bethesda, Maryland, this 19th day of January 1982.

For the Nuclear Regulatory Commission.

**Darrell G. Eisenhut,**

*Director, Division of Licensing, Office of Nuclear Reactor Regulation.*

[FR Doc. 82-2024 Filed 1-26-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-277]

**Philadelphia Electric Co., et al. (Peach Bottom Atomic Power Station Unit No. 2); Modification of January 13, 1981 Order**

## I

The Philadelphia Electric Company (the licensee) and three other co-owners are the holders of Facility Operating License No. DPR-44 which authorizes the licensee to operate the Peach Bottom Atomic Power Station, Unit No. 2 (the facility) at power levels not in excess of

3293 megawatts thermal (rated power). The facility is a boiling water reactor located at the licensee's site in Peach Bottom, York County, Pennsylvania.

## II

On January 13, 1981 the Commission issued an Order modifying the license requiring: (1) The licensee to promptly assess the suppression pool hydrodynamic loads in accordance with NEDO-21888 and NEDO-24583-1 and the Acceptance Criteria contained in Appendix A to NUREG-0661 and (2) design and install any plant modifications needed to assure that the facility conforms to the Acceptance Criteria contained in Appendix A to NUREG-0661. The Order, published in the *Federal Register* on January 28, 1981 (46 FR 9294) required installation of any plant modifications needed to provide compliance with the Acceptance Criteria in Appendix A to NUREG-0661 be completed not later than January 31, 1982, or, if the plant is shutdown on that date, before the resumption of power operation thereafter.

## III

On October 31, 1979 the staff issued an initial version of its acceptance criteria to the affected licensees. These criteria were subsequently revised in February 1980 to reflect acceptable alternative assessment techniques which would enhance the implementation of this program. Throughout the development of these acceptance criteria, the staff has worked closely with the Mark I Owners Group in order to encourage partial plant-unique assessments and modifications to be undertaken.

Since the development of these acceptance criteria, significant progress has been made by the licensee in meeting the Order requirements. However, in the June 29, 1981 Mark I Owners Group Status Summary Report, the licensee identified unforeseen difficulties and delays primarily related to one or more of the following: (1) Torus and torus attached piping analyses; (2) equipment delivery; (3) the use of interpretations and/or alternate approaches to the NUREG-0661 Acceptance Criteria; (4) plant-unique design and modification problems; and (5) slippages in refueling outages that have necessitated revision of the Order date.

The major modifications, which are those associated with the torus, vent system, internal structures and safety relief valve piping, which comprise approximately 75% of the total program effort, will be completed during the outage that is prior to or expected to

coincide with the existing Order date. The remaining items to be completed are primarily associated with the torus attached piping modifications.

The Commission believes that substantial improvements have already been made in the margins of safety of the containment systems and expects improvements will continue to be made during the period until all the modifications required for compliance with this Order are completed. The Commission further believes an acceptable balance has been achieved between completion of the major modifications, which provide significant improvement in the safety margin, and the granting of additional time for completion of the remaining modifications which fully restore the originally intended safety margin. In consideration of the range of completion dates submitted by all of the affected licensees and an assessment of the nature of the remaining effort involved in the analysis, design and installation of the needed plant modifications, the Commission has concluded that the licensee's proposed completion schedule is both responsive and practicable.

The Commission has, therefore, determined to modify the January 13, 1981 Order to extend the previously imposed completion dates for needed plant modification. This Order continues in effect the exemption to General Design Criterion 50 of Appendix A to 10 CFR Part 50 granted on January 13, 1981.

## IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, including Sections 103 and 161i, and the Commission's rules and regulations in 10 CFR Parts 2 and 50, it is ordered that the completion date specified in Section V of the January 13, 1981, "Order for Modification of License," is hereby changed to read as follows: "no later than the start of Cycle 6 for completion of the major modifications and no later than the start of Cycle 7 for completion of the remaining modifications." The Order of January 13, 1981, except as modified herein, remains in effect in accordance with its terms.

## V

The licensee may request a hearing on this Order on or before February 26, 1982. A request for hearing shall be submitted to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the request shall also be sent to the Secretary of the Commission and the

Executive Legal Director at the same address.

If a hearing is requested by the licensee, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such a hearing shall be whether the completion date specified in Section V of the January 13, 1981, "Order for Modification of License," should be changed to read as follows: "no later than the start of Cycle 6 for completion of the major modifications and no later than the start of Cycle 7 for completion of the remaining modifications."

This Order shall become effective upon expiration of the period within which a hearing may be requested or, if a hearing is requested, on the date specified in an order issued following further proceedings on this Order.

Dated at Bethesda, Maryland, this 19th day of January 1982.

For the Nuclear Regulatory Commission,  
Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 82-2025 Filed 1-26-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-278]

**Philadelphia Electric Co., et al., (Peach Bottom Atomic Power Station Unit No. 3); Modification of January 13, 1981 Order**

**I**  
The Philadelphia Electric Company (the licensee) and three other co-owners are the holders of Facility Operating License No. DPR-56 which authorizes the licensee to operate the Peach Bottom Atomic Power Station, Unit No. 3 (the facility) at power levels not in excess of 3293 megawatts thermal (rated power). The facility is a boiling water reactor located at the licensee's site in Peach bottom, York County, Pennsylvania.

**II**  
On January 13, 1981 the Commission issued an Order modifying the license requiring: (1) The licensee to promptly assess the suppression pool hydrodynamic loads in accordance with NEDO-21888 and NEDO-24583-1 and the Acceptance Criteria contained in Appendix A to NUREG-0661 and (2) design and install any plant modifications needed to assure that the facility conforms to the Acceptance Criteria contained in Appendix A to NUREG-0661. The Order, published in the Federal Register on January 28, 1981 (46 FR 9297) required installation of any plant modifications needed to provide

compliance with the Acceptance Criteria in Appendix A to NUREG-0661 be completed not later than January 31, 1982, or, if the plant is shutdown on that date, before the resumption of power operation thereafter.

**III**

On October 31, 1979 the staff issued an initial version of its acceptance criteria to the affected licensees. These criteria were subsequently revised in February 1980 to reflect acceptable alternative assessment techniques which would enhance the implementation of this program. Throughout the development of these acceptance criteria, the staff has worked closely with the Mark I Owners Group in order to encourage partial plant-unique assessments and modifications to be undertaken.

Since the development of these acceptance criteria, significant progress has been made by the licensee in meeting the Order requirements. However, in the June 29, 1981 Mark I Owners Group Status Summary Report, the licensee identified unforeseen difficulties and delays primarily related to one or more of the following: (1) Torus and torus attached piping analyses; (2) equipment delivery; (3) the use of interpretations and/or alternate approaches to the NUREG-0661 Acceptance Criteria; (4) plant-unique design and modification problems; and (5) slippages in refueling outages that have necessitated revision of the Order date.

The major modifications, which are those associated with the torus, vent system, internal structures and safety relief valve piping, which comprise approximately 75% of the total program effort have already been completed or are in the process of being completed during the current outage. The remaining items to be completed are primarily associated with the torus attached piping modifications.

The Commission believes that substantial improvements have already been made in the margins of safety of the containment systems and expects improvements will continue to be made during the period until all the modifications required for compliance with this Order are completed. The Commission further believes an acceptable balance has been achieved between completion of the major modifications, which provide significant improvement in the safety margin, and the granting of additional time for completion of the remaining modifications which fully restore the originally intended safety margin. In consideration of the range of completion

dates submitted by all of the affected licensees and an assessment of the nature of the remaining effort involved in the analysis, design and installation of the needed plant modifications, the Commission has concluded that the licensee's proposed completion schedule is both responsive and practicable.

The Commission has, therefore, determined to modify the January 13, 1981 Order to extend the previously imposed completion dates for needed plant modifications. This Order continues in effect the exemption to General Design Criterion 50 of Appendix A to 10 CFR Part 50 granted on January 13, 1981.

**IV**

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, including Sections 103 and 1611, and the Commission's rules and regulations in 10 CFR Parts 2 and 50, it is ordered that the completion date specified in Section V of the January 13, 1981, "Order for Modification of License," is hereby changed to read as follows: "no later than the start of Cycle 6." The Order of January 13, 1981, except as modified herein, remains in effect in accordance with its terms.

**V**

The licensee may request a hearing on this Order on or before January 26, 1982. A request for hearing shall be submitted to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the request shall also be sent to the Secretary of the Commission and the Executive Legal Director at the same address.

If a hearing is requested by the licensee, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such a hearing shall be whether the completion date specified in Section V of the January 13, 1981, "Order for Modification of License," should be changed to read as follows: "no later than the start of Cycle 6."

This Order shall become effective upon expiration of the period within which a hearing may be requested or, if a hearing is requested, on the date specified in an order issued following further proceedings on this Order.

Dated at Bethesda, Maryland, this 19th day of January 1982.

For the Nuclear Regulatory Commission.  
**Darrell G. Eisennut,**  
*Director, Division of Licensing, Office of  
 Nuclear Reactor Regulation.*

[FR Doc. 82-2026 Filed 1-26-82; 8:45 am]  
 BILLING CODE 7590-01-M

[Docket Nos. 50-266 OLA and 50-301 OLA]

**Wisconsin Electric Power Co. (Point  
 Beach Nuclear Plant, Units 1 and 2);  
 Oral Argument**

Notice is hereby given that, in accordance with the Appeal Board's Order of January 20, 1982, oral argument on the appeal of the intervenor, Wisconsin's Environmental Decade, from the November 5, 1981 Memorandum and Order of the Licensing Board in this license amendment proceeding will be heard at 10:00 a.m. on Wednesday, February 10, 1982, in the NRC Public Hearing Room, Fifth Floor, East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland.

Dated: January 20, 1982.

For the Appeal Board.

**C. Jean Shoemaker,**  
*Secretary to the Appeal Board.*

[FR Doc. 82-2027 Filed 1-26-82; 8:45 am]  
 BILLING CODE 7590-01-M

**SECURITIES AND EXCHANGE  
 COMMISSION**

[Release No. 22365; (70-6306)]

**Consolidated Natural Gas Co.;  
 Proposed Extension of Period To  
 Issue Common Stock Under Dividend  
 Reinvestment Plan and Employee  
 Stock Ownership Plan; Exception From  
 Competitive Bidding**

January 19, 1982.

The Consolidated Natural Gas Company ("Consolidated"), 100 Broadway, New York, New York 10005, a registered holding company, has filed with this Commission a post-effective amendment to its declaration previously filed and amended pursuant to sections 6(a), 7 and 12(c) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 42 and 50(a)(5) promulgated thereunder.

By order of June 7, 1979 (HCAR No. 21089), Consolidated was authorized to issue and sell 1,000,000 shares of common stock, \$8 par value, from time to time through December 31, 1981, to the agent for Consolidated's common

stockholders participating in its dividend reinvestment plan ("DRP Plan") and to the Trustees of the employee stock ownership plan ("ESOP Plan") of Consolidated and its participating subsidiaries.

By post-effective amendment Consolidated requests that the period authorized by the order of June 7, 1979 (HCAR No. 21089) for common stock issuance be extended to December 31, 1983 for the 899,978 shares remaining unissued.

Under the Economic Recovery Tax Act of 1981 ("ERTA") a domestic public utility company may establish a plan for issuance of qualified stock under which a shareholder shall have the right to receive dividends in cash (which will be taxable in the year of receipt) or dividends in stock (the tax on which will be deferred). Consolidated's common stock is qualified under ERTA. For the calendar years 1982-1985, an individual electing to receive a stock dividend may exclude annually from his tax return up to \$750 (\$1,500 in the case of a joint return) of the value of the stock dividend received. However, the shares received as dividends must be newly issued common stock, and the number of shares distributed to a shareholder must be determined by reference to a value not less than 95% nor greater than 105% of the value of the stock during the period immediately preceding the distribution date. Consolidated intends to issue new common stock, particularly under its DRP plan, because based upon past experience Consolidated earns a greater net return from sales under its DRP and ESOP Plans than from public sale and its stockholders receive tax benefits.

Consolidated seeks an exception from the competitive bidding requirements of Rule 50 pursuant to subsection (a)(5) thereof because the nature of the proposed transactions does not require competitive bids to determine the reasonableness of fees and commissions.

The declaration as amended by the post-effective amendment and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by February 11, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at

law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as amended by the post-effective amendment or as it may be further amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

**George A. Fitzsimmons,**  
*Secretary.*

[FR Doc. 82-1969 Filed 1-26-82; 8:45 am]  
 BILLING CODE 8010-01-M

**TAHOE REGIONAL PLANNING  
 AGENCY**

**Threshold Carrying Capacities for  
 Lake Tahoe Basin, California and  
 Nevada; Intent To Prepare an  
 Environmental Impact Statement**

The Tahoe Regional Planning Agency will prepare an environmental impact statement for the establishment of environmental threshold carrying capacities for the Lake Tahoe Basin. Environmental threshold carrying capacities will affect the entire Basin including portions of El Dorado and Placer Counties in California and portions of Douglas, Carson City, and Washoe Counties in Nevada. The environmental impact statement will be prepared in accordance with Article VII of Public Law 95-551, and the Tahoe Regional Planning Compact. The establishment of environmental threshold carrying capacities in required by Article V(b) of this Compact.

Thresholds are the decision parameters to be used in updating the Tahoe Regional Plan; they are necessary to maintain significant scenic, recreational, educational, scientific and natural values of the region as well as to maintain public health and safety within the region. Establishment of environmental threshold carrying capacities are therefore the steps in revising the long-range plan for the Lake Tahoe Basin; they establish the scope of the process by requiring each alternative to maintain its adopted environmental threshold.

Public notice will be given of meetings to explain this process and to determine

the scope of interest in the threshold capacity evaluations. In addition, there will be periodic open meetings of a steering committee to be appointed by the Governing Body of the Agency to oversee this process. Public notice will also be given to these meetings. Written comments and suggestions concerning the planning process may be submitted to the Agency. They should be received by February 1, 1982.

The resulting environmental impact statement will be made available for a 60-day public review and comment period beginning in April, 1982. Written comments will be solicited and a public hearing will be conducted during this review period also.

The Governing Board of the Tahoe Regional Planning Agency is ultimately responsible for both the certification of the environmental impact statement and establishment of environmental threshold carrying capacities. Send written comments and requests for further information to: Randy Sheffield, Tahoe Regional Planning Agency, P.O. Box 8896, South Lake Tahoe, California 95731. Phone (916) 541-0249.

Dated: January 18, 1982.

**Philip A. Overeynder,**  
*Director, Tahoe Regional Planning Area.*

[FR Doc. 82-2056 Filed 1-26-82; 8:45 am]

BILLING CODE 3410-11-M

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

[Supplement to Department Circular Public Debt Series—No. 1-82]

#### Series N-1984 Treasury Notes; Interest Rate

January 21, 1982.

The Secretary announced on January 20, 1982, that the interest rate on the notes designated Series N-1984, described in Department Circular—Public Debt Series—No. 1-82 dated January 15, 1982, will be 15 percent. Interest on the notes will be payable at the rate of 15 percent per annum.

**Paul H. Taylor,**

*Fiscal Assistant Secretary.*

[FR Doc. 82-2030 Filed 1-26-82; 8:45 am]

BILLING CODE 4810-40-M

## VETERANS ADMINISTRATION

### Advisory Committee on Health-Related Effects of Herbicides; Meeting

The Veterans Administration gives notice under the provisions of Pub. L. 92-463 that a meeting of the Advisory Committee on Health-Related Effects of Herbicides will be held in Room 119 of the Veterans Administration Central Office, 810 Vermont Avenue, NW,

Washington, DC, on February 25, 1982, at 8:30 a.m. The purpose of the meeting will be to assemble and analyze information concerning toxicological issues which the Veterans Administration needs to formulate appropriate medical policy and procedures in the interest of veterans who may have encountered herbicidal chemicals used during the Vietnam Conflict.

The meeting will be opened to the public up to the seating capacity of the room. Members of the public may direct questions, in writing only, to the Chairman, Barclay M. Shepard, M.D., and submit prepared statements for review by the Committee. Such members of the public may be asked to clarify submitted material prior to consideration by the Committee.

Transcripts of the proceedings and rosters of the Committee members may be obtained from Mr. Donald Rosenblum, Office of the Special Assistant to the Chief Medical Director for Environmental Medicine (102), Room 848, Department of Medicine and Surgery, Veterans Administration Central Office, Washington, DC 20420 (Telephone: (202) 389-5411).

Dated: January 21, 1982.

**Robert P. Nimmo,**  
*Administrator.*

[FR Doc. 82-1997 Filed 1-26-82; 8:45 am]

BILLING CODE 8320-01-M

# Sunshine Act Meetings

Federal Register

Vol. 47, No. 18

Wednesday, January 27, 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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### FEDERAL DEPOSIT INSURANCE CORPORATION

#### Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, February 1, 1982, to consider the following matters:

**Summary Agenda:** No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Applications for Federal deposit insurance:

United Pacific Bank, a proposed new bank, to be located at 419 College Street, Los Angeles, California.

The Wolfeboro Savings Bank, a proposed new bank, to be located at the intersection of Center and Pine Streets, Wolfeboro, New Hampshire.

Application for consent to purchase assets and assume liabilities and establish one branch:

Olympic Bank Everett, Washington, for consent to purchase the assets of and assume the liability to pay deposits made in Bank of Anacortes, Anacortes, Washington, and to establish the sole office of Bank of Anacortes as a branch of the resultant bank.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,073-L—The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee

Case No. 45,077-L—The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee

Memorandum and Resolution re: State Bank of Clearing, Chicago, Illinois

Memorandum and Resolution re: South Side Bank, Chicago, Illinois

Recommendation regarding First Pennsylvania Bank N.A., Bala-Cynwyd, Pennsylvania, and First Pennsylvania Corporation, Philadelphia, Pennsylvania.

Memorandum re: Mileage rates paid to Corporation employees.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications or requests approved by the Director or Associate Director of the Division and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Report of the Director, Division of Bank Supervision:

Memorandum re: Report of Actions Taken Under Delegated Authority re: First Pennsylvania Bank, Bala-Cynwyd, Pennsylvania, and First Pennsylvania Corporation, Philadelphia, Pennsylvania.

Discussion Agenda:

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: January 25, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,  
Executive Secretary.

[S-118-82 Filed 1-25-82; 3:19 pm]

BILLING CODE 6714-01-M

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### FEDERAL DEPOSIT INSURANCE CORPORATION

#### Notice of Agency Meeting

Pursuant to the provisions of the

"Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, February 1, 1982, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

**Summary Agenda:** No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Requests for relief from adjustment for violations of Regulation Z:

Names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)).

**Note.**—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

**Note.**—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the

"Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: January 25, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,  
Executive Secretary.

[S-119-82 Filed 1-25-82; 3:20 pm]

BILLING CODE 6714-01-M

3

#### FEDERAL ENERGY REGULATORY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 3466, January 25, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., January 27, 1982.

CHANGE IN THE MEETING: The following item has been added:

Item No., Docket No., and Company

CAG-25; CP82-10-000, Consolidated Gas Supply Corporation

Kenneth F. Plumb,  
Secretary.

[S-120-82 Filed 1-25-82; 3:20 pm]

BILLING CODE 6717-01-M

4

#### FEDERAL RESERVE SYSTEM

Board of Governors

TIME AND DATE: 10 a.m., Monday, February 1, 1982.

PLACE: 20th Street and Constitution Avenue, NW., Washington D.C. 20551.

STATUS: Closed.

#### MATTERS TO BE CONSIDERED:

1. Proposed statement to the Subcommittee on Securities of the Senate Committee on Banking, Housing and Urban Affairs regarding Treasury proposals of securities activities of banks and bank holding companies.

2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

3. Any items carried forward from a previously announced meeting.

#### CONTACT PERSON FOR MORE

INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, (202) 452-3204.

Dated: January 25, 1982.

James McAfee,

Assistant Secretary of the Board.

[S-116-82 Filed 1-25-82; 3:10 pm]

BILLING CODE 6210-01-M

5

#### INTER-AMERICAN FOUNDATION

TIME AND DATE: 9:30 a.m.-3:30 p.m., February 2, 1982.

PLACE: Board Room, Inter-American Foundation, 1515 Wilson Boulevard, Arlington, VA 22209.

STATUS: Open.

#### MATTERS TO BE CONSIDERED:

- Chairman's Report.
- President's Report.
- Minutes of November 24, 1981 Meeting.
- Financial Report for FY 1982.
- The Inter-American Foundation in Guatemala.
- The Inter-American Foundation in Colombia.

#### CONTACT PERSON FOR MORE

INFORMATION: Lawrence E. Bruce, Jr. (703) 841-3812.

[S-114-82 Filed 1-25-82; 10:15 am]

BILLING CODE 7025-01-M

6

#### NATIONAL MEDIATION BOARD.

TIME AND DATE: 2 p.m., Wednesday, February 3, 1982.

PLACE: Board Hearing Room, eighth floor, 1425 K Street NW., Washington, D.C.

STATUS: Open.

#### MATTERS TO BE CONSIDERED:

- Ratification of Board actions taken by notation voting during the month of January, 1982.
- Other priority matters which may come before the Board for which notice will be given at earliest practicable time.

**SUPPLEMENTARY INFORMATION:** Copies of the monthly report of the Board's notation voting actions will be available from the Executive Secretary's office following the meeting.

#### CONTACT PERSON FOR MORE

INFORMATION: Mr. Rowland K. Quinn, Jr., Executive Secretary; Tel: (202) 523-5920.

Dated: January 25, 1982.

[S-115-82 Filed 1-25-82; 12:36 pm]

BILLING CODE 7550-01-M

7

#### NUCLEAR REGULATORY COMMISSION

DATE: Week of January 25, 1982 (Revised) and Week of February 1, 1982.

PLACE: Commissioners Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED: Monday, January 25:

2:00 p.m.:

Discussion of Management-Organization and Internal Personnel Matters (closed meeting) (as announced)

Wednesday, January 27:

10:00 a.m.:

Discussion of Diablo Canyon Report (closed meeting)

2:30 p.m.:

Discussion of Export Licensing Policy (closed meeting) (as announced; time changed)

Thursday, January 28:

10:00 a.m.:

Discussion of Waste Confidence Proceeding (closed meeting) (postponed from January 21, 1982)

3:00 p.m.:

Affirmation/Discussion Session (public meeting) (items revised)

Items to be affirmed and/or discussed:

- Revised General Statement of Policy and Procedure for Enforcement Actions (postponed from January 21)
- Dr. George V. Taplin's Petition (PRM 35-1) Regarding 10 CFR Part 35, "Human Uses of Byproduct Material"
- General License for Mill Tailings in Agreement States

Friday, January 29:

10:00 a.m.:

Discussion of Quality Assurance/Quality Control (public meeting) (as announced)

Tuesday, February 2:

2:00 p.m.:

Briefing on Status of Committee for Review of Generic Requirements (public meeting)

Wednesday, February 3:

10:00 a.m.:

Discussion of Contested Issues in TMI-1 Restart Proceeding (closed meeting)

Thursday, February 4:

10:00 a.m.:

Meeting with FEMA on Rulemaking on Frequency of Exercises (public meeting)

2:00 p.m.:

Briefing by Industry on Plans for Quality Assurance Improvement (public meeting) (approximately 1 1/2 hours)

3:30 p.m.:

Affirmation/Discussion Session (public meeting)

Items to be affirmed and/or discussed:

- Proposed Addition on 10 CFR 50.73 Establishing the Licensee Event Report (LER) System
- Final Rule for Eliminating Need for Power and Alternative Energy Sources as Issues in OL Proceedings
- Amendments to Part 1 and 2 to Implement the Commission's Delegation

- of OL Antitrust Determination to Directors of NRR and NMSS
- d. Petition for Reconsideration and Request for Immediate Suspension of New Safeguards Information Regulations Implementing Section 147 (postponed from January 21)
- e. Diablo Canyon Physical Security—Governor Brown's Request for Public Disclosure of Non-Protection Information

*Friday, February 5:*

- 10:00 a.m.:  
Meeting with ACRS (public meeting)
- 2:00 p.m.:  
Briefing on Regulatory Reform Task Force (public meeting)

**ADDITIONAL INFORMATION:** By a vote of 5-0 on January 21, 1982, the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and 9.107(a) of the Commission's Rules, that Commission business required that Discussion of Enforcement Matter (closed meeting) and, by a vote of 4-0 (Commissioner Roberts not present), that affirmation of FOIA Appeal (81-A-18C) Regarding Military Functions Rule, held that day be held on less than one week's notice to the public.

**AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE:** (202) 634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

**CONTACT PERSON FOR MORE INFORMATION:** Gary M. Gilbert, (202) 634-1410.

January 21, 1982.  
Gary M. Gilbert,  
*Office of the Secretary*  
[S-117-82 Filed 1-25-82; 3:19 pm]  
**BILLING CODE 7590-01-M**

**8**

**OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION**

**TIME AND DATE:** 10 a.m. on February 4, 1982.

**PLACE:** Room 1101, 1825 K Street, NW., Washington, D.C.

**STATUS:** Because of the subject matter, it is likely that this meeting will be closed.

**MATTERS TO BE CONSIDERED:** Discussion of specific cases in the Commission adjudicative process.

**CONTACT PERSON FOR MORE INFORMATION:** Mrs. Patricia Bausell, (202) 634-4015.

Dated: January 22, 1982.  
[S-111-82 Filed 1-22-82; 4:16 pm]  
**BILLING CODE 7600-01-M**

**9**

**OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION**

**TIME AND DATE:** 10 a.m. on February 11, 1982.

**PLACE:** Room 1101, 1825 K Street, NW., Washington, D.C.

**STATUS:** Because of the subject matter, it is likely that this meeting will be closed.

**MATTERS TO BE CONSIDERED:** Discussion of specific cases in the Commission adjudicative process.

**CONTACT PERSON FOR MORE INFORMATION:** Mrs. Patricia Bausell, (202) 634-4015.

Dated: January 22, 1982.  
[S-112-82 Filed 1-22-82; 4:16 pm]  
**BILLING CODE 7600-01-M**

**10**

**OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION**

**TIME AND DATE:** 10 a.m. on February 18, 1982.

**PLACE:** Room 1101, 1825 K Street, NW., Washington, D.C.

**STATUS:** Because of the subject matter, it is likely that this meeting will be closed.

**MATTERS TO BE CONSIDERED:** Discussion of specific cases in the Commission adjudicative process.

**CONTACT PERSON FOR MORE INFORMATION:** Mrs. Patricia Bausell, (202) 634-4015.

Dated: January 22, 1982.  
[S-113-82 Filed 1-22-82; 4:16 pm]  
**BILLING CODE 7600-01-M**

# **Register Part Federal Register**

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Wednesday  
January 27, 1982

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**Part II**

## **Architectural and Transportation Barriers Compliance Board**

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**Minimum Guidelines and Requirements  
for Accessible Design; Amendment to  
Final Rule and Notice of Proposed  
Rulemaking**

## ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

### 36 CFR Part 1190

#### Minimum Guidelines and Requirements for Accessible Design

**AGENCY:** Architectural and  
Transportation Barriers Compliance  
Board.

**ACTION:** Amendment to final rule.

**SUMMARY:** The Architectural and  
Transportation Barriers Compliance  
Board amends its Minimum Guidelines  
and Requirements for Accessible Design  
(36 CFR Part 1190) scoping and technical  
regulations insofar as the rule relates to  
telephones and related equipment (36  
CFR 1190.31(q) Telephones, and  
§ 1190.210 Telephones). The revisions  
provide requirements on the number,  
location, and technical specifications for  
accessible public telephones and related  
equipment. The revisions also include  
conforming and clarifying amendments  
to the regulation's human data text and  
illustrations (§ 1190.40 Human Data).

**EFFECTIVE DATE:** February 26, 1982.

**ADDRESS:** U.S. Architectural and  
Transportation Barriers Compliance  
Board, 330 C Street, S.W., Room 1010,  
Switzer Building, Washington, D.C.  
20202.

**FOR FURTHER INFORMATION CONTACT:**  
For information on the applicability,  
scoping and technical provisions of  
these amendments, contact: Sally Free,  
Office of Technical Services (202) 472-  
2700 (voice) or (202) 245-1801 (TDD);  
Susan Stoessel, Office of Compliance  
and Enforcement (202) 472-3237 (voice);  
or Charles Goldman, General Counsel  
(202) 245-1801 (voice or TDD).

Copies of the amendments are  
available on tape for those with visual  
impairments. These may be obtained at  
the Board offices.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

Section 502 of the Rehabilitation Act  
of 1973, Pub. L. 93-112, 29 U.S.C. 792,  
established the Architectural and  
Transportation Barriers Compliance  
Board (ATBCB or Board) to insure  
compliance with standards issued under  
the Architectural Barriers Act of 1968  
(Pub. L. 90-480) (42 U.S.C. 4151 *et seq.*),  
as amended. The Board consists of  
eleven Federal agency members plus  
eleven members appointed by the  
President from the general public.<sup>1</sup>

<sup>1</sup> The agency members are the heads or their  
designees (Executive Level IV or above) of the

On January 6, 1981, the Architectural  
and Transportation Barriers Compliance  
Board adopted as a final rule its  
"Minimum Guidelines and Requirements  
for Standards for Accessibility and  
Usability of Federal and Federally-  
Funded Buildings and Facilities by  
Physically Handicapped Persons"  
(Minimum Guidelines and Requirements  
for Accessible Design or guidelines and  
requirements). These guidelines and  
requirements were issued pursuant to  
the Rehabilitation Comprehensive  
Services and Developmental Disabilities  
Amendments of 1978, amending the  
Rehabilitation Act of 1973, Pub. L. 93-  
112, codified at 29 U.S.C. 792, and were  
published in the **Federal Register** on  
January 16, 1981 (46 FR 4270). The  
guidelines and requirements provide a  
basis for the issuance of consistent and  
improved accessibility standards by  
four Federal standard-setting agencies:  
General Services Administration (GSA),  
Department of Defense (DOD),  
Department of Housing and Urban  
Development (HUD), and the United  
States Postal Service (USPS), under the  
Architectural Barriers Act of 1968, as  
amended (42 U.S.C. 4151 *et seq.*)<sup>2</sup>

A Notice of Intent on the guidelines  
and requirements was published in the  
**Federal Register** on February 22, 1980  
(45 FR 12167), and a Notice of Proposed  
Rulemaking (NPRM) was published in  
the **Federal Register** on August 18, 1980  
(45 FR 55101). A draft regulatory  
analysis, prepared in accordance with  
Executive Order 12044, was published in  
the August 18, 1980, **Federal Register** for  
comment along with the NPRM. The  
Final Rule was published in the **Federal  
Register** on January 16, 1981. These  
documents as well as other information  
used as the basis for the rule are  
available for inspection at the ATBCB  
offices.

On July 10, 1981, the ATBCB  
determined to publish in the **Federal  
Register** a notice proposing amendments  
to the telephone provisions (see 49 FR  
39764, August 4, 1981, ATBCB Docket  
Number 81-G-2). A second notice  
proposing rescission of the guidelines  
and requirements was also published in

Departments of Education; Transportation; Health  
and Human Services; Housing and Urban  
Development; Labor; Interior; Justice; Defense;  
General Services Administration; Veterans  
Administration; United States Postal Service. The  
Act requires at least five of the members from the  
general public to be physically handicapped.

<sup>2</sup> Standards issued under the Architectural  
Barriers Act and currently in effect are: GSA: 41  
CFR 101-19.6, effective September 2, 1969, revised  
October 14, 1980 (45 FR 67664); HUD: 24 CFR Part  
40, effective September 2, 1969; DOD: DOD 4279.1-  
M "Construction Criteria," June 1, 1978, paragraph  
5-6; USPS: Postal Service Contracting Manual,  
Publication 41, § 18-518.4, 39 CFR 601.100 as  
amended by handbook RE-4, November 1979.

that same **Federal Register**. For further  
information on Board actions concerning  
the notice proposing rescission and  
subsequent actions taken by the Board  
on the guidelines and requirements, see  
the notice of proposed rulemaking  
published elsewhere in this **Federal  
Register**.

At its December 1981 Board meeting,  
the ATBCB adopted as a final rule the  
amendments proposed at 49 FR 39764 on  
August 4, 1981, addressing scoping and  
technical requirements for public  
telephones and related equipment. The  
Board believes that these amendments  
to the rule resolve questions on specific  
issues raised concerning these  
requirements and, therefore, decided to  
publish these amendments separately  
from the rulemaking concerning other  
portions of the guidelines and  
requirements.

##### B. Overview of the Amendments

Amendments to the scoping  
provisions of the final rule provide that  
if one or more public telephones are  
provided and installed as single units or  
if two or more telephones are installed  
in a bank of telephones on any floor,  
then there shall be at least one  
accessible telephone on each floor  
where public telephones are provided.  
Accessible telephones must meet the  
requirements of § 1190.210 and can be  
either side-reach telephones with the  
highest operable part mounted at a  
maximum of 4'-6" or forward-reach  
telephones with the highest operable  
part mounted at a maximum of 4'-0". If  
two or more banks of telephones are  
provided on any floor, then it is required  
that at least one accessible telephone  
per floor be mounted with the highest  
operable part at a maximum of 4'-0".  
The installer must provide at least one  
accessible telephone—mounted at either  
4'-0" or 4'-6"—in proximity to each  
bank. The accessible public telephone  
does not have to be attached to the bank  
as long as it is in proximity to the bank  
of telephones.

The telephone companies and  
enclosure manufacturers pointed out  
that the equipment provided for exterior  
installations is technically different from  
interior installations and, as a result,  
difficulties are encountered in providing  
adequate service if the 4'-0" mounting  
height is used for some exterior  
telephones. As a result, the Board  
includes an exception for exterior public  
telephones for areas which do not have  
dial-tone-first service. For these areas  
only, the forward reach 4'-0" telephone  
is not required.

The requirement for volume controls remains unchanged from the rule issued January 6, 1981, except that language has been added encouraging the installation of additional volume controls. A paragraph requiring that signage directing persons to accessible telephones has also been added.

The technical portions for Human Data (§ 1190.40) and Telephones (§ 1190.210) are closely related; thus, if revisions in the technical provisions occur in one section, changes may also occur in the other. For example, a 10" maximum distance is not permitted between the wheelchair and the object to be reached (Figure 4.17). These changes are also reflected in Figures 21.1 and 21.2 that appear in § 1190.210 Telephones. The amendments were made based on a 1975 Dreyfus study and on comments submitted by the telephone industry.

A maximum 2'-0" depth is allowed for alcoves that are 2'-6" wide because a wheelchair user entering an alcove that is deeper than 2'-0" may experience significant problems getting out of that space (§ 1190.40(c)(5) and Figures 4.8, 4.9, 4.10, and 4.11). Alcoves requiring the use of a clear floor space deeper than 2'-0" must have a 3'-0" opening. Telephone equipment manufacturers were concerned as to the effects this requirement would have on the design of telephone enclosures. On examination of this provision, it was determined that the original requirements did not necessarily prohibit the use of a 2'-6" opening if the alcove was over 2'-0" in depth. Since such objects as telephones mounted in the alcove can protrude 6" from the wall opposite the alcove's entrance, the actual clear floor space that the wheelchair user requires becomes 2'-0" deep rather than 2'-6". A note clarifying paragraph 1190.40(c), along with changes to Figure 21.3, has been included in the final rule.

Two new figures (4.12 and 4.13) and explanatory text were added to the human data section to clarify reach limitation for wheelchair users. These provisions were also based upon dimensions found in the 1975 Dreyfus study and other well accepted research data establishing the 4'-0" and 4'-6" reach requirements.

Technical provisions at § 1190.210(d) in the telephone sections were revised to clarify that mounting height is based on the location of the highest operable parts which are essential to the basic operation of the telephone. The revision was necessary to include such technology as the dial-tone-first or the credit card call situation. A note has also been added to Figures 21.4 and 21.5 to reflect this clarification.

Figure 21.4 in § 1190.210 was revised to reflect that any width is permissible for the side reach telephone enclosure since clear floor space and minimum shelf height requirements specified by Figure 21.1 and 1190.40 will allow access to the telephone. It should also be noted that this clear floor or ground space is required to be positioned so that an object, such as a telephone, can be reached from a wheelchair (see Figure 4.12, and 4.13) and that it is permissible for this clear floor space to overlap the clear space required for other objects (1190.40)(c).

#### C. Analysis of Comments

Sixty-three responses were included in the ATBCB Docket Number 81-G-2. Respondents included the following: Two Board members (GSA and USPS); eleven State and local government agencies; fifteen handicapped organizations including six representing hearing impaired and deaf individuals; six veterans organizations (all representing Paralyzed Veterans of America); one code organization, National Conference of States on Building Codes and Standards, Inc.; three industries; six education-affiliated organizations; and eleven individual responses. Three duplicate responses and four responses that did not directly address the proposed rulemaking, were also received.

Twenty-eight respondents were generally supportive of the proposed amendments. General Telephone & Electronics (GTE), American Telephone and Telegraph (AT&T) and the Committee of Independent Telephone Enclosure Manufacturers were all complimentary of the Board's efforts and willingness to respond to concerns raised by the industry. GTE said that the Board has struck a proper balance between accessibility and cost-effectiveness.

Eight respondents opposed the proposed amendments, with all except one of these comments recommending the use of the telephone provisions in ANSI A117.1-1980. Five of those recommending ANSI represented chapters of the Paralyzed Veterans of America. United States Postal Service and the General Services Administration opposed the revisions due to the then pending rescission notice and recommended ANSI. At the Board meeting on December 1, 1981, these concerns were discussed and resolved.

Nine respondents addressed the need for accessible telephones and made various recommendations. Five respondents were especially concerned with providing equipment for hearing impaired and deaf persons and strongly

recommended the inclusion of volume controls and TDD's in the regulation.

Six respondents, including the California State University at Northridge and the Arkansas Department of Human Services, expressed a preference for the more stringent provisions contained in the January 1981 final rule.

Copies of these comments are available for inspection at the Board's office.

#### D. Executive Order 12291 and Regulatory Flexibility Act

This amendment to the final rule has been reviewed under procedures established in Executive Order 12291 and has been designated as a "non-major rule."

The Architectural and Transportation Barriers Compliance Board has concluded that the rule will not have a significant economic impact on a substantial number of small entities and that the requirement of the Regulatory Flexibility Act, Pub. L. 96-354, for a regulatory flexibility analysis is not applicable. The ATBCB rule directly impacts four Federal agencies—the General Services Administration, Department of Housing and Urban Development, Department of Defense, and United States Postal Service—who are to issue standards in accordance with the Architectural Barriers Act of 1968. Final determination of possible effect, if any, on recipients of Federal construction funds and on small businesses will be made at the time the standards based on these guidelines and requirements are issued by these standard-setting agencies.

In conclusion of the foregoing, Part 1190 of Title 36 of the Code of Federal Regulations is amended to read as set forth below.

Dated: December 1, 1981.  
By vote of the Board.

Mason H. Rose, V,  
*Chairperson, Architectural and  
Transportation Barriers Compliance Board.*  
Wm. Bradford Reynolds,  
*Vice Chairperson, Architectural and  
Transportation Barriers Compliance Board,  
and Assistant Attorney General for Civil  
Rights.*

1. § 1190.31(q) is amended by revising it to read as follows:

#### § 1190.31 Accessible buildings and facilities: New construction.

(q) Telephones. (1) If public telephones are provided, then accessible public telephones shall comply with § 1190.210, Telephones, and the following table:

Number of public telephones provided on each floor	Number of telephones required to be accessible <sup>1</sup>
1 or more single unit installations.	1 per floor.
1 bank <sup>2</sup> .	1 per floor.
2 or more banks <sup>2</sup> .	1 per bank. Accessible unit may be installed as a single unit in proximity (either visible or with signage) to bank. At least one public telephone per floor shall meet the requirements for a forward reach telephone. <sup>3</sup>

<sup>1</sup> Additional public telephones may be installed at any height; however, the installation of accessible telephones is strongly recommended. Unless otherwise specified, accessible telephones may be either forward reach or side reach telephones.

<sup>2</sup> A bank consists of two or more adjacent public telephones usually installed as a unit.

<sup>3</sup> Exception for exterior installations only: If dial-tone-first service is not available, then a side reach telephone may be installed instead of the required forward reach telephone (i.e., one telephone in proximity to each bank shall meet the requirements of § 1190.210, Telephones).

(2) At least one of the public telephones complying with § 1190.210, Telephones, shall be equipped with a volume control. The installation of additional volume controls is encouraged and these may be installed on any public telephone provided.

(3) Signage complying with § 1190.220, Signage, shall be provided at public telephones and shall direct persons to public telephones complying with § 1190.210, Telephones.

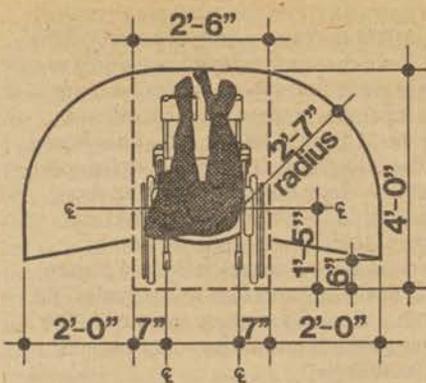
2. § 1190.40 is amended by revising the text of paragraph (c)(5) (excluding Figures 4.8 through 4.11) and the introductory text of paragraphs (d) and (d)(1); adding Figures 4.12 and 4.13 and inserting them following the revised introductory text of paragraph (d); and redesignating old Figures 4.12, 4.13, 4.14, 4.15, and 4.16 as Figures 4.14, 4.15, 4.16, 4.17, and 4.18.

**§ 1190.40 Human Data**

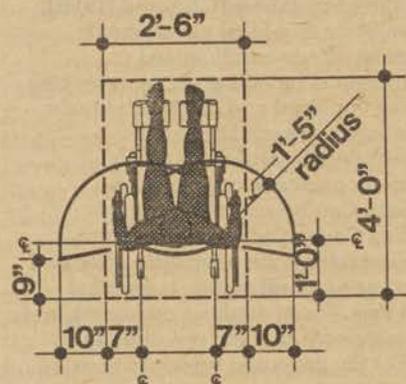
(c) \* \* \*

(5) If clear floor or ground space is confined or restricted on all or part of three sides, provide additional maneuvering space adjoining clear floor or ground space as shown in Figures 4.8, 4.9, 4.10, and 4.11. For example, a 2'-6" depth is satisfactory for a telephone enclosure that is 2'-6" square since the telephone protrudes from the wall 6" and thus reduces the actual depth of the "alcove" to 2'-0".

(d) *Reach limitations for wheelchair users.* Reach limitations for wheelchair users is a function of the mounting height of the object being reached and the distance the object is from the user (figs. 4.12 and 4.13).



**reach range** 4.12  
objects 4'-0" high max.

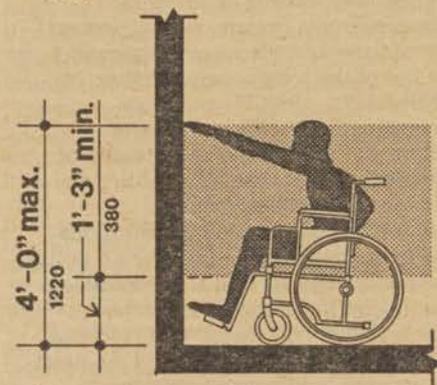


**reach range** 4.13  
objects 4'-6" high max.

(1) Forward reach to surface mounted object:

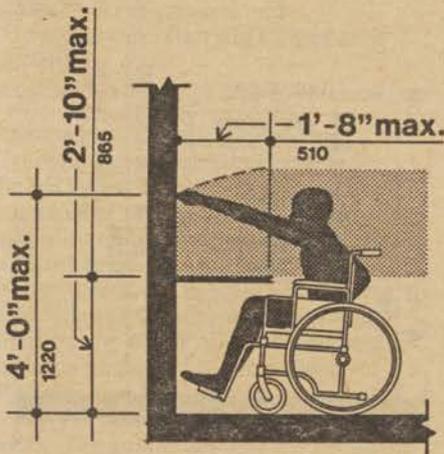
(i) Maximum height of reach for a forward approach shall be 4'-0" (1,220 mm) (fig. 4.14)

(ii) Minimum height of reach for a forward approach shall be 1'-3" (380 mm) (fig. 4.14).



**forward reach** 4.14

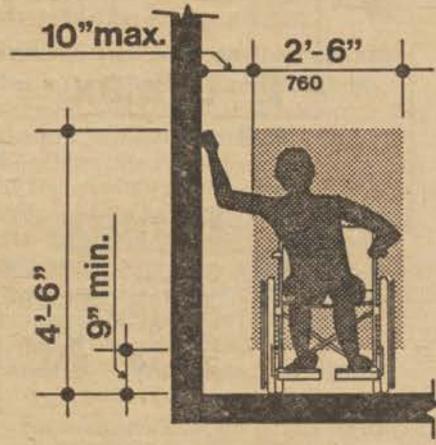
(iii) Maximum height of reach for a forward approach over an obstruction shall comply with figures 4.15 and 4.16.



**reach over obstacle**  
forward approach

4.  
15

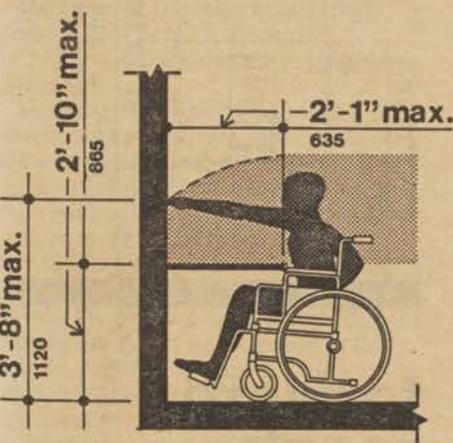
(2) Side reach (parallel approach):  
(i) Maximum height of reach for a parallel approach shall be 4'-6" (1,370 mm) (fig. 4.17).  
(ii) Minimum height of reach for a parallel approach shall be 9 inches (230 mm) (fig. 4.17).



**side reach**  
parallel approach

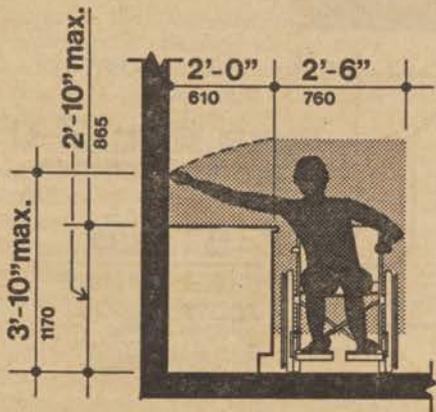
4.  
17

(iii) Maximum height of reach for a side approach over an obstruction shall comply with figure 4.18.



**reach over obstacle**  
forward approach

4.  
16



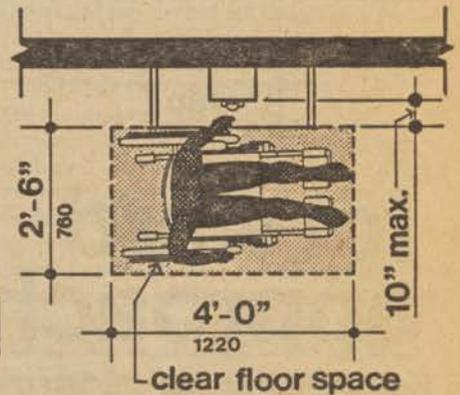
**reach over obstacle**  
parallel approach

4.  
18

3. § 1190.210 is amended by redesignating paragraphs (c) as (d) and (d) as (e); adding a new paragraph (c); revising figures 21.1, 21.2, and 21.3 and inserting them following new paragraph (c); revising newly designated (d)(1), inserting figures 21.4 and 21.5 and inserting them following paragraph (d)(1); and removing figure 21.6 as follows:

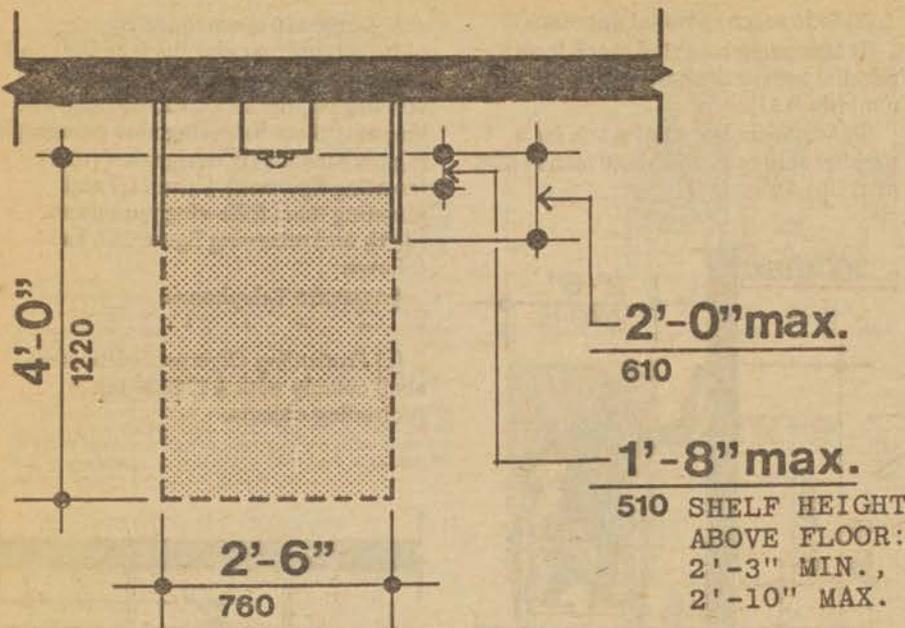
§ 1190.210 Telephones.

(c) *Protruding Objects.* Telephones shall comply with § 1190.50 (c), Protruding objects.

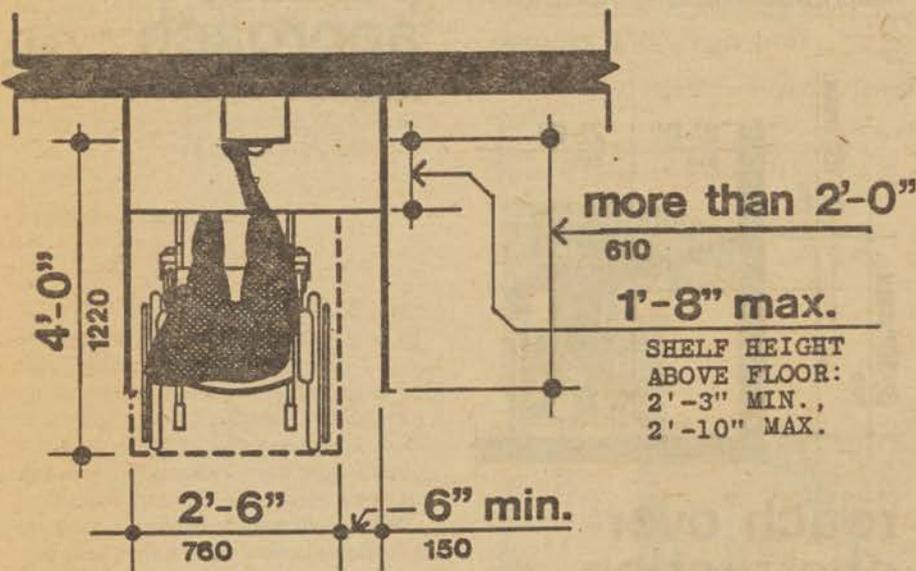


**parallel approach**  
telephone enclosures

21.  
1

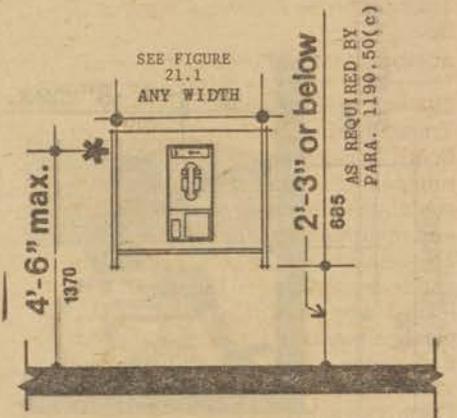


**forward approach**  
telephone enclosures **21.2**



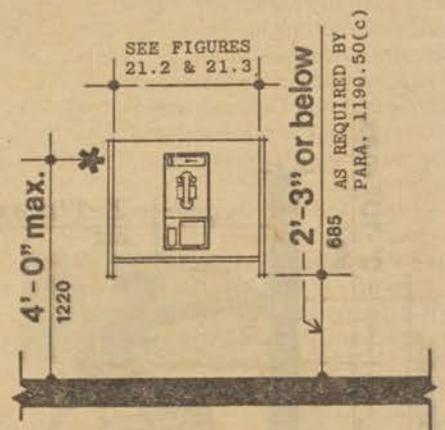
**forward approach**  
telephone enclosures **21.3**

(d) *Equipment characteristics.* Telephone equipment shall:  
(1) Have the highest operable parts which are essential to the basic operation of the telephone located at a maximum of 4'-6" (1370 mm) above finish floor for side reach (fig. 21.4) and at a maximum of 4'-0" (1220 mm) above finish floor for forward reach.



**side reach**  
telephone enclosures **21.4**

\*Highest operable parts which are essential to the basic operation of the telephone.



**forward reach**  
telephone enclosures **21.5**

\*Highest operable parts which are essential to the basic operation of the telephone.

**ARCHITECTURAL AND  
TRANSPORTATION BARRIERS  
COMPLIANCE BOARD**

36 CFR Part 1190

[ATBCB Docket Number 81-G-3]

**Minimum Guidelines and Requirements  
for Accessible Design**

**AGENCY:** Architectural and  
Transportation Barriers Compliance  
Board.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Architectural and Transportation Barriers Compliance Board issues a notice of proposed rulemaking to amend its minimum guidelines and requirements (guidelines and requirements) for standards for accessibility and usability of Federal and federally-funded buildings and facilities by physically handicapped persons published in the *Federal Register* as a final rule on January 16, 1981 (46 FR 4270, codified at 36 CFR Part 1190). The guidelines and requirements and this notice of proposed rulemaking are issued pursuant to the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, amending the Rehabilitation Act of 1973, Pub. L. 93-112. The guidelines and requirements provide a basis for the issuance of consistent and improved accessibility and usability standards issued by four standard setting agencies, the General Services Administration, Department of Housing and Urban Development, Department of Defense, and United States Postal Service, under the Architectural Barriers Act of 1968, as amended.

The Board intends by this action to amend the existing minimum guidelines and requirements so that they provide ready access and use, yet are more cost effective and consistent with other Federal and nationally recognized standards. A final rule consistent with this purpose may eliminate any need to rescind the existing minimum guidelines and requirements, as proposed in the *Federal Register* of August 4, 1981 (Docket 81-G-1) and in the notice of extension of comment period published on September 29, 1981. Each comment received in response to ATBCB Docket 81-G-1 will be included and evaluated as a response to this rulemaking (ATBCB Docket 81-G-3).

**DATE:** Written comments must be received or postmarked on or before March 15, 1982.

**ADDRESS:** Written comments should be submitted to the Docket Officer, ATBCB Rulemaking Docket Number 81-G-3, Architectural and Transportation

Barriers Compliance Board, Room 1014, 330 C Street, SW., Washington, D.C. 20202. Comments received will be available for public inspection in room 1014 from 9 a.m. to 5:30 p.m., Monday through Friday. To inspect the docket, contact Mr. Larry Allison, Director of Public Information, Room 1014, 330 C Street, S.W., Washington, D.C. 20202; 202/245-1591 (voice or TDD).

**FOR FURTHER INFORMATION CONTACT:**

For information on the applicability, scoping, and technical provisions of the Board's Minimum Guidelines and Requirements for Accessible Design (36 CFR Part 1190) and on this Notice of Proposed Rulemaking (NPRM) contact Ms. Sally Free, Office of Technical Services, Room 1014, 330 C Street, SW., Washington, D.C. 20202; (202) 472-2700 (voice) or Mr. Charles D. Goldman, General Counsel, Room 1010, 330 C Street, SW., Washington, D.C. 20202; (202) 245-1801 (voice or TDD).

For additional copies of this NPRM or of the ATBCB Minimum Guidelines and Requirements for Accessible Design (36 CFR 1190), contact Ms. Diane Pernick, Office of Public Information, Room 1014, 330 C Street, SW., Washington, D.C. 20202; (202) 245-1591 (voice or TDD). Copies of this NPRM and the Guidelines and requirements are available on tape for those with visual impairments. These documents may be obtained at the above address or by contacting Ms. Pernick.

**SUPPLEMENTARY INFORMATION:** On January 6, 1981, the Architectural and Transportation Barriers Compliance Board (ATBCB or the Board) adopted as a final rule its "Minimum Guidelines and Requirements for Standards for Accessibility and Usability of Federal and Federally Funded Buildings and Facilities by Physically Handicapped Persons (Minimum Guidelines and Requirements for Accessible Design or guidelines and requirements). These guidelines and requirements were issued pursuant to the Rehabilitation, Comprehensive Services and Developmental Disabilities Amendments of 1978, Pub. L. 93-112, codified at 29 U.S.C. 792, and were published in the *Federal Register* on January 16, 1981 (46 FR 4270). The guidelines and requirements are to provide a basis for the issuance of consistent and improved accessibility standards by four Federal standard-setting agencies: General Services Administration (GSA), Department of Defense (Defense), Department of Housing and Urban Development (HUD), and the United States Postal Service (USPS), under the Architectural Barriers Act of 1968, as amended (42

U.S.C. 4151, *et seq.*).

On July 10, 1981, the ATBCB determined to publish in the *Federal Register* a notice proposing rescission of its January 6, 1981, Minimum Guidelines and Requirements for Accessible Design (46 FR 39764, August 4, 1981; ATBCB Docket 81-G-1) and the development of alternative minimum guidelines and requirements, as well as to publish a notice of proposed rulemaking regarding the regulation's scoping and technical provisions for accessible telephones (46 FR 39764, August 4, 1981; ATBCB Docket 81-G-2). Because several Senators, Congressmen, individuals, and organizations requested additional time for the submission of comments to ATBCB Docket 81-G-1, the Board extended the period for comments to November 6, 1981. In the notice extending the comment period, the Board identified portions of its January, 1981, regulations in which specific comments were requested. Such items included parking and passenger loading zones, entrances, elevators, toilet and bathing facilities, alarms, listening systems, additions, alterations, leases, special use facilities, and residential structures. The Board emphasized that it sought public comments on all parts of the guidelines and requirements and specifically asked for comments on which sections of this regulation should be retained, which sections should be modified, and which sections should be reserved. The Board also requested comments on the clarity and format of the regulation.

For background on the Architectural and Transportation Barriers Compliance Board's current guidelines and requirements, including the overview and section-by-section analysis of the current guidelines and requirements, see the Preamble at 46 FR 4270 (Jan. 16, 1981), codified at 36 CFR Part 1190, Preamble A.

Amendments are proposed to Subpart A—General, Subpart C—Scoping, and Subpart D—Technical. Amendments to the guidelines and requirements' technical provisions (Subpart D) are proposed in order to reduce the number of differences between the Board's guidelines and requirements and the American National Standard Institute Standard "Specifications for making Buildings and Facilities Accessible and Usable by Physically Handicapped Persons" (ANSI A117.1 (1980) or ANSI). Where such differences remain, the Board's guidelines and requirements are in all material respects similar to the draft proposed Uniform Federal Standards as developed by the Uniform Task Force established at the request of the Director, Office of Management and

Budget. The General Services Administration, the Department of Housing and Urban Development, the United States Postal Service, and the Department of Defense—the four voting members of the Uniform Task Force—are working toward adopting a uniform federal standard as their required Architectural Barriers Act standards.

Subparts C and D present generic specifications for application to general building types intended for public or common use. Subpart E, Special Building or Facility Types or Elements, continues to be reserved for future development by the ATBCB. With regard to housing, said development will be consistent with the accessibility requirements currently contained in HUD's Minimum Property Standards and 24 CFR Part 40. The proposed Uniform Federal Accessibility Standard now under development will address special building and facility types and elements and will provide a basis for future development of the reserve Subpart E.

The text of the proposed changes to the guidelines and requirements use ► arrows to indicate additions and [ ] brackets to indicate deletions. Proposed technical changes to Subpart D are highlighted in italics in addition to using the arrows and brackets. The equivalent ANSI technical provision is noted in the margin and under appropriate figures. Technical provisions and definitions contained in the guidelines and requirements but not found in ANSI are underlined. An asterisk (\*) in the left margin notates a provision on which the Board requests public comment on a specific question or alternative. For information on ATBCB provisions which are proposed to remain unchanged, see the preamble at 46 FR 4270 (Jan. 16, 1981). A detailed analysis of the final rule will be published with the rule.

It is recognized that any of the requirements embodied in the standard based on the proposed amendments are subject to the waiver and modification provisions of section 6 of the

Architectural Barriers Act, 42 U.S.C. 4156.

The proposed amendments respond to concerns registered by certain Board members and to issues raised in comments submitted to ATBCB Docket 81-G-1 (notice of proposed rulemaking proposing rescission of minimum guidelines and requirements) and 81-G-2 (notice of proposed rulemaking on elephones).

Three thousand three hundred and sixty-six (3,366) timely comments were received in response to the notice of proposed rulemaking to rescind the guidelines and requirements and to the subsequent notice of extension extending this notice (ATBCB Docket 81-G-1). The overwhelming numerical majority of the responses support having the Board issue minimum guidelines and requirements. A number of comments were received in response to questions posed in the NPRM and in the Notice of Extension. These comments, some of which included helpful substantive proposals to modify the existing guidelines, have been carefully considered in the development of this proposed rulemaking. The minutes of the December 1, 1981, Board meeting, all comments, summaries, and other documents pertaining to this rulemaking are available for inspection at the Board's offices.

At its meeting of December 1, 1981, the Board voted unanimously to issue final amendments to the guidelines and requirements insofar as the regulation relates to telephones and related equipment. The final amendments are published elsewhere in this *Federal Register*. Paragraphs in this instant notice of proposed rulemaking affected by the issuance of the final amendments are noted in the text of this proposed rule.

This proposed rule has been reviewed in accordance with Executive Order 12291 and has been designated as a "major rule" for which the regulatory impact analysis has been waived.

The Architectural and Transportation

Barriers Compliance Board has concluded that the proposed rule will not have a significant economic impact on a substantial number of small entities and that the requirement of the Regulatory Flexibility Act, Pub. L. 96-354, for a regulatory flexibility analysis is not applicable. The Architectural and Transportation Barriers Compliance Board's proposed rule directly impacts four Federal agencies—the General Services Administration, Department of Housing and Urban Development, Department of Defense, and United States Postal Service—who are to issue standards in accordance with the Architectural Barriers Act of 1968. Final determination of possible effect, if any, on recipients of Federal construction funds and on small businesses will be made as these guidelines and requirements are issued by the standard-setting agencies.

The Architectural and Transportation Barriers Compliance Board has also determined that the issuance of the proposed amendments to the minimum guidelines and requirements will not have any significant impact on the environment. National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4232.

#### Conclusion:

In consideration of the foregoing, it is proposed to revise Part 1190 of Title 36 of the Code of Federal Regulations to read as set forth below, with the exception of certain amendments to §§ 1190.31, 1190.40, and 1190.210 which are adopted as an amendment to a final rule in a document published elsewhere in this *Federal Register*.

Dated: December 1, 1981.

By vote of the Board.

**Mason H. Rose, V.**

*Chairperson, Architectural and Transportation Barriers Compliance Board.*

**Wm. Bradford Reynolds,**

*Vice Chairperson, Architectural and Transportation Barriers Compliance Board, and Assistant Attorney General for Civil Rights, Department of Justice.*

BILLING CODE 4000-07-M

**PART 1190 -- MINIMUM GUIDELINES AND REQUIREMENTS FOR ACCESSIBLE DESIGN**

**Subpart A--General**

§ 1190.1 Purpose. The purpose of this part is to implement Section 502(b)(7) of the Rehabilitation Act of 1973 (29 U.S.C. 792(b)(7)), as amended, which requires the Architectural and Transportation Barriers Compliance Board to establish minimum guidelines and requirements for standards issued under the Architectural Barriers Act of 1968 (42 U.S.C. 4151 *et seq.*), as amended. This part and the standards to be based on it are intended to ensure that certain buildings and facilities financed with Federal funds are so designed, constructed, or altered as to be readily accessible to, and usable by, physically handicapped persons, including those having the inability to walk, difficulty walking, reliance on walking aids, sight and hearing disabilities, incoordination, reaching and manipulation disabilities, lack of stamina, difficulty interpreting and reacting to sensory information, and extremes in physical size.

**§ 1190.2 Applicability: Buildings and facilities subject to guidelines and standards.**

(a) Definitions. As used in this section, the term:

(1) "Constructed or altered on behalf of the United States" means acquired by the United States through lease-purchase arrangement, constructed or altered for purchase by the United States, or constructed or altered for the use of the United States.

(2) "Primarily for use by able-bodied military personnel" means expected to be occupied, used, or visited principally by military service personnel. Examples of buildings so intended are barracks, officers' quarters, and closed messes.

(3) "Privately owned residential structure" means a single or multi-family dwelling not owned by a unit or subunit of Federal, state, or

local government.

(b) Buildings and facilities covered. Except as provided in paragraph (c) of this section, the guidelines and requirements, and the standards to be issued by the standard-setting agencies to conform to it, apply to any building or facility--

(1) The intended use for which either--

(i) will require that such building or facility be accessible to the public, or

(ii) may result in employment or residence therein of physically handicapped persons; and

(2) Which is--

(i) to be constructed or altered by or on behalf of the United States;

(ii) to be leased in whole or in part by the United States;

(iii) to be financed in whole or in part by a grant or loan made by the United States after August 12, 1968, if the building or facility may be subject to standards for design, construction, or alteration issued under the law authorizing the grant or loan; or

(iv) to be constructed under the authority of the National Capital Transportation Act of 1960, the National Capital Transportation Act of 1965, or Title III of the Washington Metropolitan Area Transit Regulation Compact.

(c) Buildings and facilities not covered. The guidelines and requirements, and the standards do not apply to--

(1) Any privately owned residential structure, unless it is leased by the Federal government on or after January 1, 1977, for subsidized housing programs; or

(2) Any building or facility on a military installation designed and constructed primarily for use by military personnel.

(3) Although the ATBCB has not reviewed in detail the particular program statutes, it recognizes that, as a general rule, buildings purchased or acquired directly by the Government without construction or alteration are not covered by the Architectural Barriers Act.

(d) Effective date of standards. Any covered building or facility, as provided in this section, which is designed, constructed, ▶ or ◀ altered, [or leased] after the effective date of a standard issued under this guideline which is applicable to the building or facility, ▶ and any other building or facility, if and when required by law, subject to the requirements of the Architectural Barriers Act ◀ shall be designed, constructed, ▶ or ◀ altered, [or leased] in accordance with the standard. For purposes of this section, any design, construction, alteration or lease for which bids or offers are received before the effective date of the applicable standards, in response to an invitation for bids or requests for proposals, is not subject to the standard.

§ 1190.3 Definitions. As used in this part, the term:

"ATBCB" means the Architectural and Transportation Barriers Compliance Board.

"Access aisle" means a pedestrian space between elements such as parking spaces, seating, and desks.

"Accessible" means [complying] ▶ compliance ◀ with the specifications and requirements of this part and with any applicable standard issued by a standard-setting agency. ▶ Accessible describes a site, building, facility, or portion thereof that complies with these requirements and that can be approached, entered, and used by physically handicapped persons. Accessible elements and spaces of a building or facility including doors provided immediately adjacent to a turnstile or a revolving door, shall be subject to the same use patterns as other elements and spaces of the building or facility. ◀

"Accessible route" means a continuous unobstructed path connecting accessible elements and spaces in a building or facility and complying with the space and reach requirements of this part. (Interior accessible routes may include but are not limited to corridors, floors, ramps, elevators, lifts, and clear floor space at fixtures.

Exterior accessible routes may include but are not limited to parking access aisles, curb ramps, walks, ramps, and lifts.)

"Accessible space" means a space that complies with this part.

▶ "Adaptability" means the ability of certain building spaces and elements such as toilet facilities and grab bars, to be added to, raised, lowered, or otherwise altered so as to accommodate the needs of either disabled or nondisabled persons, or to accommodate the needs of persons with different types or degrees of disability. ◀

"Addition" means an expansion, extension, or increase in the gross floor area of a building or facility.

"Agency" means a Federal department, agency or instrumentality, as defined in sections 551(1) and 701(b)(1) of Title 5, United States Code, or an official authorized to represent an agency.

"Alteration" means any change in a building or facility or its permanent fixtures or equipment. It includes, but is not limited to, remodeling, renovation, rehabilitation, reconstruction, changes or rearrangement in structural parts, and extraordinary repairs. It does not include normal maintenance, reroofing, interior decoration, or changes to mechanical systems.

"Architectural Barriers Act" means the Architectural Barriers Act of 1968, Pub. L. 90-480, as amended, 42 U.S.C. 4151 et seq.

▶ "Assembly Area" means a room or space accommodating fifty or more individuals for religious, recreational, educational, political, social, or amusement purposes, or for the consumption of food and drink, and including all connected rooms or spaces with a common means of egress and ingress. Such areas as conference and meeting rooms accommodating less than fifty individuals are not considered assembly areas. ◀

"Automatic door" means a door--

- (1) Used for human passage and
- (2) Equipped with a power-operated mechanism and controls that open and

close the door upon receipt of a momentary actuating signal.

"Building" or "facility" means all or any portion of buildings, structures, equipment, roads, walks, parking lots, parks, sites, or other real property or interest in such property.

▶ "Children" means people below the age of twelve (that is, elementary school age and younger). ◀

▶ "Circulation path" means an exterior or interior way of passage from one place to another for pedestrians, including, but not limited to, walks, hallways, courtyards, stairways, stair landings, and elevators. ◀

▶ "Clear" means unobstructed. ◀

"Common use areas" means those interior and exterior spaces available for use by all occupants and users of a building or facility, exclusive of any spaces that are made available for the use of a restricted group of people or the use of which is restricted to particular functions.

"Construction" means any erection of a new building or of an addition to an existing building or facility.

"Cross slope" means the slope that is perpendicular to the direction of travel (see "running slope").

"Curb ramp" means a short ramp cutting through a curb or built up to it.

"Disability" means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following bodily systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine.

"Egress" or "means of egress" means a continuous and unobstructed way of exit travel from any point in a building or facility to an exterior walk or out of a fire zone. It includes all intervening rooms, spaces, or elements.

"Element" means an architectural or mechanical component of a building, facility, space, or site, e.g., telephone, curb ramp, door, drinking fountain, seating, water closet.

"Entrance" means any access point to a building or portion of a building or facility used for the purpose of entering. An entrance includes the approach walk, the vertical access leading to the entrance platform, the entrance platform itself, vestibules if provided, the entry door(s) or gates(s), and the hardware of the entry door(s) or gate(s). ▶ The principal entrance of a building or facility is the main door through which most people enter. ◀

"Essential features" means those elements and spaces that make a building or facility usable by, or serve the needs of, its occupants or users. Essential features include but are not limited to entrances, toilet rooms, and accessible routes. Essential features do not include those spaces that house the major activities for which the building or facility is intended, such as classrooms and offices.

"Exception" means a special provision in this part or in a standard which indicates an acceptable alternative, under specified circumstances, to a requirement stated directly above the exception.

"Executive Director" means the Executive Director of the ATBCB.

"Extraordinary repair" means the replacement or renewal of any element of an existing building or facility for purposes other than normal maintenance.

"Full and fair cash value" is calculated for the estimated date on which work will commence on a project and means--

(1) The assessed valuation of a building or facility as recorded in the assessor's office of the municipality and as equalized at one hundred percent (100%) valuation; or

Note: The one hundred percent (100%) equalized assessed value shall be based upon the state's most recent determination of the particular city's or town's assessment ratio. Example: Town X has an assessment ratio of forty percent (40%), and the particular building in question is assessed at \$200,000.00. To determine the equalized assessed value of this

building, divide \$200,000.00 by .40, and the equalized assessed value equals \$500,000.00.

(2) The replacement cost; or

(3) The fair market value.

"Guidelines and requirements" means this part.

"Operable part" means a part of equipment or an appliance used to insert or withdraw objects, to activate or deactivate equipment, or to adjust the equipment (e.g., coin slot, push button, handle).

"Physically handicapped person" means any person who has a disability which substantially limits one or more major life activity, including but not limited to such functions as performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

"Power-assisted door" means a door--

(1) Used for human passage; and

(2) With a mechanism that helps to open the door, or relieve the opening resistance of a door, upon the activation of a switch or a continued force applied to the door itself.

▶ "Public use" means any interior and exterior rooms or spaces made available to the general public. Public use may be provided at a building or facility that is privately or publically owned. ◀

"Ramp" means a walking surface that has a running slope greater than 1:20.

▶ "Reconstruction" means the act or process of reproducing by new construction the exact form and detail of a vanished building, structure, or object, or a part thereof, as it appeared at a specific period of time. ◀

▶ "Restoration" means the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later works or by replacement of missing earlier work. ◀

"Running slope" means the slope that is parallel to the direction of travel (see "cross slope").

"Section 502 of the Rehabilitation Act" or "Section 502" means Section 502

of the Rehabilitation Act of 1973, Pub. L. 93-112, 29 U.S.C. 792, as amended.

"Shall" denotes a mandatory requirement.

"Signage" means the display of written, symbolic, tactile, or pictorial information.

"Site" means a parcel of land bounded by a property line or a designated portion of a public right-of-way.

"Site improvements" means landscaping, paving for pedestrian and vehicular ways, outdoor lighting, recreational facilities, and similar site additions.

"Space" means a definable area, e.g., toilet room, hall, assembly area, parking area, entrance, storage room, alcove, courtyard, or lobby.

"Standard" means any standard for accessibility issued under the Architectural Barriers Act.

"Standard-setting agency" means one of the four agencies required to issue standards under the Architectural Barriers Act, i.e., the General Services Administration, the Department of Housing and Urban Development, the Department of Defense, and the United States Postal Service.

"Structural impracticability" means having little likelihood of being accomplished without removing or altering a load-bearing structural member ▶ and/or ◀ at an increased cost of 50 percent or more of the value of the element of the building or facility involved.

"Tactile" means perceptible through the sense of touch.

"Tactile warning" means a surface texture applied to or built into walking surfaces or other elements to warn visually impaired persons of hazards in the path of travel.

▶ "Temporary" means elements are not permanent (i.e., installed for less than six months) and are not required for safety reasons. ◀

"Walk" means an exterior pathway or space with a prepared surface intended for pedestrian use and having a slope of 1:20 or less. It includes general pedestrian areas such as plazas and courts.

#### § 1190.4 Issuance of Architectural Barriers Act standards by standard-setting agencies.

(a) These guidelines and requirements are the minimum requirements for standards issued under the Architectural Barriers Act by the Administrator of General Services, Secretary of Housing and Urban Development, Secretary of Defense, and Postmaster General.

(b) Standards which conform to or exceed the provisions of the guidelines shall be deemed in compliance with the guidelines and requirements.

(c) Each standard-setting agency is encouraged to issue standards which follow the format of these guidelines and requirements. However, standards which differ in format from these guidelines and requirements but are otherwise consistent with the guidelines and requirements shall be deemed in compliance with these guidelines and requirements.

#### § 1190.5 Guidelines: Other uses.

The guidelines and requirements may be used by other governmental and nongovernmental entities to make buildings and facilities accessible to, and usable by, physically handicapped persons.

#### § 1190.6 Interpretation of guidelines.

(a) These guidelines and requirements shall be liberally construed to carry out the purposes and provisions of the Architectural Barriers Act and Section 502 of the Rehabilitation Act.

(b) Words importing the singular number may extend and be applied to the plural and vice versa. However, unless otherwise specified in the guidelines

and requirements, each element or space of a particular building or facility shall comply with the guidelines and requirements.

(c) Use of the imperative mood, e.g., "provide," means the provision is mandatory. This form is being used to avoid wordiness and monotony but means the same as if the word "shall" had been included.

(d) The provisions in the minimum guidelines and requirements are based upon adult dimensions and anthropometrics.

(e) Dimensions that are not marked "minimum" or "maximum" are absolute, unless otherwise indicated in the text or captions. All dimensions are subject to conventional building tolerances for field conditions.

#### § 1190.7 Effect of State or local law.

The obligation to comply with this part is not affected by any State or local law.

#### § 1190.8 Site conditions. [Reserved]

#### § 1190.9 Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of these guidelines and requirements is declared invalid for any reason, the remaining portions of these guidelines and requirements that are severable from the invalid part shall remain in full force and effect. If a part of these guidelines and requirements is invalid in one or more of its applications, the part shall remain in effect in all valid applications that are severable from the invalid applications.

#### Subpart B. [Reserved]

## Subpart C--Scope

## § 1190.30 Scope. [Reserved]

▶ Except as otherwise provided in this Subpart, any covered building or facility which is designed, constructed or altered after the effective date of an applicable standard shall comply with the provisions of such standard issued in conformance with the provisions of this Subpart. Any other building or facility covered by the Architectural Barriers Act, if and when required by law, shall comply with such standard issued in conformance with the provisions of §1190.31 Accessible Buildings and Facilities: New Construction. ◀

## § 1190.31 Accessible buildings and facilities: New construction.

Except as otherwise provided in Subpart E, all new construction of buildings and facilities shall comply with the following minimum requirements:

(a) Accessible route. At least one accessible route shall comply with § 1190.50, Walks, floors, and accessible routes, and shall connect an accessible building entrance with:

(1) Transportation facilities located within the property line of a given site, including passenger loading zones, public transportation facilities, taxi stands, and parking;

(2) Public streets and sidewalks;

(3) Other accessible buildings, facilities, elements, and spaces that are on the same site; and

(4) All accessible spaces, rooms, and elements within the building or facility.

(b) Parking and passenger loading zones. ▶ (1) ◀ If any parking is provided, for employees or visitors, or both, each such parking area shall comply with § 1190.60, Parking and passenger loading zones, and the following table:

Total Parking in Lot	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of Total
over 1000	20 plus 1 for each 100 over 1000

▶ (i) ◀ EXCEPTION: The total number of accessible parking spaces may be distributed among parking lots, if greater accessibility is achieved.

▶ (ii) ◀ EXCEPTION: This paragraph does not apply to parking provided for official government vehicles owned or leased by the government and used exclusively for government purposes.

Parking spaces for side lift vans, § 1190.60(c)(2)(a), are accessible parking spaces and may be used to meet the requirements of this paragraph.

▶ (2) ◀ If passenger loading zones are provided, at least one passenger loading zone shall comply with § 1190.60, Parking and passenger loading zones.

(c) Ramps and curb ramps. If there is an abrupt level or grade change, if the slope is greater than 1:20, and if no other means of accessible vertical access is provided, a ramp or curb ramp shall be provided. If a ramp or curb ramp is provided, it shall comply with § 1190.70, Ramps and curb ramps.

(d) Stairs. Except as provided in paragraph 1190.31(f)(1), stairs connecting levels that are not connected by an elevator shall comply with § 1190.80, Stairs.

(e) Handrails. Handrails shall be provided at each ramp and staircase as required in § 1190.70, Ramps and curb ramps, and § 1190.80, Stairs, respectively, and shall comply with

§ 1190.90, Handrails.

(f) Elevators. One passenger elevator complying with § 1190.100, Elevators shall serve each level in all multi-story buildings and facilities. If more than one elevator is provided, each elevator shall comply with § 1190.100, Elevators.

(1) Exception. Elevator pits, elevator penthouses, mechanical rooms, piping, or equipment catwalks are excepted from this requirement.

(2) Exception. Ramps or platform lifts complying with § 1190.70, Ramps and curb ramps, and § 1190.110, Platform lifts, respectively, may be used in lieu of an elevator.

(g) Platform lifts. If the slope is greater than 1:20, and if no other means of accessible vertical access is provided, a platform lift may be provided if there is an abrupt level or grade change. If a platform lift is provided, it shall comply with § 1190.110, Platform lifts.

(h) Entrances. [At least one entrance to a building or facility shall comply with § 1190.120 Entrances.] ▶ At least one principle entrance at each grade floor level to a building or facility shall comply with § 1190.120 Entrances. ◀ When a building or facility has entrances which normally serve any of the following functions: transportation facilities; passenger loading zones; parking facilities; taxi stands; public streets and sidewalks; accessible interior vertical access, then at least one of the entrances serving each such functions shall comply with § 1190.120, Entrances. [When a building or facility has entrances on more than one exposure, then at least one entrance for each exposure shall comply with § 1190.120, Entrances, unless site conditions preclude accessibility.] ▶ Because entrances also serve as exits, particularly in cases of emergency, the proximity of such accessible entrances and exits to all parts of the building and facility is essential. It is preferable that all or most entrances and exits be accessible. ◀

(i) Doors.

(1) At each accessible entrance to a

building or facility, at least one door shall comply with § 1190.130, Doors.

(2) [For each space] Within a building or facility, at least one door at each accessible entrance to the accessible space shall comply with § 1190.130, Doors.

(3) Each door required by paragraph 1190.50(h), Egress, shall comply with § 1190.130, Doors.

(4) Each door that is an element of an accessible route shall comply with § 1190.130, Doors.

(j) Windows. [Reserved]

(k) Toilet and bathing facilities. [Each toilet and bathing facility provided shall comply with § 1190.150, Toilet and bathing facilities, and in] ▶ If toilet facilities are provided, then each public and common use toilet room shall comply with § 1190.150, Toilet and bathing facilities. Other toilet rooms shall be adaptable. If bathing facilities are provided, then each public and common use bathroom shall comply with § 1190.150. ▶ In ◀ each such facility where any of the fixtures and accessories specified in 1190.150(e) and (f) are provided, at least one accessible fixture and accessory of each type provided shall comply with paragraph 1190.150(e) and (f). ▶ At least one standard size toilet stall (or the equivalent size toilet room containing one water closet and one lavatory) complying with § 1190.150(e)(2)(ii) and Figure 15.7 shall be provided in each building or facility. Signage complying with § 1190.200 shall be located at the entrance of each toilet room not containing a standard size toilet stall and it shall direct the user to the location of the toilet room containing the standard size toilet stall. ◀ For special use situations, refer to Subpart E, Special Building or Facility Types or Elements.

(1) Drinking fountains and water coolers. If drinking fountains or water coolers are provided, approximately 50% of those provided on each floor shall comply with § 1190.160, Drinking fountains and water coolers, and shall be dispersed throughout the floor. If only one

drinking fountain or water cooler is provided on any floor, it [shall have two levels and the lower level] shall comply with § 1190.160. ▶ It is preferred that if only one drinking fountain or water cooler is provided on any floor, then it should have two levels with the lower level complying with § 1190.160. ◀

(m) Controls and operating mechanisms. If controls and operating mechanisms are provided, each shall comply with § 1190.170, Controls and operating mechanisms.

(n) Alarms. If alarm systems are provided, each shall comply with § 1190.180, Alarms.

(o) Tactile warnings. Tactile warnings complying with paragraph 1190.130(g), Doors to hazardous areas, shall be provided on the hardware of all doors that lead to hazardous areas. Tactile warnings shall not be used at emergency exit doors.

(p) Signage.

(1) The international symbol of accessibility shall comply with paragraph 1190.200(e), Symbol of accessibility, and shall be used at the following locations:

(i) Parking spaces designated as reserved for the physically handicapped;

(ii) Passenger loading zones;

(iii) Accessible entrances;

(iv) Accessible toilet and bathing facilities.

(2) Informational signing, if provided, shall comply with § 1190.200.

▶ (i) Exception. The provisions of paragraph 1190.200(c) are not mandatory for temporary information on room and space signage.

(ii) Reserved. ◀

(q) Telephones. ▶ See ATBCB Minimum Guidelines and Requirements for Accessible Design, Amendments to Final Rule, published elsewhere in this Federal Register. ◀

(r) Seating, tables, and work surfaces. If fixed seating, tables, and work surfaces are provided, at least 5 percent ▶ but always at least one ◀ of each element shall comply with § 1190.220, Seating, tables, and work surfaces.

\* (s) Assembly areas ▶, conference and meeting rooms.

▶ (1) ◀ If assembly areas are provided, accessible viewing positions shall comply with § 1190.230, Assembly areas, and the following table:

Capacity of Assembly Space	Number of Viewing Positions
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
over 1000	20 plus 1 for each 100 over 1000

▶ (2) For each assembly area, provide a permanent listening system to assist no fewer than two persons with severe hearing loss. For spaces used primarily as conference and meeting rooms, provide a listening system that may be either permanently installed or portable. A portable system may be used to serve more than one meeting or conference room.

or  
(2) Assembly areas with audio-amplification systems shall have a listening system complying with § 1190.230 to assist a reasonable number of people, but no fewer than two, with severe hearing loss in the appreciation of audio presentations. ◀

(t) Storage. If storage facilities such as cabinets, shelves, closets and drawers are provided in accessible spaces for occupant use, at least one storage facility of each type provided shall comply with § 1190.240, Storage. ▶ Additional storage may be provided

\*The ATBCB requests comment on the two alternatives proposed for scoping requirements for listening systems. Which alternative, if either, is preferable?

outside of the dimensions provided in § 1190.240. 4

**§ 1190.32 Accessible buildings and facilities: Additions.**

Each addition to an existing building or facility shall comply with § 1190.31, New construction, except as follows:

(a) Entrances. If a new addition to a building or facility does not have an entrance, then at least one entrance in the existing building or facility shall comply with § 1190.120, Entrances.

(b) Accessible route. If the only accessible entrance to the addition is located in the existing building or facility, then at least one accessible route shall comply with § 1190.50, Walks, floors, and accessible routes, and shall provide access through the existing building or facility to all rooms, elements, and spaces in the new addition.

(c) Toilet and bathing facilities. If there are no toilet rooms and bathing facilities in the addition and these facilities are provided in the existing building, then at least one toilet and bathing facility in the existing building shall comply with § 1190.150, Toilet and bathing facilities.

(d) Elements, spaces, and common areas. If elements, spaces, or common areas are located in the existing building and they are not provided in the addition, consideration should be given to making those elements, spaces, and common areas accessible in the existing building.

▶ (e) EXCEPTION: Mechanical rooms, storage areas, and other such minor additions which normally are not frequented by the public or employees of the facility, are excepted from paragraphs a, b, and c of § 1190.32. 4

**§ 1190.33 Accessible buildings and facilities: Alterations.**

(a) General. Alterations to existing buildings or facilities shall comply with the following:

(1) If existing elements, spaces,

essential features, or common areas are altered, then each such altered element, space, feature, or area shall comply with the applicable provisions of § 1190.31, Accessible buildings and facilities: New construction.

(2) If power-driven vertical access equipment (e.g., escalator) is planned or installed where none existed previously, or if new stairs (other than stairs installed to meet emergency exit requirements) requiring major structural changes are planned or installed where none existed previously, then a means of accessible vertical access shall be provided that complies with § 1190.70, Ramps and curb ramps; § 1190.100, Elevators; or § 1190.110, Platform lifts ▶, except to the extent where it is structurally impracticable in transit facilities. 4

(3) If alterations of single elements, when considered together, amount to an alteration of a space of a building or facility, the entire space shall be made accessible.

(4) Signage. If an existing building or facility contains some but not all accessible elements and spaces, informational signage complying with § 1190.200, Signage, directing the user to accessible facilities shall be placed at each accessible entrance. Each inaccessible entrance and each inaccessible toilet room shall have signage directing the user to the accessible entrance(s) or toilet room(s).

(b) [Alterations involving more than 50% of the full and fair cash value. If the total cost of all alterations (including but not limited to electrical, mechanical, plumbing and structural changes) for a building or facility within any twelve (12) month period is 50% or more of the building's full and fair cash value (as defined by 1190.3), then each element or space that is altered or added shall comply with the applicable provisions of § 1190.31, Accessible buildings and facilities: New construction; and the altered building shall contain:] ▶

Where a building or facility is vacated

and it is totally altered then it shall comply with § 1190.31 Accessible buildings and facilities: New construction, except to the extent where it is structurally impracticable. ◀

▶ (c) Where substantial alteration occurs to a building or facility, then each element or space that is altered or added shall comply with the applicable provisions of § 1190.31 Accessible buildings and facilities: New construction and the altered building or facility shall contain: ◀

(1) At least one accessible route complying with § 1190.50, Walks, floors, and accessible routes, and paragraph 1190.33(a);

(2) At least one accessible entrance complying with § 1190.120, Entrances. If additional accessible entrances are altered, then they shall comply with paragraph 1190.33(a)(1); and

(3) The following toilet facilities, whichever number is greater:

(i) At least one toilet facility for each sex in the altered building complying with § 1190.150, Toilet and bathing facilities;

(ii) At least one toilet facility for each sex on each substantially altered floor, where such facilities are provided, complying with § 1190.150, Toilet and bathing facilities.

▶ In making the determination as to what constitutes "substantial alteration," the agency issuing standards for the facility shall consider the total cost of all alterations (including but not limited to electrical, mechanical, plumbing, and structural changes) for a building or facility within any twelve (12) month period. For guidance in implementing this provision, an alteration to any building or facility is to be considered substantial if the total cost for this twelve month period amounts to 50% or more of the full and fair cash value of the building as defined at 1190.3. ◀

(4) Exception. If the cost of the elements and spaces required by paragraphs 1190.33(b)(1), (2), and (3) exceeds 15% of the total cost of all other alterations, then a schedule may

be established by the standard-setting and/or funding agency to provide the required improvements within a 5 year period.

(5) Exception. If the alteration is limited solely to the electrical, mechanical, or plumbing system and does not involve the alteration of any elements and spaces required to be accessible under Part 1190 the 1190.33(b) does not apply.

(6) Exception. Consideration shall be given to providing accessible elements and spaces in each altered building or facility complying with:

(i) § 1190.60, Parking and Passenger Loading Zones;

(ii) § 1190.160, Drinking Fountains and Water Coolers;

(iii) § 1190.180, Alarms;

(iv) § 1190.210, Telephones;

(v) § 1190.220, Seating Tables and Work Surfaces;

(vi) § 1190.230, Assembly Areas;

(vii) § 1190.240, Storage.

§ 1190.34 [Accessible buildings and facilities: Leased.] ▶ (RESERVED). ◀

[(a) Buildings or facilities or portions thereof leased by the Federal government shall comply with the requirements of § 1190.31, New construction, § 1190.32, Additions, and § 1190.33, Alterations.

(b) If no fully accessible space is available, space may be leased only if the following conditions are met:

(1) At least one accessible route is provided from an accessible entrance complying with § 1190.120, Entrances, to all leased portions of the building or facility and to each essential feature which serves that portion of the building or facility. The accessible route shall comply with the requirements of § 1190.50 Walks, floors, and accessible routes.

(2) Each essential feature of the portion of the building or facility to be leased is accessible and complies with the applicable sections.

(3) Common areas that are approved space needs of the occupant agency serving the portions of the building or facility to be leased are accessible

and comply with the applicable section.

(c) Exception. If no space complying with (a) or (b) is available, space as available may be leased, provided--

(1) The leasing authority certifies that space is unavailable due to remoteness of the area or that the lease is necessary for officials servicing natural or human-made disasters; and

(2) The ATBCB is provided a listing of instances in which this exception is applied as part of the semi-annual report to Congress.

(d) Any other deviation from the requirements of § 1190.34 shall be made only through the waiver or modification process.]

▶ Note: The Minimum Guidelines and Requirements for Accessible Design require that all buildings and

facilities covered by the Architectural Barriers Act are subject to this Part. As published on January 16, 1981, the Guidelines and Requirements specifically provided that all buildings and facilities leased by the Federal government must be accessible at the time the building or facility is leased. In view of the continuing controversy over the point at which the Architectural Barriers Act applies to leased buildings and facilities, this Part no longer specifies at which point the accessibility standard must apply to leased buildings and facilities. This change has been made solely in recognition of the fact that the issue concerning the applicability of the Architectural Barriers Act to leased buildings is a legal one on which the Board expresses no position. ◀

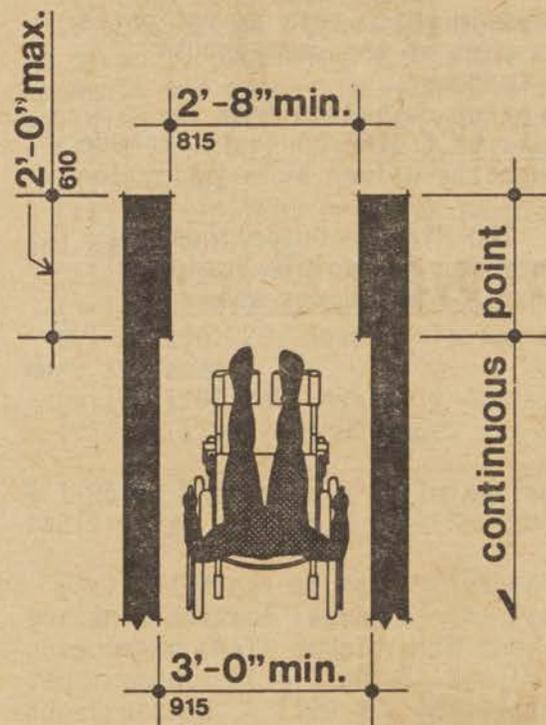
## SUBPART D—TECHNICAL

## Subpart D—Technical Provisions

## §1190.40 Human data.

- (a) **General.** This section is the basis for clearances and equipment location required by other sections.
- (b) **Moving wheelchair clearances.** Provide the clearances for moving wheelchairs as follows:
- (1) Min. clear width for passage of a single wheelchair is 3'-0" (915 mm) (fig. 4.1).
    - (i) **Exception.** The clear width may be reduced to 2'-8" (815 mm) for a distance not to exceed 2'-0" (610 mm) in length at points such as doorways (fig. 4.1).
    - (ii) (Reserved)

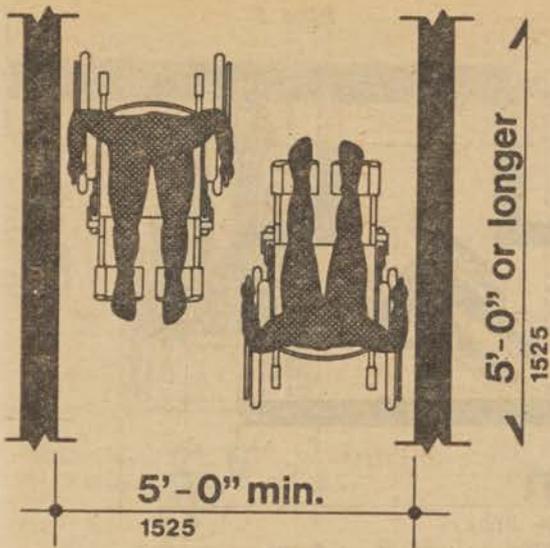
ANSI  
4.2.1



**passage**

ANSI Figures 1 and 24(e)

4.  
1



**two-way**

ANSI Figure 2

4.  
2

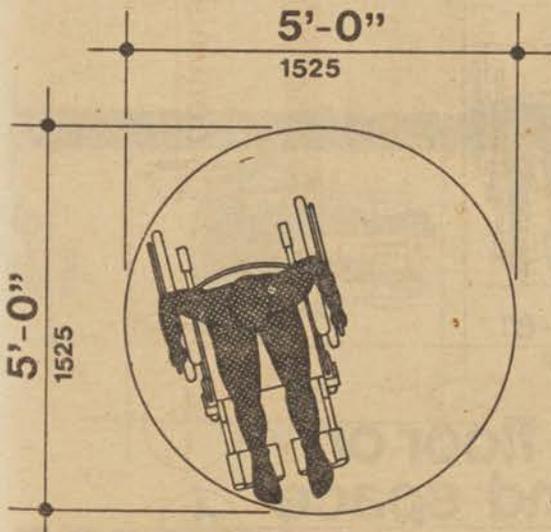
ANSI

4.2.2

(2) Min. clear width for two wheelchairs to pass is 5'-0" (1,525 mm) (fig. 4.2).

4.2.3

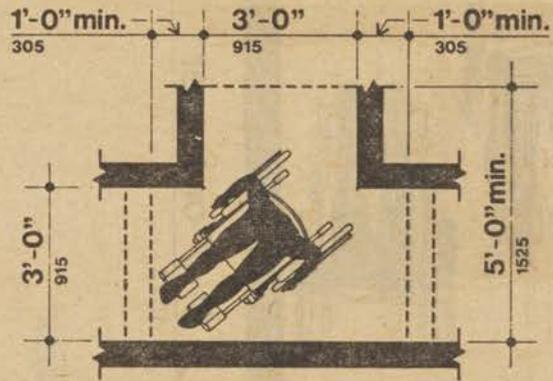
(3) Min. clear space to make a 180 degree turn is a 5'-0" (1,525 mm) diameter (fig. 4.3) or a T-shaped space that complies with fig. 4.4.



**180°/360°**

ANSI Figure 3(a)

4.  
3



### t-turn

4.  
4

ANSI Figure 3(b)

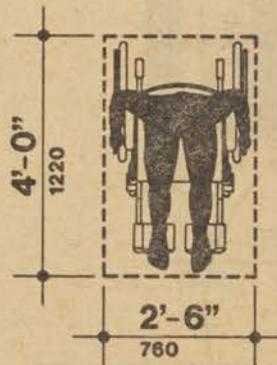
Note: ANSI does not specify or illustrate the length of the arms for the T-turn.

ANSI

4.2.4 (c) **Clear floor or ground space.** Provide the following clear floor or ground space to accommodate a single, stationary occupied wheelchair:

- (1) Clear floor or ground space shall be a min. of 2'-6" by 4'-0" (760 mm by 1,220 mm) (fig. 4.5).

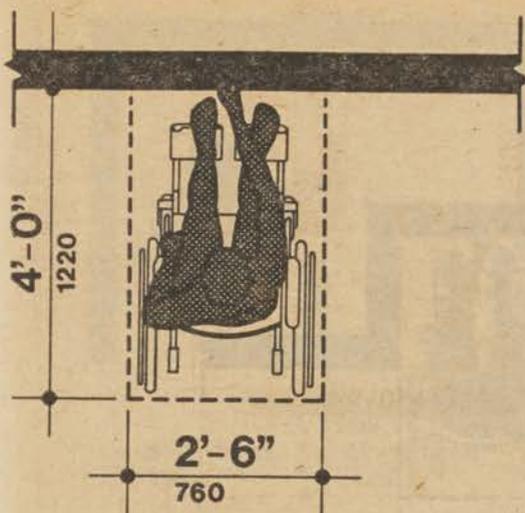
4.2.4.1



### clear floor or ground space

4.  
5

ANSI Figure 4(a)



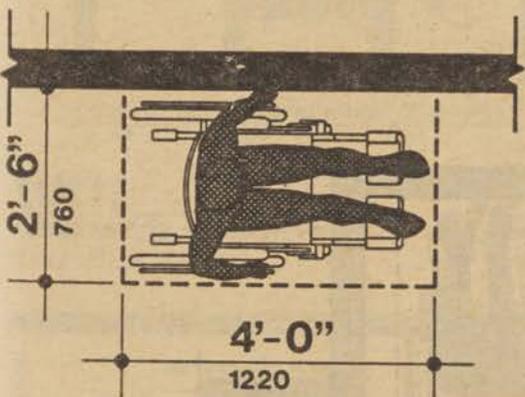
## forward approach

ANSI Figure 4(b)

4.  
6

ANSI

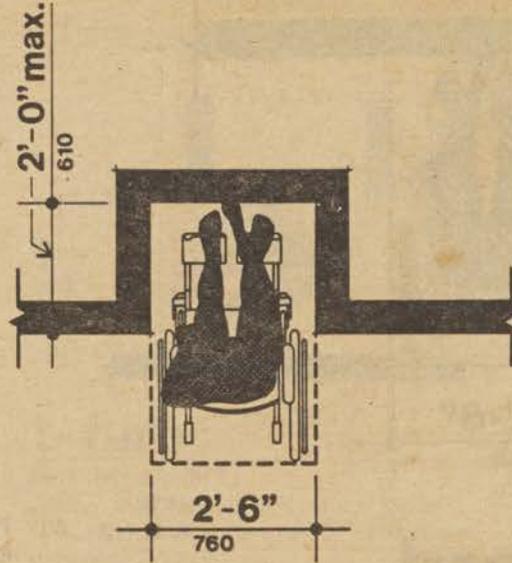
- 4.2.4.1 (2) Position clear floor or ground space for either forward or parallel approach to an object or element as required (figs. 4.6 and 4.7).
- 4.2.4.1 (3) Clear floor or ground space may overlap the clear space required under some objects.
- 4.2.4.2 (4) Clear floor or ground space shall adjoin or overlap an accessible route or another clear floor or ground space for at least one full, unobstructed side.



## parallel approach

ANSI Figure 4(c)

4.  
7



**alcove**

ANSI Figure 4(d)

4.  
8

ANSI

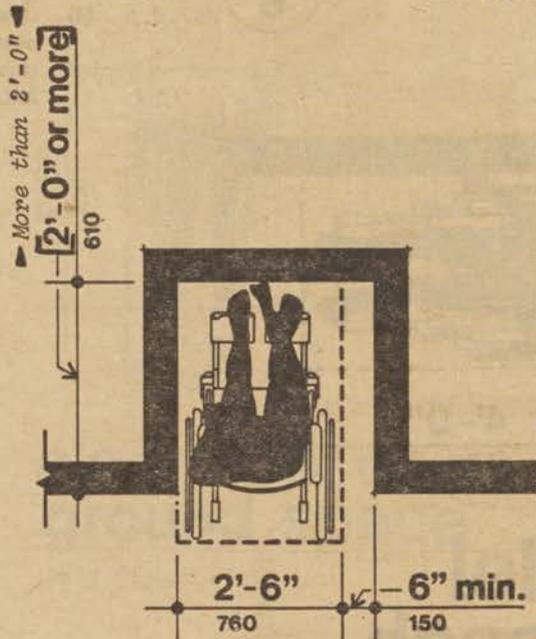
4.2.4.2 (5) See ATBCB Minimum Guidelines and Requirements for Accessible Design, Amendment to Final Rule, published elsewhere in this Federal Register.

4.2.4.3 (6) Surfaces of clear floor or ground spaces shall comply with paragraph 1190.50(i), Walks, floors, and accessible routes.

(d) Reach Limitations. See ATBCB Minimum Guidelines and Requirements for Accessible Design, Amendment to Final Rule, published elsewhere in this Federal Register.

\* \* \* \* \*

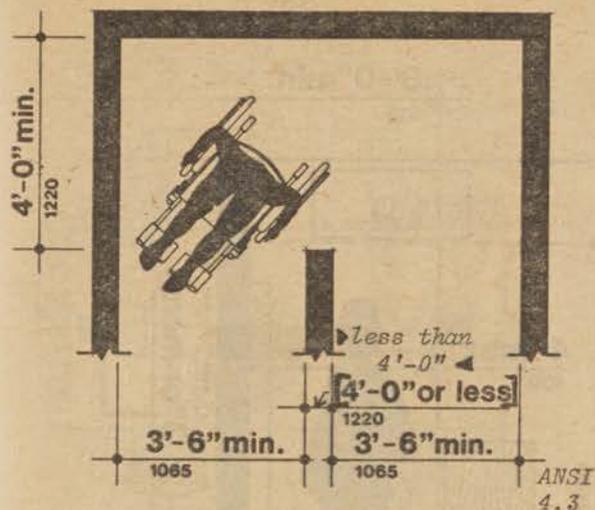
4.27.3 (3) To be accessible, special equipment may require measurements different from those provided above and these measurements should be dictated by equipment design.



**alcove**

ANSI Figure 4(e)

4.  
9



ANSI 4.3

§1190.50 Walks, floors, and accessible routes.

(a) **General.** Accessible routes required by Subpart C—Scope shall comply with this section.

4.3.3 (b) **Width.** Provide the min. clear width for continuous passage and for point passage required by paragraph 1190.40(b)(1) (fig. 4.1). Provide maneuvering clearances as shown in figs. 5.1 and 5.2 if the accessible route requires a turn around an obstruction.

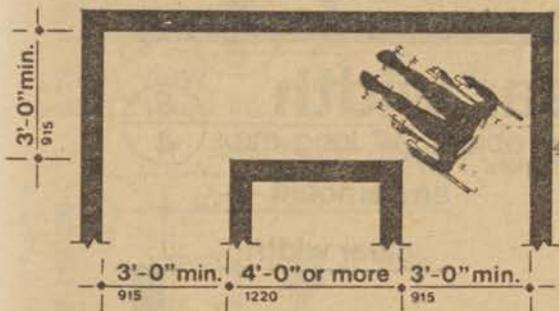
(c) **Protruding objects.** No protruding object shall reduce the clear width of an accessible route or maneuvering space below the min. required by paragraph 1190.40(b)(1) (fig. 5.3).

turn

maneuvering clearances

5.1

ANSI Figure 7(b)



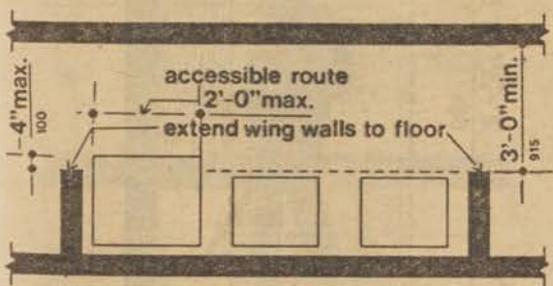
4.4

turn

maneuvering clearances

5.2

ANSI Figure 7(a)

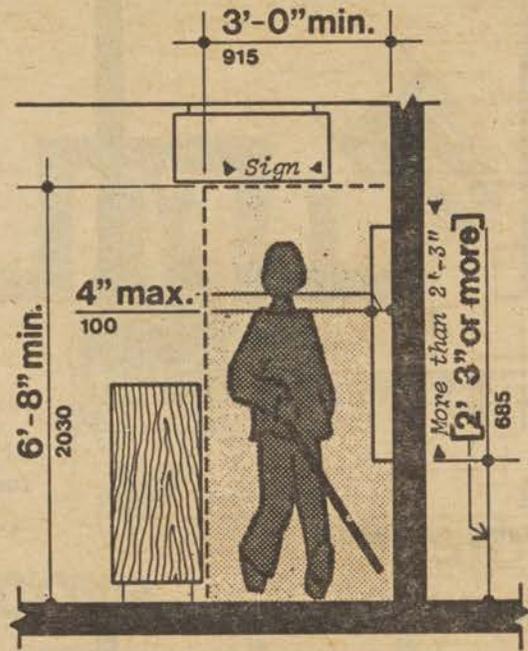


clear width

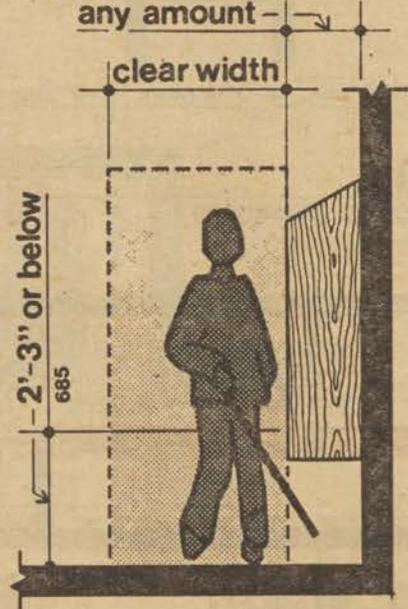
5.3

ANSI Figure 8(e)

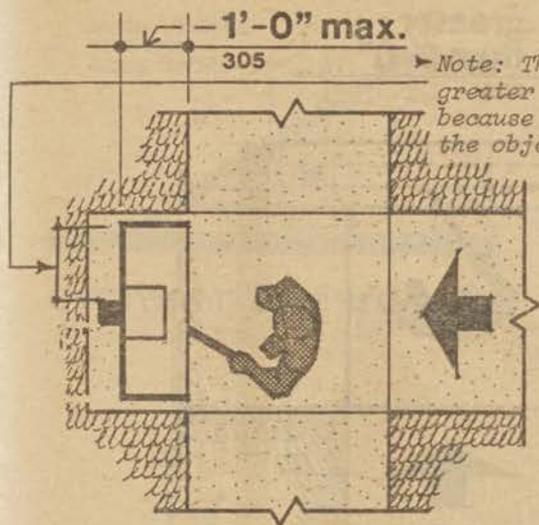
- ANSI  
 4.4.1 (1) Objects less than 2'-0" (610 mm) long that are fixed to wall surfaces shall not project into accessible routes more than 4 in. (100 mm) if mounted with their leading edges between 2'-3" and 6'-8" (685 mm and 2,030 mm) (nominal dimension) above finish floor (fig. 5.4).
- 4.4.1 (2) Objects fixed to wall surfaces may project more than 4 in. (100 mm) if mounted with the lower extreme of their leading edge less than 2'-3" (685 mm) above the finish floor. These objects shall not project into the required min. clear width (fig. 5.5).
- ▶ at or below ◀



**clear width** (5)  
 around object 24" long max. (4)  
 ANSI Figure 8(a)



**clear width** (5)  
 ANSI Figure 8(a) (5)



Note: This overhang can be greater than 1'-0" (305 mm) because no one can approach the object from this direction.

# projecting object

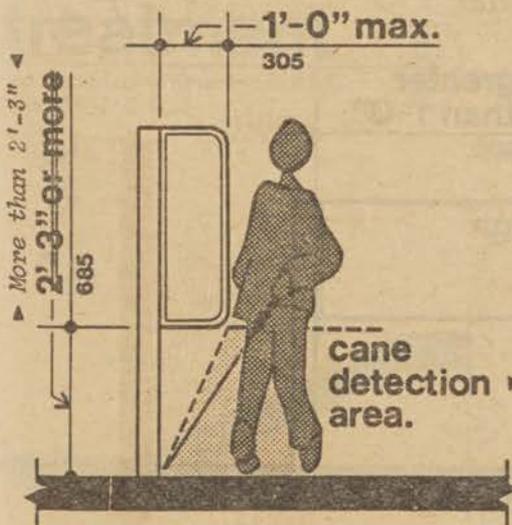
plan view

ANSI Figure 8(d)

5.  
6

ANSI 4.4.1

- (3) Free standing objects mounted on posts or pylons may overhang 1'-0" (305 mm) max. from 2'-3" to 6'-8" (685 mm to 2,030 mm) above ground or finished floor surface (figs. 5.6 and 5.7).



cane detection area.

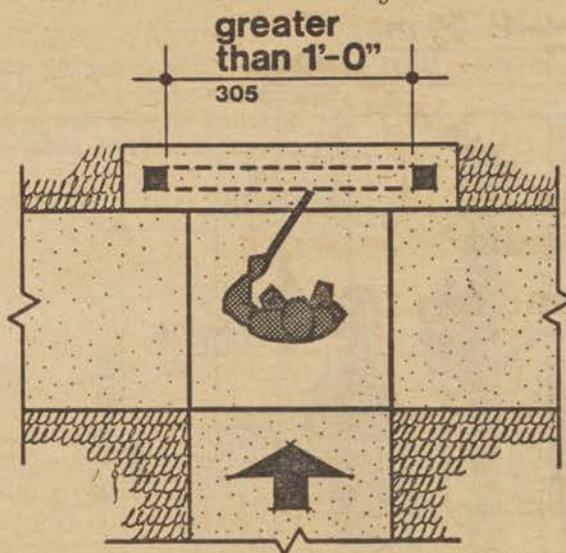
Note: Cane hits post or pylon before person hits object.

# projecting object

elevation

ANSI Figure 8(d)

5.  
7



## fixed obstruction

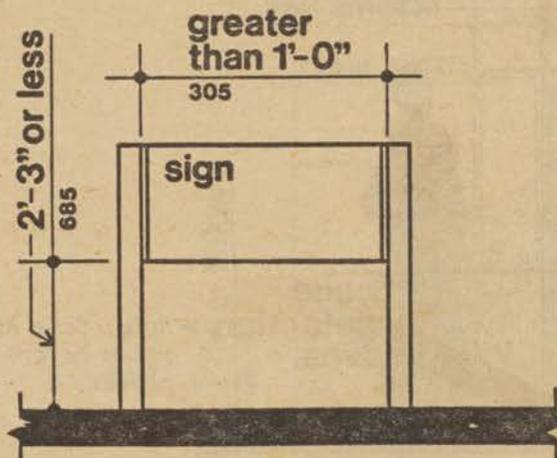
plan view

ANSI Figure 8(c)

5.  
8

- (4) [Objects greater than 1'-0" (305 mm) wide mounted with their leading edge less than 2'-3" (685 mm) may protrude any distance (figs. 5.8 and 5.9).] ▶ Objects mounted with their leading edges at or below 2'-3" (685 mm) above the finished floor may protrude any amount (figs. 5.8 and 5.9). ◀

ANSI  
4.4.1

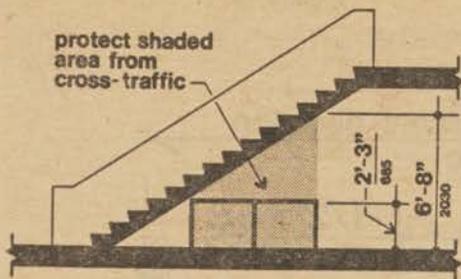


## fixed obstruction

elevation

ANSI Figure 8(c)

5.  
9

**overhead hazard**

no similar figure in ANSI

5.

10

ANSI  
4.3.4

- (d) **Passing space.** If an accessible route has less than a 5'-0" (1,525 mm) clear width, provide accessible passing spaces at intervals not exceeding 200 ft. (61 m) [unobstructed view]. See figures 4.2 and 4.4 for examples of acceptable passing spaces.

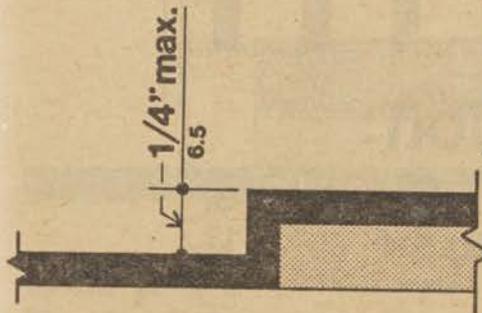
- (e) **Vertical clearance.** Provide a minimum vertical clearance (headroom) of 6'-8" (2,030 mm) throughout accessible routes. If vertical clearance of area adjoining accessible route is reduced to less than 6'-8", (nominal dimension) provide a barrier to warn blind or visually-impaired persons (figs. 5.4, 5.9 and 5.10).

- (f) **Slope.** Accessible routes with running slopes of [1:20 or greater] shall be considered ramps and shall comply with 1190.70, Ramps and curb ramps. Cross-slopes on accessible routes shall not exceed 1:48 (1/4 in. per foot).

- (g) **Changes in level.** All changes in level or grade in accessible routes shall comply with the following:

- (1) Up to 1/4 in. (6 mm): vertical without edge treatment (fig. 5.11).
- (2) 1/4 in. to 1/2 in. (6 mm to 13 mm): beveled with slope not exceeding 1:2 (fig. 5.12).

Note: ANSI cross-slope requirement is 1:50 which is slightly more restrictive than the Board's.

**edge treatment**no similar figure in ANSI  
see ANSI 4.5.2

5.

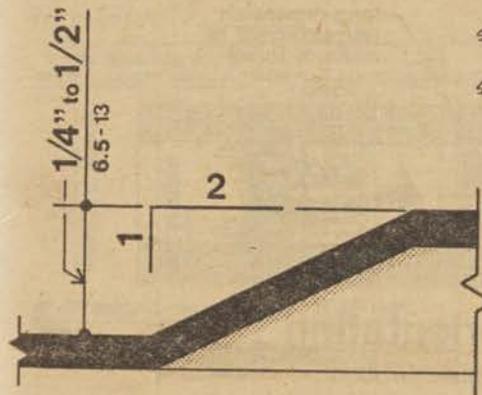
11

4.3.8

4.3.7  
▶ greater than 1:20 ◀

- (g) **Changes in level.** All changes in level or grade in accessible routes shall comply with the following:

- (1) Up to 1/4 in. (6 mm): vertical without edge treatment (fig. 5.11).
- (2) 1/4 in. to 1/2 in. (6 mm to 13 mm): beveled with slope not exceeding 1:2 (fig. 5.12).

**edge treatment**no similar figure in ANSI  
see ANSI 4.5.2

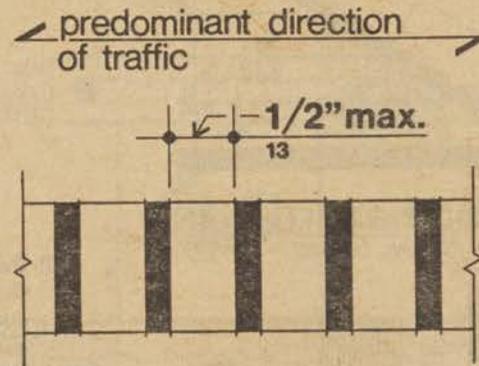
5.

12

## ANSI

- 4.3.8 & 4.5.2 (3) Greater than 1/2 in. (13 mm); comply with § 1190.70, Ramps and curb ramps; § 1190.100, Elevators; or § 1190.110, Platform Lifts.
- 4.13.8 (i) Exception. Exterior sliding door thresholds may be 3/4 in. (19 mm) max. if beveled with slope not exceeding 1:2.
- (ii) [Reserved]
- 4.3.8 (4) Stairs shall not be the sole means of vertical access along an accessible route.
- 4.3.10 (h) Egress. Arrange egress so as to be readily accessible from all accessible rooms and spaces. Where fire code provisions require more than one means of egress from any space or room, such means of accessible egress shall also be provided to handicapped persons.
- (1) Exception. In multiple story buildings and facilities where at-grade egress from each floor is impossible, either of the following is permitted:
- (i) The provision of approved fire and smoke partitions within each story creating horizontal exits; or
- (ii) The provision of areas of refuge within each floor approved by agencies having authority for safety.
- (2) [Reserved].
- 4.5.1 (i) **Ground and floor surfaces.**
- (1) **Surface Condition.** Surfaces of paving and floors shall be stable, firm, and slip-resistant. Irregular paving and flooring materials that may cause tripping or difficult wheelchair passage because of height differentials are not permitted on accessible routes.
- 4.5.4 & 4.8.8 (2) **Drainage.** Design accessible routes so that their surfaces will not collect water. Gratings located in accessible routes shall have openings no greater than 1/2 in. (13 mm) when measured in the dominant direction of travel (fig. 5.13). Gratings with elongated openings shall be so placed that the long dimension is perpendicular to the predominant route of travel (fig. 5.14).

Note: ANSI requires at 4.5.1 that surfaces be relatively nonslip under all weather conditions.

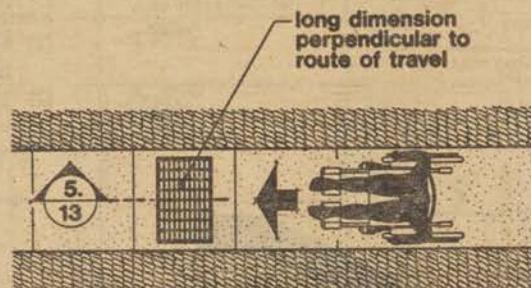


## section: grating

detail of fig. 5.14

no similar figure in ANSI

5.  
13



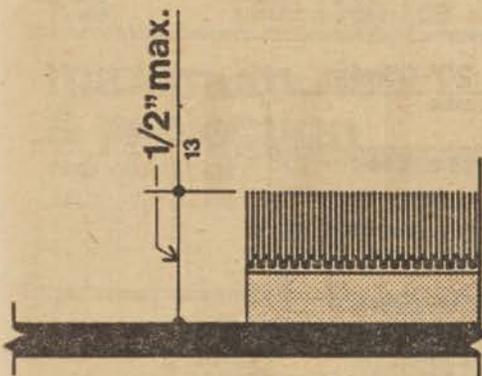
## grating orientation

no similar figure in ANSI

5.  
14

ANSI  
4.5.3

- (3) Carpeting: If carpet or carpet tile is used on an accessible ground or floor surface, it shall:
- Be securely attached;
  - Have a firm cushion or pad or no cushion or pad;
  - Have a construction of level loop, textured loop, level cut pile, or level cut/uncut pile;
  - Have a max. combined thickness of pile, cushion, and backing height of 1/2 in. (13 mm) (fig. 5.15); and] If carpet tile is used on an accessible ground or floor surface, it shall have a maximum combined thickness of pile, cushion and backing height of 1/2 inch (13 mm) (fig. 5.15). If carpet is used, then it should also meet this requirement but in no case shall the pile height exceed 1/2 inch.
  - Exposed edge(s) and trim shall be securely fastened in place and shall comply with paragraph 1190.50(g), Changes in level.

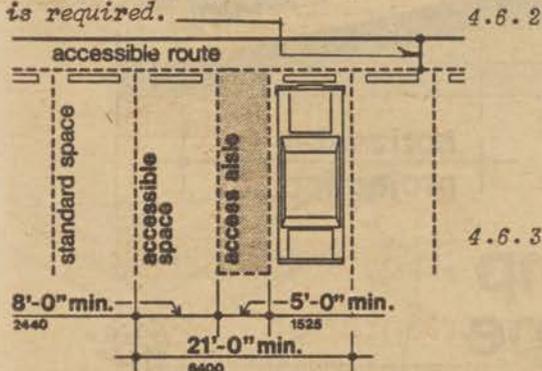


## carpet height

No similar figure in ANSI.

5.  
15 ANSI  
4.6

3'-0" min. (915 mm) if curb ramp is not required; 4'-0" min. (1220 mm) if curb ramp is required.



## accessible parking

ANSI Figure 9

6.  
1

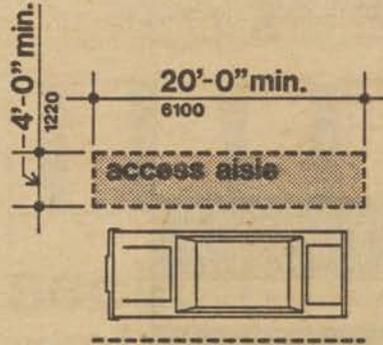
### §1190.60 Parking and passenger loading zones.

- (a) **General.** Parking and passenger loading zones required to be accessible by Subpart C—Scope shall comply with this section.
- (b) **Location.** Accessible parking spaces and accessible passenger loading zones shall:
- Be the spaces or zones located closest to the nearest accessible entrance on an accessible route; and
  - If located in a separate building or facility, be on the shortest accessible route to an accessible entrance of the parking facility.
- (c) **Accessible parking spaces.** Provide accessible parking spaces (fig. 6.1) that:
- Are at least 8'-0" (2,440 mm) wide;
  - Have an adjacent access aisle at least 5'-0" (1,525 mm) wide and shall comply with § 1190.50, Walks, floors, and accessible routes;
- (i) **Exception.** If accessible parking spaces for [side lift] vans designed for handicapped persons are provided, [each shall have] an adjacent access aisle at least 8'-0" (2,440 mm) wide complying [and shall comply] with 1190.50 Walks, floors, and accessible routes shall be provided.
- (ii) [Reserved].

- 4.6.3 (3) May share a common access aisle between two parking spaces;
- (4) Do not permit parked vehicle overhangs to reduce the clear width of accessible routes; and
- (5) Have parking spaces and access aisles with surface slopes not exceeding 1:48 (1/4 in. per foot) in all directions.

ANSI

- 4.6.5 (d) **Passenger loading zones.** Provide accessible passenger loading zones that:
  - (1) Have an access aisle at least 4'-0" (1,220 mm) wide by 20'-0" (6 m) long adjacent, parallel, and level with the vehicle standing space;
  - (2) Have curb ramps conforming to 1190.70, Ramps and curb ramps, if there are curbs between the access aisle and other portions of the accessible route; and
  - (3) Have vehicle standing spaces and access aisles with surface slopes not exceeding 1:48 (1/4 in. per foot) in all directions (fig. 6.2).



**unloading zone** (6.2)

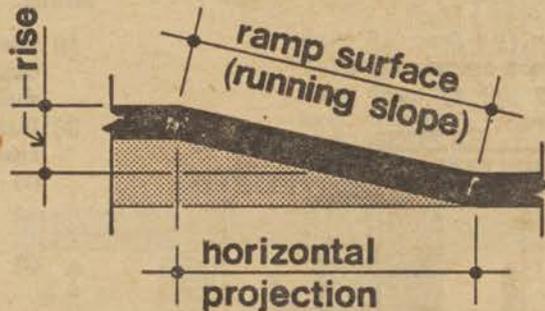
ANSI Figure 10

*no similar ANSI provision* (e) **Vertical clearance.** Provide min. vertical clearances of 9'-8" (3.45 m) at accessible parking spaces, for vans designed for physically handicapped persons at accessible passenger loading zones, and along vehicle access routes to such areas from site entrances.

- 4.6.4 (f) **Signage.** Signage reserving accessible parking spaces and identifying passenger loading zones and vehicle access routes shall comply with 1190.200, Signage. Signage shall incorporate the International Symbol of Accessibility and shall not be obscured by a vehicle parked in the space (fig. 20.2 and 20.3).

4.7 §1190.70 Ramps and curb ramps.

- (a) **General.** Ramps and curb ramps required by Subpart C—Scope shall comply with this section.
- 4.8.2 & 4.7.2 (b) **Slopes and rise.** Provide the least practical slope for any ramp or curb ramp subject to the following maximums:
  - (1) **New Construction requirements:**
    - (i) Max. running slope shall not exceed 1:12 (8.3%) (fig. 7.1).



**ramp slope** (7.1)

ANSI Figure 11 and 16

\* The Board request comments on the minimum vertical clearance needed to accommodate vans designed for physically handicapped persons. Is 9'-6" appropriate?

slope	maximum rise		maximum projection	
	in	mm	ft	m
1:12 to < 1:16	30	760	30	9
1:16 to < 1:20	30	760	40	12
1:20	30	760	50	15

### maximum rise & projection

new construction

ANSI Figure 16

7.2

slope	maximum rise		maximum projection	
	in	mm	ft	m
1:10 to 1:8	3	75	2	0.6
1:12 to 1:10	6	150	5	1.5

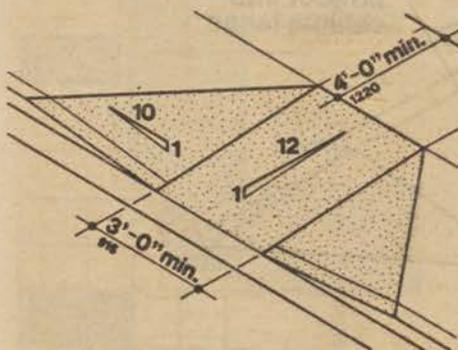
A slope steeper than 1:8 is not allowed

### maximum rise & projection

existing construction

ANSI Table 2

7.3



### curb ramp

ANSI Figure 12(a)

Note: ANSI does not require 4'-0" (1220 mm) at top of curb ramps.

7.4

ANSI 4.8.2

no similar provision

- (ii) Max. rise for any run shall not exceed 2'-6" (760 mm) (fig. 7.2).
- (iii) Max. slopes of adjoining gutters, road surface, immediately adjacent to the curb ramp or accessible routes shall not exceed 1:20 and shall comply with paragraph § 1190.70(e)(8) (fig. 7.12).

4.8.2

(2) Existing construction requirements:

- (i) If space limitations prevent compliance with paragraph 1190.70(b)(1), slopes and rises listed in fig. 7.3 may be used.
- (ii) [Reserved].

4.7.3 4.8.3

(c) Width. Ramps and curb ramps shall have a min. clear width of 3'-0" (915 mm) exclusive of edge protection or flared sides.

4.8.6 (ramps only)

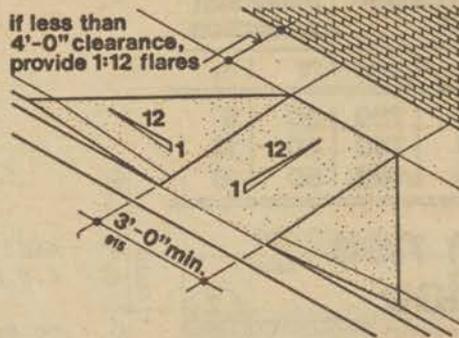
(d) Cross-slope and surface. Cross-slope of ramp surfaces shall not exceed 1:48 (1/4 in. per foot). Ramp surfaces shall comply with 1190.50, Walks, floors, and accessible routes.

(e) Curb ramps. In addition to the requirements of paragraphs 1190.70 (a), (b), and (c), curb ramps shall comply with the following requirements:

4.7.5

- (1) [Provide flared sides if ramps are located where pedestrians may walk across the ramp;] Provide flared sides if a circulation path crosses any part of the ramp or curb ramp not protected by handrails or guardrails;

flared slope shall not exceed 1:10 (fig. 7.4) where a 4'-0" (1,220 mm) landing is provided at the top of the curb ramp.



### curb ramp

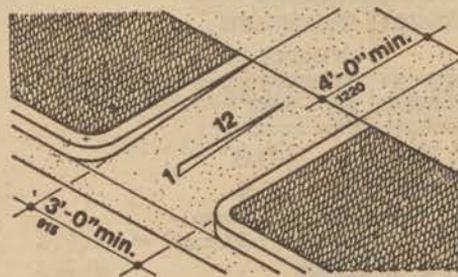
no similar figure in ANSI

7.  
5

ANSI  
4.7.5

If less than 4'-0" (1,220 mm) is provided, the flared slope shall not exceed 1:12 (fig. 7.5). Where pedestrians will not normally walk across a ramp, returned curbs may be used (fig. 7.6).

4.7.6 (2) Locate built-up curb ramps so that they do not project in vehicular traffic lanes (fig. 7.7).

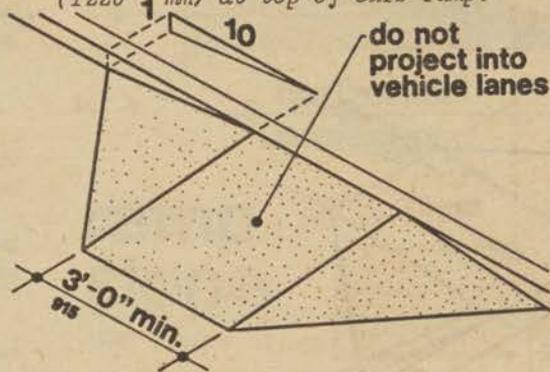


### curb ramp

ANSI Figure 12(b)

Note: ANSI does not require 4'-0" (1220 mm) at top of curb ramp.

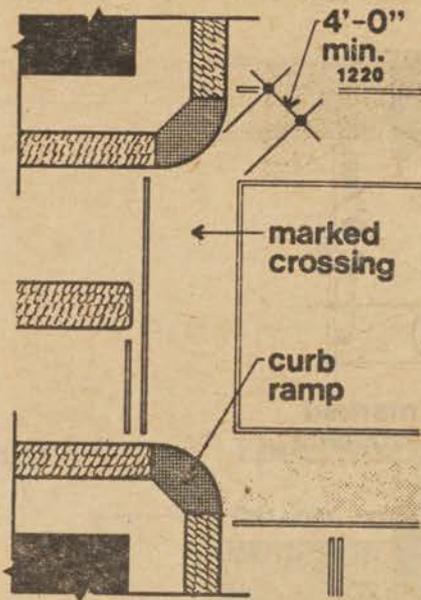
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6



### curb ramp

ANSI Figure 13

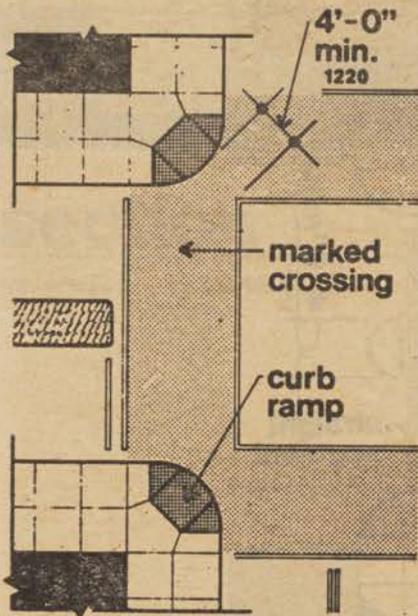
7.  
7



**crossing**

ANSI Figure 15(d)

7.  
8



**crossing**

ANSI Figure 15(c)

7.  
9

ANSI

4.7.10

- (3) Diagonal or corner type curb ramps having returned curbs or well defined edges, shall have such edges parallel to the direction of pedestrian flow (fig. 7.8). Diagonal or corner type curb ramps having flared sides shall have at least a 2'-0" (610 mm) long segment of straight curb located on each side of the curb ramp and within marked crossings (fig. 7.9).

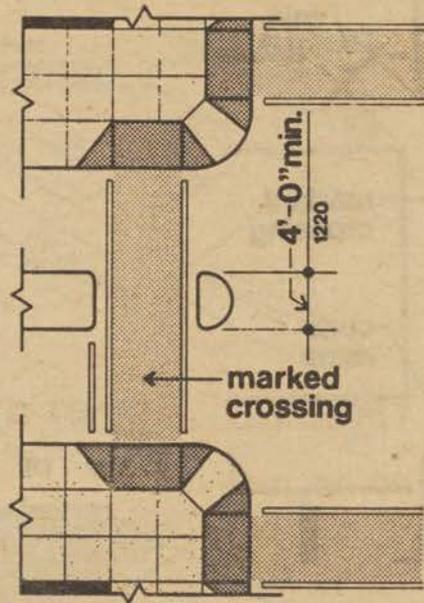
4.7.10

- (4) Curb ramp discharge (top and bottom) shall be to a 4'-0" (1,220 mm) min. deep clear space (figs. 7.4 and 7.5). If the marked crossings are provided, locate bottom discharge entirely within marked crossings (figs. 7.8 and 7.9).

4.7.9

4.7.8

- (5) Locate curb ramps to prevent blockage of discharge areas by parked vehicles.



### crossing

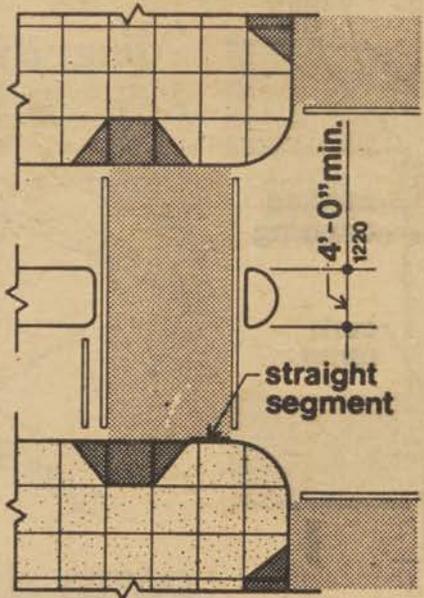
ANSI Figure 15(a)

7.  
10

ANSI

4.7.11

- (6) Cut any islands through flush with street surfaces or ramp each side to permit crossing. Provide 4'-0" (1,220 mm) long rest area (see figs. 7.10 and 7.11)



### crossing

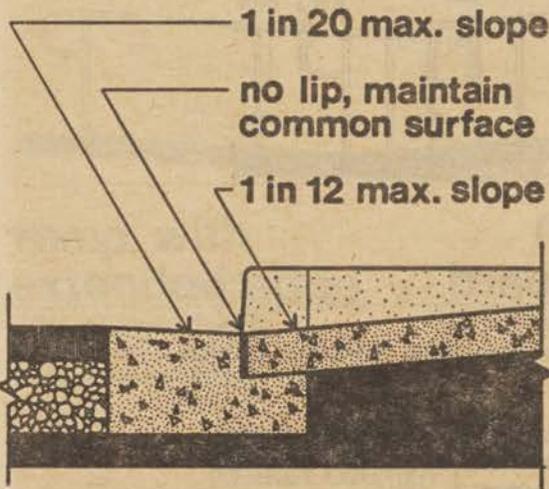
ANSI Figure 15(b)

7.  
11

- (7) [Curb ramps having less than a 6 in. (150 mm) rise do not require handrails.] Curb ramps which cross a circulation path but do not have an abrupt change in level, do not require handrails.
- (8) Transitions from ramps to walks, gutters, or streets shall be flush and free of abrupt changes (fig. 7.12).

*Note: ANSI 4.7.7 Warning Textures and ANSI Figure 14 Warning Signals at Curb Ramps have been deleted from the ATBCB Minimum Guidelines and Requirements until such time as sufficient research and/or field experience dictate a requirement in this area.*

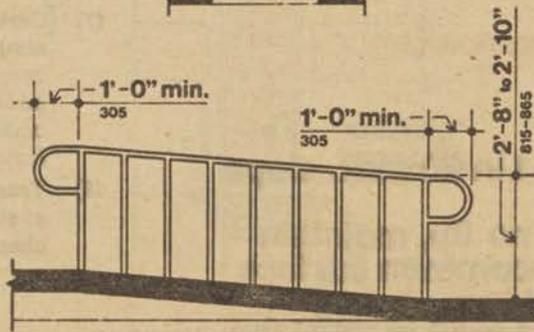
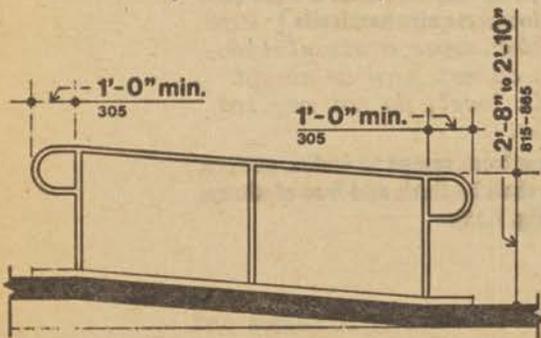
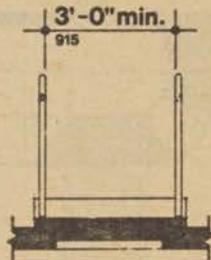
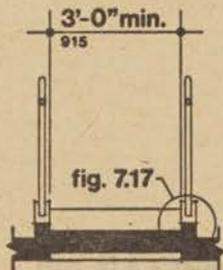
*Note: ANSI 4.7.12 Uncurbed Intersections has been deleted from the ATBCB Minimum Guidelines and Requirements until such time as research and/or field experience dictate such a requirement.*



## section

no similar figure in ANSI





**ramp with curb**

7.13

ANSI Figure 17(a)

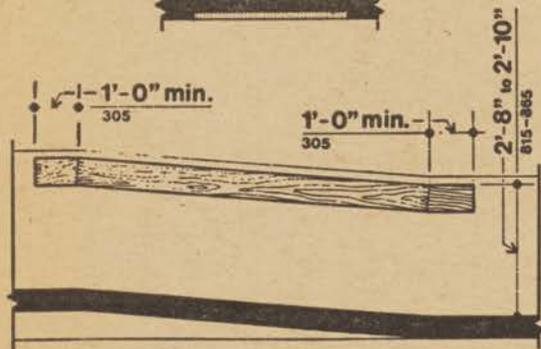
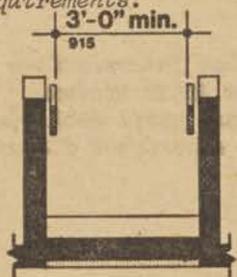
Note: ANSI does not specify handrail height requirements.

**ramp with vertical guard**

7.15

ANSI Figure 17(c)

Note: ANSI does not specify handrail height requirements.



**ramp with wall**

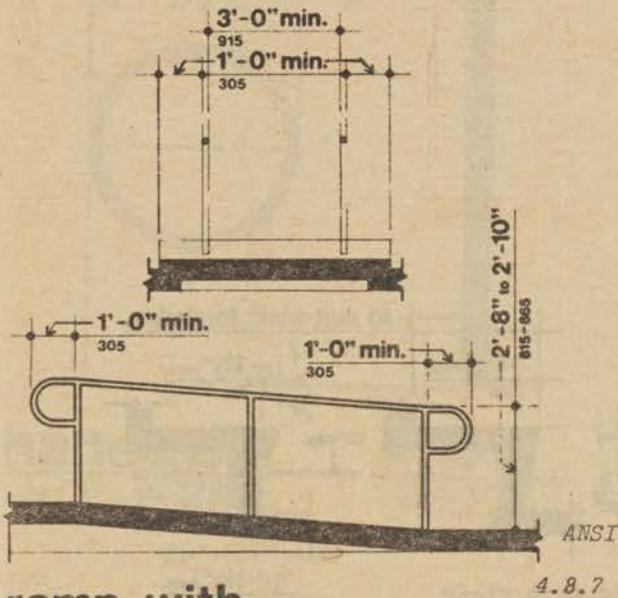
7.14

ANSI Figure 17(b)

Note: ANSI does not specify handrail height requirements.

ANSI (f) Ramps. In addition to the requirements of paragraphs 1190.70 (a), (b), (c), and (d) provide the following at all ramps:

- 4.8.4 (1) Provide landings at the top, bottom, and at changes of direction. If ramp runs exceed max. projection given in figs. 7.2 and 7.3, provide intermediate landings. Landings shall:
  - 4.8.4(1) (i) Have a width which shall be at least as wide as the widest ramp run approaching it.
  - 4.8.4(2) (ii) Have a minimum length of 5'-0" (1,525 mm).
  - 4.8.4(3) (iii) Have a min. size at direction changes that is 5'-0" by 5'-0" (1,525 mm by 1,525 mm).
  - 4.8.4(4) (iv) Comply with § 1190.130, Doors, if doors open into them.
- 4.8.5 (2) Provide handrails that comply with § 1190.90, Handrails, on both sides of any ramp run exceeding a 6 in. (150 mm) rise or a 6'-0" (1,830 mm) horizontal projection (figs. 7.13, 7.14, 7.15, and 7.16).



**ramp with extended edge**

ANSI Figure 17(d)

Note: ANSI does not specify handrail height requirements.

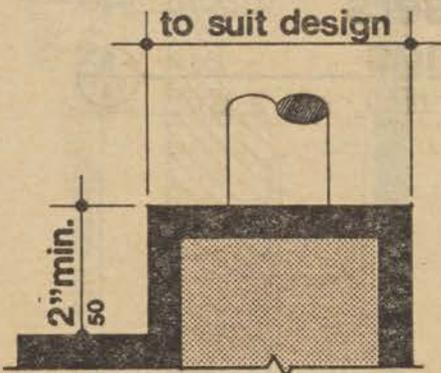
7.  
16

4.8.7

(3) Provide curbs, walls, vertical guards or projected edges at ramps and landings with drop-offs. Min. curb height shall be 2 in. (50 mm) (fig. 7.17).

4.8.8

(g) Exterior condition. Curb ramps, ramp, and landing surfaces shall comply with paragraph 1190.50 (i) (2), Drainage.



**ramp curb**

ANSI Figure 17(a)

7.  
17

ANSI

## §1190.80 Stairs

(a) **General.** Stairs required by Subpart C—Scope shall comply with this section.

4.9.2 (b) **Risers.** Provide risers that do not exceed 7 in. (180 mm) in height.

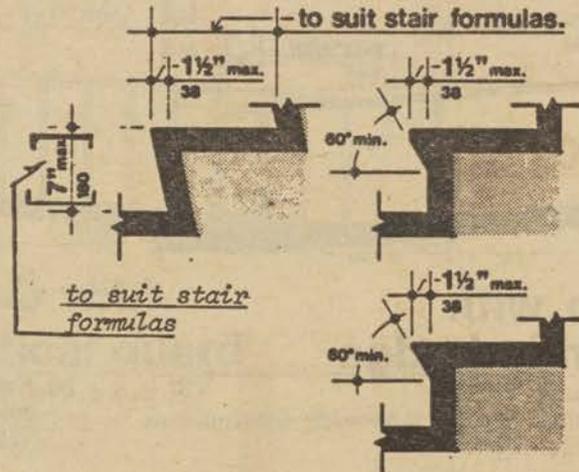
**TREADS AND RISERS.**  
On any given flight of stairs, all steps shall have a uniform riser height and uniform tread widths. Stair treads shall be no less than 11 inches (280 mm) wide, measured from riser to riser. ◀ Open risers are not permitted (fig. 8.1).

4.9.3 (c) **Nosings.** Nosings shall:

- (1) Project a max. of 1-1/2" (38 mm);
- (2) Have a leading edge with a max. radius of curvature of 1/2 in. (13 mm); and
- (3) Be formed by risers that are sloped, or shall have undersides of the nosings which form an angle not less than 60 degrees from the horizontal (fig. 8.1).

4.9.4 (d) **Handrails.** Provide continuous handrails at both side of stairways. Handrails shall comply with § 1190.90, Handrails.

4.9.6 (e) **Exterior conditions.** Stair treads and landing surfaces shall comply with paragraph 1190.50 (i) (2), Drainage.

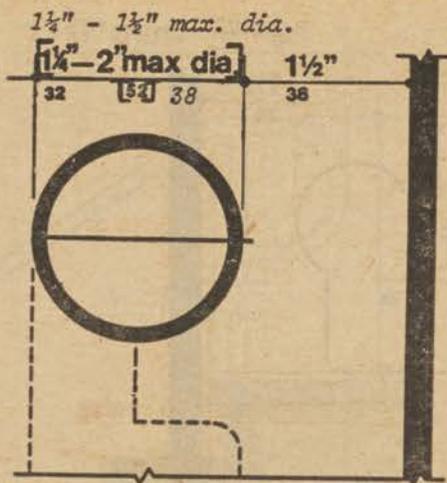


## stair risers & nosings

ANSI Figure 18(a), (b), & (c)

8.  
1

*Note: ANSI 4.9.5 Tactile Warnings at Stairs has been deleted from the ATBCE Minimum Guidelines and Requirements for Accessible Design until such time as sufficient research and/or field experience dictate a requirement in this area.*



## handrail

ANSI Figure 39(a)

9.  
1

ANSI

4.8.5

4.9.4

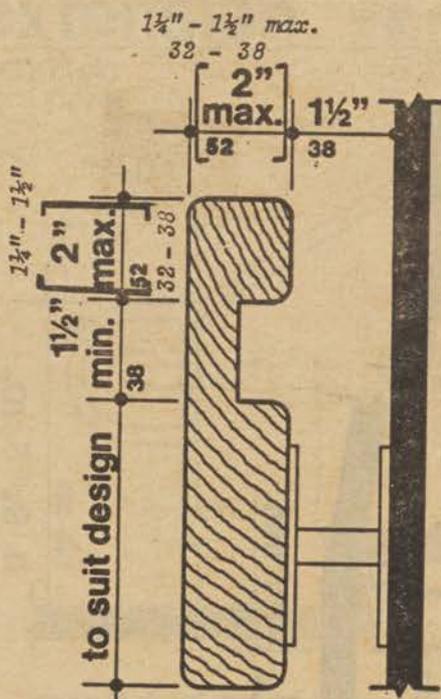
### §1190.90 Handrails

(a) **General.** Handrails for ramps or stairs required by Subpart C—Scope shall comply with this section.

4.26.2 (b) **Size and spacing.** Size and spacing of handrails shall:

- (1) The handgrip portion of the handrail, if round, shall be not less than 1-1/4 in. (32 mm) nor more than 2 in. (50 mm)  $\triangleright$  1 1/2 in. (38 mm)  $\triangleleft$  in diameter (fig. 9.1).

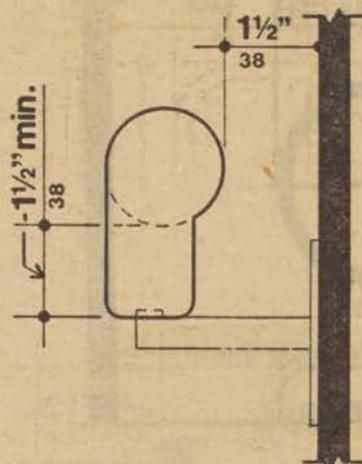
If the shape of the handrail is not round, then the larger dimension shall be not more than 2 in. (50 mm)  $\triangleright$  1 1/2 in. (38 mm)  $\triangleleft$  (fig. 9.2).



## handrail

ANSI Figure 39(b), (c), & (d)

9.  
2



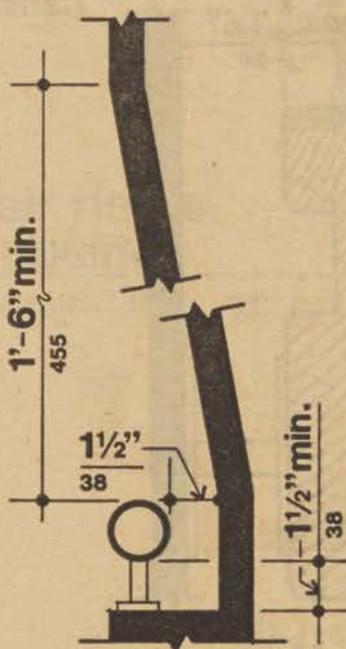
## handrail

ANSI Figure 39(d)

9.  
3

ANSI

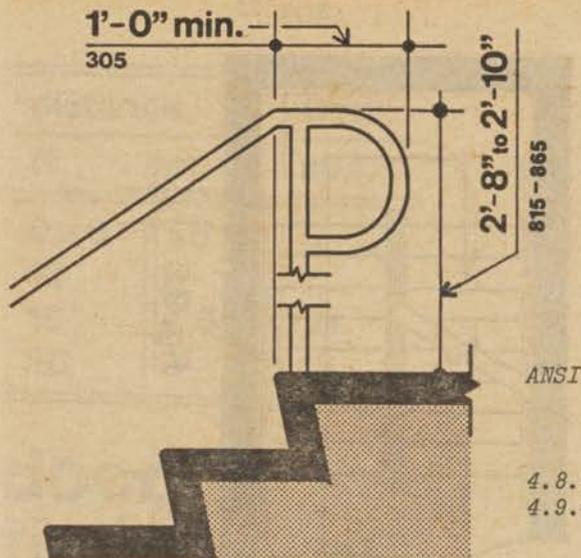
- 4.26.2 (2) If handrails are mounted adjacent to walls or other surfaces, provide a 1-1/2 in. (38 mm) (min./max.) clear space between the surface and the handrail (figs. 9.1, 9.2, 9.3, and 9.4). The handrail and the surfaces adjacent to the handrail shall be free of any sharp or abrasive elements. Edges shall have min. radius of 1/8 in. (3 mm). Free-standing rails located farther than 6 in. (150 mm) from wall or other vertical surfaces are not subject to this provision.
- 4.26.2 (3) Handrails may be mounted in recesses if the recesses comply with fig. 9.4
- 4.8.5(1) & 4.9.4 (4) On switchbacks or dog-leg ramps or stairs, inside handrails shall be continuous.



## handrail

ANSI Figure 39(d)

9.  
4



ANSI

(c) Handrail projections.

(1) If outside handrails are not continuous then:

4.8.5(2) &  
4.9.4(2)

(i) At a ramp landing, handrails shall project parallel with ramp or landing surface for a length of 1'-0" (305 mm) beyond the top and bottom of ramp surfaces (figs. 7.13, 7.14, 7.15, and 7.16).

(ii) At a stair landing, handrails shall project at least 1'-0" (305 mm) beyond the top riser and at least 1'-0" (305 mm) plus the depth of one tread beyond the bottom riser. The 1'-0" (305 mm) projection shall in each instance be parallel with the floor (figs. 9.5 and 9.6).

(iii) Exception. Full extension of handrails shall not be required in alterations where such extensions would be hazardous or impossible due to plan configurations.

(2) Gripping surfaces shall not be interrupted with newel posts, balusters, or other obstructions.

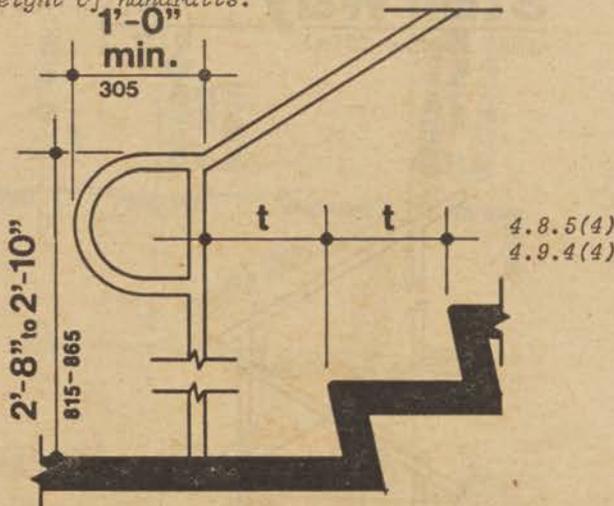
# extension

## handrails

9.  
5

ANSI Figure 19(d)

Note: ANSI does not specify the height of handrails.



# extension

## handrails

9.  
6

ANSI Figure 19(c)

Note: ANSI does not specify the height of handrails.

## ANSI

*no sim-ilar provision* (d) **Mounting height.** Mount handrails for accessible stairs and ramps at a height of 2'-8" to 2'-10" (815 mm to 865 mm) above stair nosing(s) or ramp surface as applicable (see figs. 7.13, 7.14, 7.15, 7.16, 9.6, and 9.7).

*no sim-ilar provision* (e) **Structural strengths.** Handrails, as installed, shall support a min. momentary concentrated load applied at the top edge of 200 lbs. (91 kg) horizontally and 30% of that load vertically downward. Where the railing system is installed in public assembly occupancies, the loading shall be increased 50%. Handrails shall not rotate within their fittings. Handrails of material other than metal shall meet the same structural requirements.

*Fig. 19 (c) & (d); no similar text* (f) **Hazards.** Ends of free-standing handrails shall be either rounded or returned smoothly to floor or post (see paragraph 1190.50(c), Protruding objects.)

## 4.10 §1190.100 Elevators.

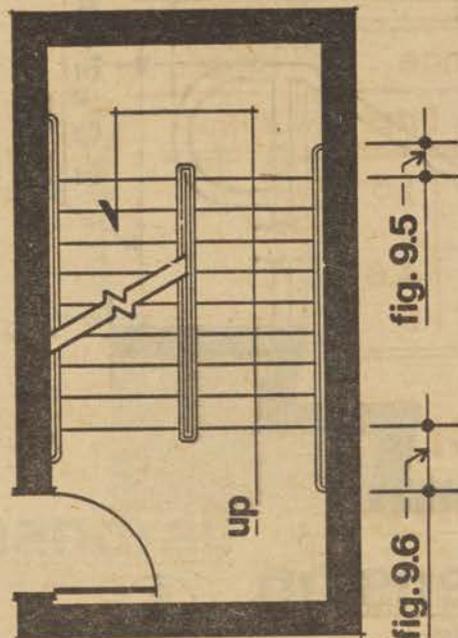
## 4.10.1 (a) General.

- (1) Elevators required by Subpart C—Scope shall comply with this section. For additional information see the American National Standard Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks, A17.1, and see also National Elevator Industry, Inc. (NEII) Suggested Minimum Elevator Requirements for the Handicapped.
- (2) Freight elevators shall not be considered as meeting the requirements of this section. unless the only elevators provided are used as combination passenger and freight elevators for the public and employees.

4.10.2 (b) **Operation and leveling.** Elevators shall be automatic and shall be provided with a self-leveling feature that will automatically bring the car to the floor landing within a tolerance of 1/2 in. (13 mm) under normal loading and unloading conditions. The self-leveling feature shall, within its zone, be entirely automatic and independent of the operating device and shall correct for over-travel or under-travel and shall maintain the car approximately level irrespective of loading conditions.

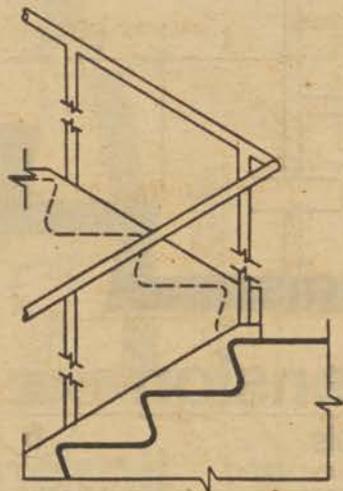
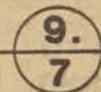
4.10.7 (c) **Elevator door operation.** Elevator doors shall be a min. of 3'-0" (915 mm) wide and automatic door controls shall comply with the following requirements:

- (1) The min. acceptable time from notification that a car is answering a hall call until the doors of that car start to close shall be as indicated in fig. 10.1 and as cal-



## stairway

ANSI Figure 19(a)



Elevation of Center Handrail

ANSI Figure 19(b)



-culated from the following equation:

$$T = \frac{D}{1.5 \text{ ft/s}} \quad \text{or} \quad T = \frac{D}{455 \text{ mm/s}}$$

where  $T$  = total time in seconds and  $D$  = distance in feet or millimeters. ◀

The travel distance shall be established from a point in

the center of the corridor or lobby (max. of 5'-0" (1,525 mm) directly opposite the farthest hall button to the centerline of the farthest hoistway entrance (fig. 10.2). ▶ and

Table 10.1. ◀

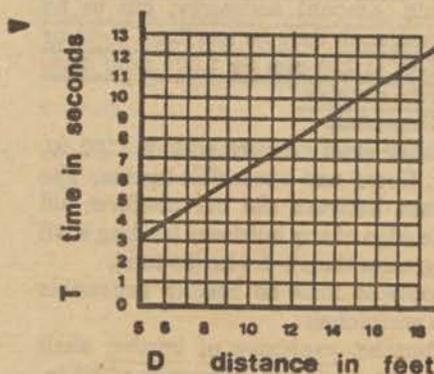


Table 10.1  
Graph of Timing Equation ◀  
ANSI Figure 21

- (2) Doors shall remain fully open for a min. of ▶ 3 ◀ [5]seconds.
- (3) Provide doors with a reopening device which will function to stop and reopen the car door and adjacent hoistway door in case the car door is obstructed while the door is closing. This reopening device shall also be capable of sensing an object or person in the path of a closing door without requiring contact for activation at a nominal height of 5 in. and 2'-5" (125 mm and 735 mm) above finish floor. Such devices shall remain effective for a period of not less than 20 seconds. For additional information, see ANSI A17.1.
- ▶ (i) Exception. If a safety door is provided in existing automatic elevators, then the automatic door reopening devices may be omitted.
- (ii) Reserved. ◀

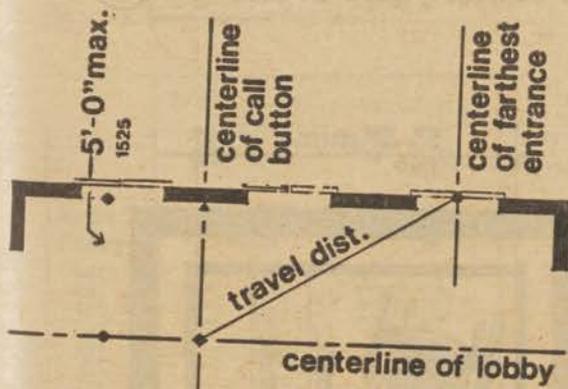
distance		time
ft	m	sec
0 to 5	1.5	5
10	3	7
15	4.5	10
20	6	13

## door timing

ANSI Figure 21

Note: ANSI uses the graph shown at proposed table 10.1.

10.  
1



## travel distance

ANSI Figure 21

10.  
2

ANSI

Page 27

**(d) Elevator cars.**

- 4.10.9 (1) The minimum floor areas of elevator cars shall comply with figs. 10.3 and 10.4.

► The floor area of elevator cars shall provide space for wheelchair users to enter the car, maneuver within reach of controls, and exit from the car. ◀

no similar  
ANSI  
provision

- (i) Exception. Where existing shaft or structural elements prohibit strict compliance in alteration work, these dimensions may be reduced by the min. amount necessary, but in no case shall they be less than 4'-0" by 4'-0" (1,220 mm by 1,220 mm) clear min. car size.

(ii) [Reserved].

- 4.9.10 (2) Car floors shall comply with § 1190.50, Walks, floors and accessible routes. The clearance between the car platform sill and the edge of any hoistway landing shall be no greater than 1-1/4 in. (32 mm).

- 4.10.12 (3) Car controls shall be readily accessible from a wheelchair.

- 4.10.12(1) (i) Buttons, exclusive of border, shall have a minimum dimension of 3/4 in. (19 mm) and shall be raised or flush\* with the operating panel. Depth of flush buttons when operated shall not exceed 3/8 inch.\*

(ii) Provide a visual signal indicating when each call is registered and answered.

- 4.10.12(3) (iii) Mount the highest floor buttons at a max. of 4'-0" (1,220 mm) above the floor and the lowest buttons at a min. of 2'-11" (890 mm) above the floor (fig. 10.5).

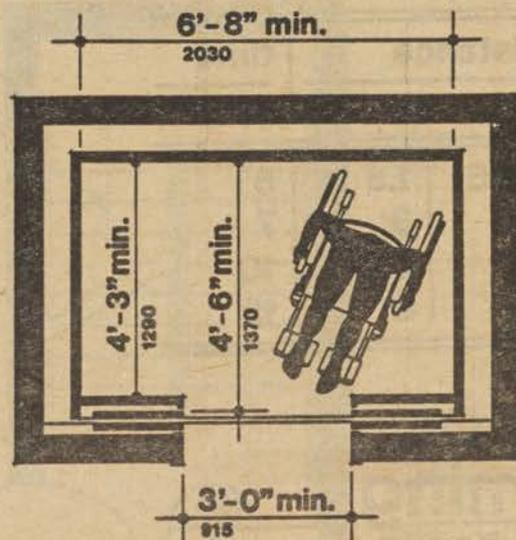
ANSI permits 4'-6" (1370 mm) max. for highest button

(A) Exception. If there is a substantial increase in cost as a result of the 4'-0" (1,220 mm) requirement, the highest floor buttons may be mounted at a max. of 4'-6" (1,370 mm).

(B) [Reserved].

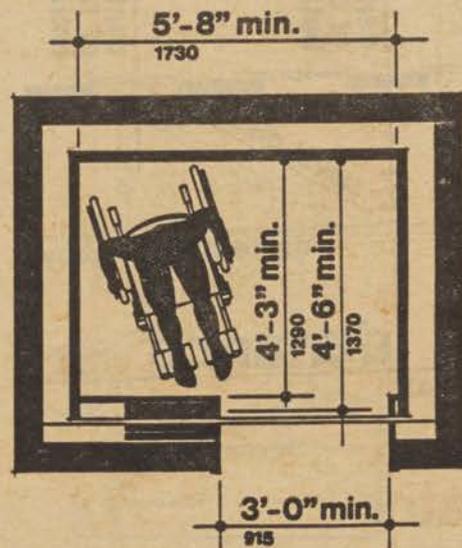
- 4.10.12(3) (iv) Group emergency buttons at the bottom of the panel with their centerlines no lower than 2'-11" (890 mm).

\* The ATBCB requests comments on whether or not to permit the use of recessed buttons at 1190.100(d)(3)(i).



**elevator car  
center opening** 10.  
3

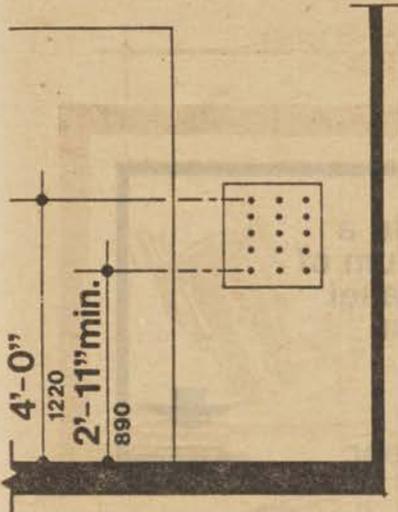
no similar figure in ANSI



**elevator car  
side opening** 10.  
4

ANSI Figure 22

Note: ANSI uses 4'-6" as the maximum mounting height for the highest button



ANSI 4.10.12(2) (v) *Note: ANSI incorporates A17 by ref.*

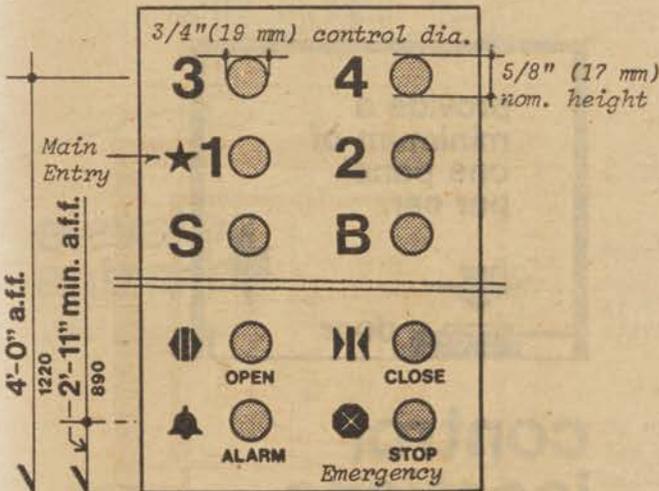
\* Designate all control buttons by raised standard alphabet characters for letters, arabic characters for numerals, or standard symbols as shown in fig. 10.6. For additional information see ANSI A17.1 and see also NEII Suggested Minimum Elevator Requirements for the Handicapped. Place raised designations to the immediate left of the button to which they apply. Permanently attached, applied plates are acceptable. Locate the call button for the main entry floor in the left-most column and designate it with a raised star as shown in fig. 10.6 ▶ Characters shall comply with §1190.200 ◀ Signage.

(vi) Locate control panels as shown in figs. 10.7 and 10.8.

# control panel

10.5

ANSI Figure 23(b) *Note: ANSI uses 4'-6" as the maximum mounting height.*



\* The ATBCB requests comments on whether or not to permit the use of indented or incised alphabet characters, numerals, or symbols on elevator control buttons.

# elevator control panel

10.6

ANSI Figure 23(a)

## ANSI

- 4.10.5 (e) **Door jamb markings.** Provide floor designation markings at each hoistway entrance on both jambs and that comply with the following:
- (1) The center lines of characters shall be located 5'-0" (1,525 mm) above finish floor; and
  - (2) Characters shall be a minimum of 2 in. (50 mm) high and shall comply with § 1190.200, Signage.
  - (3) Permanently applied plates are acceptable (fig. 10.9).
- 4.10.3 (f) **Lobby call buttons.**
- (1) Call buttons shall:
    - (i) Be mounted with centerlines at 3'-6" (1,065 mm) above finish floor (fig. 10.9);
    - (ii) Be a minimum of 3/4 in. (19 mm) in diameter;
    - (iii) Have visual signals indicating when a call is registered and answered;
    - (iv) Be raised or flush; and
    - (v) Have the button designating "up" mounted on top.
  - (2) Objects mounted beneath lobby call buttons shall not project into the elevator lobby more than 4 in. (100 mm).
- 4.10.4 (g) **Hall lanterns.** Provide an audible and visual signal at each hoistway entrance to indicate car arrival and its travel direction.
- (1) Audible signals shall sound once for the up direction and twice for the down direction or shall annunciate the words "up" or "down".
  - (2) Visual signals shall:
    - (i) Be mounted with their centerlines a min. of 6'-0" (1,830 mm) above finish floor (fig. 10.9);
    - (ii) Have a min. dimension of 2-1/2" (64 mm);

no similar provision

\* The ATBCB request comment on whether or not to permit the use of indented or incised lobby call buttons.



## control locations

center opening

ANSI Figure 23(a)

10.  
7



## control locations

side opening

ANSI Figure 23(d)

10.  
8



ANSI

4.11 §1190.110 Platform lifts.

(a) **General.** Platform lifts required by Subpart C—Scope, shall comply with this section.

4.11.2 (b) **Requirements.** Platform lifts shall:

4.2.4 (1) Accommodate an occupied wheelchair within the space provisions of §1190.40, Human data;

4.5 no sim- \* (2) Facilitate unassisted entry and exit from the lift in accordance with the provisions of §1190.50, Walks, floors, and accessible routes;

4.11.2 (3) Have accessible controls complying with §1190.170, Controls and operating mechanisms; and

4.27 (4) Satisfy safety requirements of the agency having responsibility for safety of the facility.

4.H §1190.120 Entrances.

(a) **General.** Entrances required to be accessible by Subpart C—Scope shall comply with §1190.50, Walks, Floors and Accessible Routes; §1190.120, Entrances; and §1190.130, Doors.

4.H.2 (b) **Service entrances.** A service entrance is not to be used as the only accessible entrance unless it is the only entrance to the building or facility.

(c) **Access to elevators.** If elevators are provided, an accessible route shall be provided from an accessible entrance to the elevators.

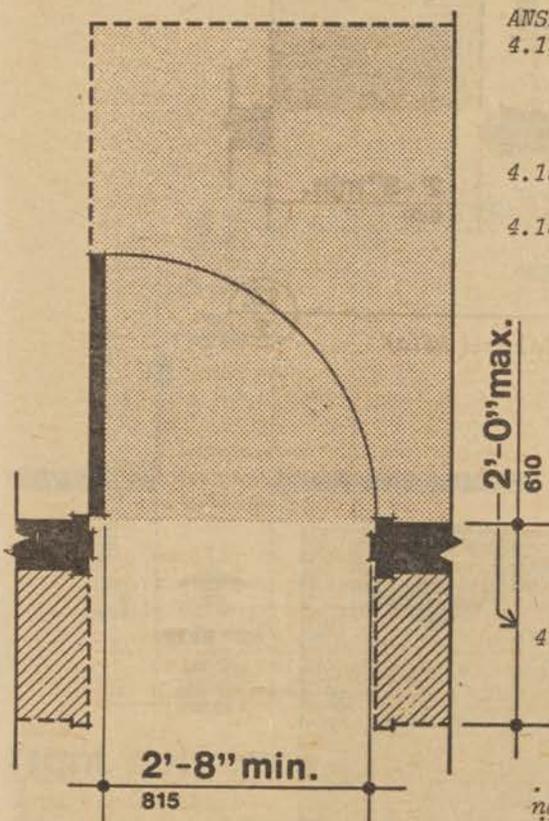
\* 1190.110(a)(2)

*The ATBCB requests comments on which of the following three alternatives is preferred for inclusion at 1190.110(b):*

1. *Retain provision as adopted on January 6, 1981 (language provided in text of notice).*

2. *Amend the language as follows: Facilitate unassisted entry from the lift in accordance with the provisions of §1190.50 Walks, floors, and accessible routes whenever lift is located in a controlled area.*

3. *Delete paragraph.*



# hinged

ANSI Figure 24(b) and (e)

ANSI

## 4.13 §1190.130 Doors.

(a) **General.** Doors required to be accessible by Subpart C—Scope shall comply with this section.

4.13.3 (1) Gates, including ticket gates, shall comply with this section.

4.13.4 (2) In double-leaf doorways, at least one leaf shall comply with this Section and it shall be the active leaf. Double-leaf automatic doors are excepted from the one leaf provision if both leaves are automatic.

4.13.2 (3) Revolving doors or turnstiles are not accessible doors and shall not be the sole means of access at any accessible entrance or on any accessible route. An accessible door shall be provided immediately adjacent to the turnstile or revolving door and shall be subject to the same use pattern as the turnstile or revolving door, so designed as to facilitate the same use patterns.

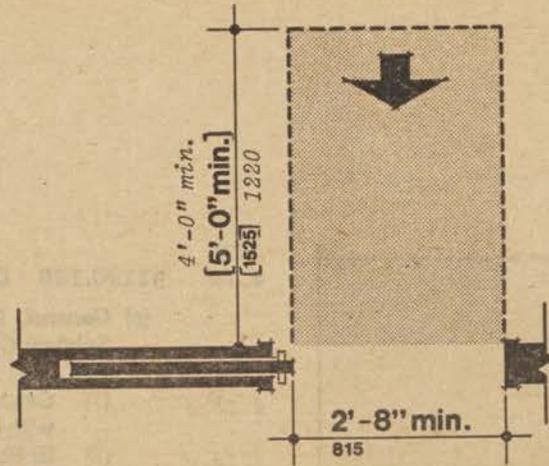
4.13.5 (b) **Clear width.** Provide doorways with clear openings of 2'-8" (815 mm) as measured with the door open 90 degrees between the face of the door and the latch side stop (figs. 13.1, 13.2, and 13.3). Openings deeper than 2'-0" (610 mm) shall be a min. of 3'-0" (915 mm) wide (fig. 4.1).

no similar provision

(1) Exception. If a space and the elements within that space comply with the requirements of §1190.40, Human Data, and the user does not require full passage into that space, then the opening to that space may be min. of 1'-8" (510 mm) wide.

(2) [Reserved]

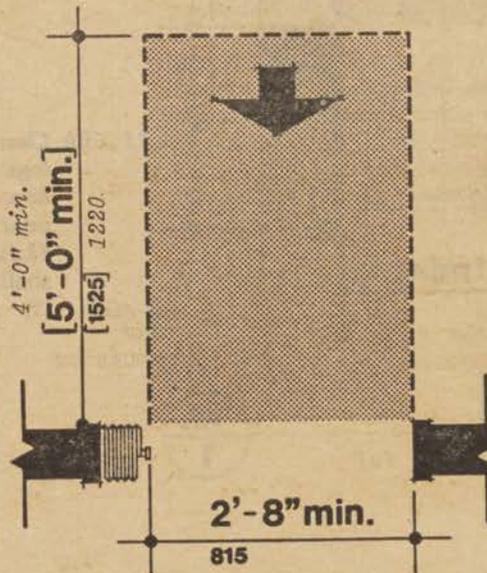
13.  
1



**sliding**

ANSI Figure 24(c) and 25(a)

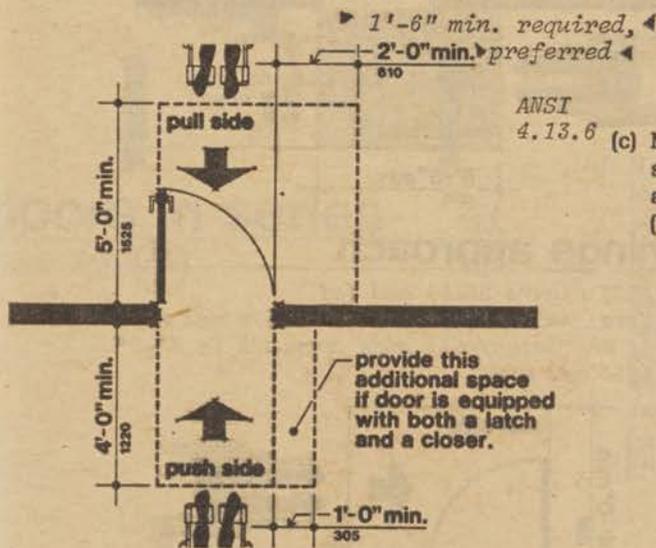
13.  
2



**folding**

ANSI Figure 24(d) and 25(a)

13.  
3



## front approach

ANSI Figure 25(a)

Note: ANSI requires 2'-0" min. latch side clearance.

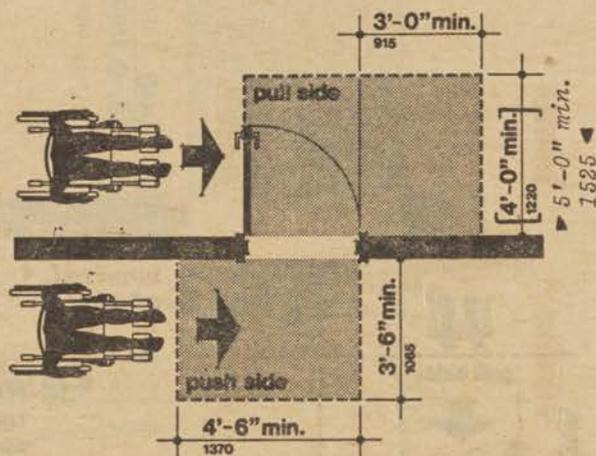
13.  
4

(c) Maneuvering space. Provide the following space at all non-automatic and non-power-assisted doors:

- (1) At doors allowing front approach only, maneuvering space shall be as shown in figs. 13.2, 13.3, and 13.4. The min. maneuvering space (i.e., latch side clearance) required for a hinged opening is 1'-6" (455 mm), but 2'-0" (600 mm) is recommended where space is available.
  - (i) Exception. Front approach entry doors to acute care hospital patient bedrooms shall be exempt from the 1'-6" (455 mm) requirement of paragraph 1190.130(c)(1) latch side clearance shown in fig. 13.4 if the door is at least 3'-8" (1,120 mm) wide.
  - (ii) [Reserved]

ANSI  
4.13.6

- (2) At doors allowing hinge side approach only, maneuvering space shall be as shown in fig. 13.5.
- (3) At doors allowing latch side approach only, maneuvering space shall be as shown in fig. 13.6.
- (4) The floor or surface area within the required maneuvering space shall be clear and shall comply with paragraph 1190.50(i), Ground and floor surfaces. It shall have a slope in any direction no greater than 1:48 (1/4 in. per ft.)

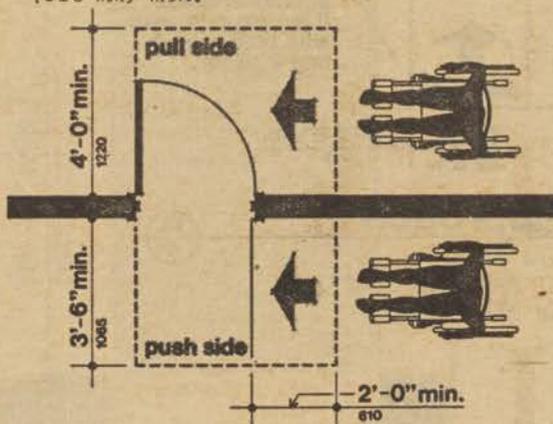


### hinge approach

13.  
5

ANSI Figure 25(b) and (e)

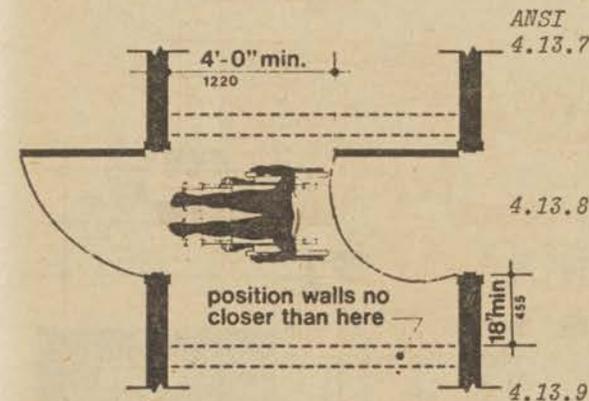
Note: ANSI requires 5'-0" (1525 mm) min. if the latch/pull side approach is 3'-0" (915 mm) min.



### latch approach

13.  
6

ANSI Figures 25(c) and (f)



## doors in series

ANSI Figure 26

13.  
7

ANSI 4.13.7 (d) **Doors in series.** Between any two hinged or pivoted doors in series, provide a min. of 4'-0" (1,220 mm) plus the width of any door swinging into the space. Opposing doors shall not swing towards each other, into the intervening space (see figs. 13.7 and 13.8).

4.13.8 (e) **Thresholds.** Raised thresholds, if provided, shall be beveled with a slope not to exceed 1:2 and with heights not exceeding the following:

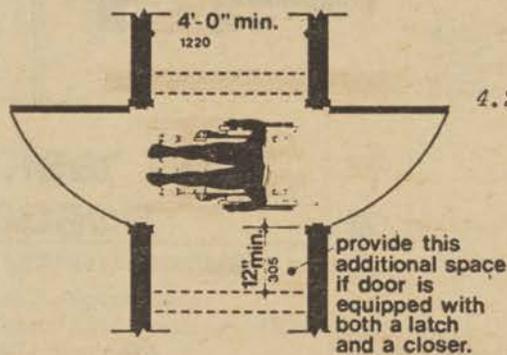
- (1) Exterior sliding doors: 3/4 in. (19 mm) max.
- (2) Other doors: 1/2 in. (13 mm) max. Bevel not required if less than 1/4 in. (6 mm).

4.13.9 (f) **Hardware.** Provide handles, pulls, latches, locks and other operating hardware that are easy to grasp with one hand and that do not require twisting of the wrist, tight grasping, or tight pinching to operate. Acceptable designs include, but are not limited to, lever-operated hardware, push-type hardware, and U-shaped handles. Operating hardware shall be exposed and usable from both sides when sliding doors are fully open. Mount no operating hardware higher than 4'-0" (1,220 mm) above finish floor.

- (1) Exception. Mortise and surface mounted bolts used to secure the inactive leaf of a double leaf door without center mullion may be mounted at any height.]

(2) [Reserved.]

4.29.3 (g) **Doors to hazardous areas.** Provide a textured surface on any door handle, knob, pull, or other piece of operating hardware on doors that lead to areas that may prove hazardous to blind people. Such areas may include, but are not limited to, loading platforms, mechanical equipment rooms, stages, and similar spaces. Textured surfaces may be achieved by knurling, roughening, or applying materials on the hand contact surface. Do not provide textured surfaces on hardware leading to emergency egress or on any doors other than those leading to hazardous areas.



## doors in series

ANSI Figure 26

13.  
8

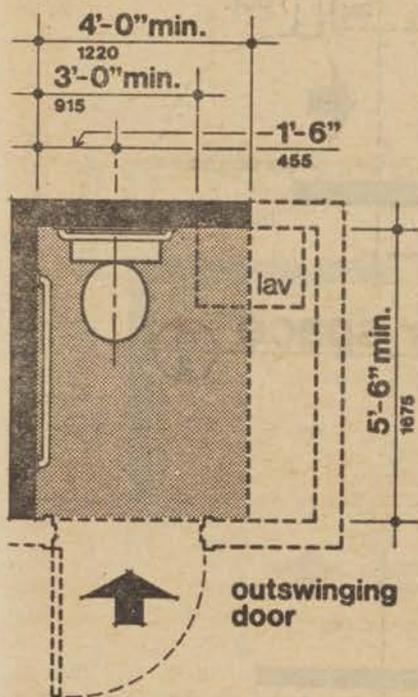
Note: ANSI also addresses doors at accessible entrances to dwelling units at 4.29.3.

## ANSI

## 4.13.10 (h) Closers and opening forces.

- (1) Door closers, if provided, shall have a sweep period adjusted so that from a position of 70 degrees open it will take the door a min. of ~~5~~ 3 seconds to reach a point 3 in. (75 mm) from the door jamb, measured from the leading edge of the door.
- 4.13.11 (2) Max. pushing or pulling opening forces for doors shall be as follows:
  - 4.13.11(2)(a) (i) Exterior hinged doors: [Reserved]
  - 4.13.11(2)(b) (ii) Interior hinged doors: 5 lbs. (2.3 Kg)
  - 4.13.11(2)(c) (iii) Sliding or folding doors: 5 lbs. (2.3 Kg)
  - 4.13.11(1) (iv) Adjust fire doors for the min. opening and closing forces required by the agency having responsibility for the safety of the facility.
  - 4.13.2 (v) Power-assisted doors: Comply with paragraph 1190.130(h)(2) for closing force. These forces do not apply to forces required to retract or disengage latch bolts or other door latching devices.
- 4.13.12 (i) Automatic doors. If automatic pedestrian doors are provided:
  - (1) They shall not open to back check in less than ~~5~~ 3 seconds; and
  - (2) They shall not require more than 15 lbs. (6.8 Kg) to stop door movement;
  - (3) See the American National Standard for Power-Operated Pedestrian Doors, ANSI A156.10 (latest edition) for additional information on the requirements for both standard and custom designed installations. Paragraph 1.1.1 of the ANSI publication contains information on slow opening, low powered automatic pedestrian doors.

Note: ANSI requires that exterior hinged doors have a maximum pushing and pulling opening forces of 8.5 lbf (37.8N).



## clear floor space

(right-hand approach)

15.  
1

ANSI Figure 28(a)

Note: ANSI does not illustrate wall location.

### 4.12 §1190.140 Windows [Reserved]

### 4.16 §1190.150 Toilet and bathing facilities.

4.17 (a) **General.** Toilet rooms and bathing facilities required to be accessible by Subpart C—Scope shall comply with this section.

4.18 (1) **Exception.** Where alterations to existing facilities make strict compliance with §1190.150 structurally impracticable, the addition of one "unisex" toilet per floor containing one water closet and one lavatory that complies with paragraph §1190.150(b) located adjacent to existing facilities will be acceptable in lieu of making existing toilet facilities for each sex accessible.

4.19 (2) [Reserved]

4.20 (b) **Doors.** Doors to toilet rooms and bathing facilities shall:

- 4.21 (1) Comply with §1190.130, Doors; and
- 4.22 (2) Not swing into clear floor spaces required at fixtures.
- 4.23

Note: ATBCB has reserved §1190.140 Windows until such time as research and/or field experience dictates a requirement in this area. ANSI requires a maximum of 5 lbf (22.2N) to open and close accessible windows.

## ANSI

- 4.22.3 (c) **Clear turning space.** Each accessible toilet room and bathing facility shall have an unobstructed turning space that:

- 4.23.3 (1) Complies with paragraph 1190.40(b)(3);
- 4.2.3 (2) Adjoins an accessible route complying with §1190.50, Walks, floors, and accessible routes; and
- (3) May overlap the accessible route and clear floor space at fixture(s).

- (i) Exception. [In toilet rooms with one water closet, doors in a clear floor area that is 2'-8" by 5'-0" (815 mm by 1525 mm) may be provided in lieu of a clear turning space.]

- In bathrooms with one water closet, one lavatory and/or shower, a clear floor space of 2'-6" by 5'-0" (815 mm x 1525 mm) may be used in lieu of the unobstructed turning space.

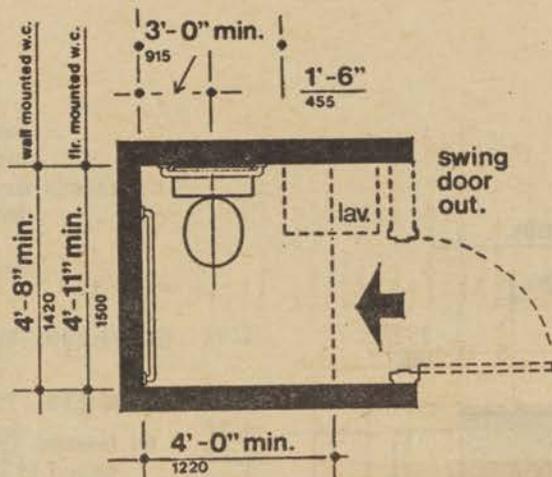
- (ii) [Reserved]

- 4.30.1 (d) **Signage.** Signage required by Subpart C—Scope that identifies accessible toilet rooms and bathing facilities shall comply with 1190.200, Signage.

- 4.16 (e) **Toilet fixtures and accessories.**

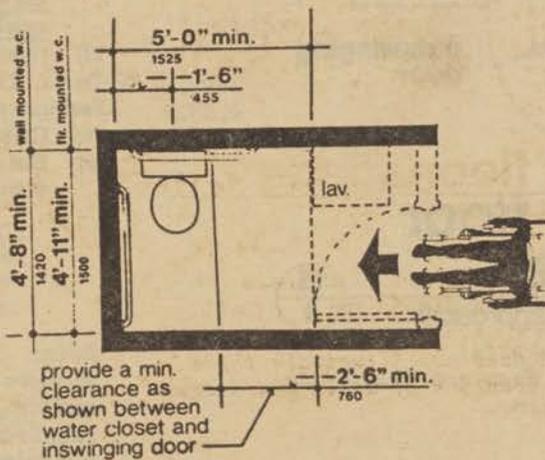
- 4.22.4 (1) Water closets. Accessible water closets shall:

- 4.23.4 (i) Be provided with clear floor access spaces complying with figs. 15.1, 15.2, 15.3 and 15.4 for fixtures not mounted in stalls. Clear floor space may be provided to allow either left-handed or right-handed approach.
- 4.16.2



**clear floor space** (15.2)  
(right-hand approach)

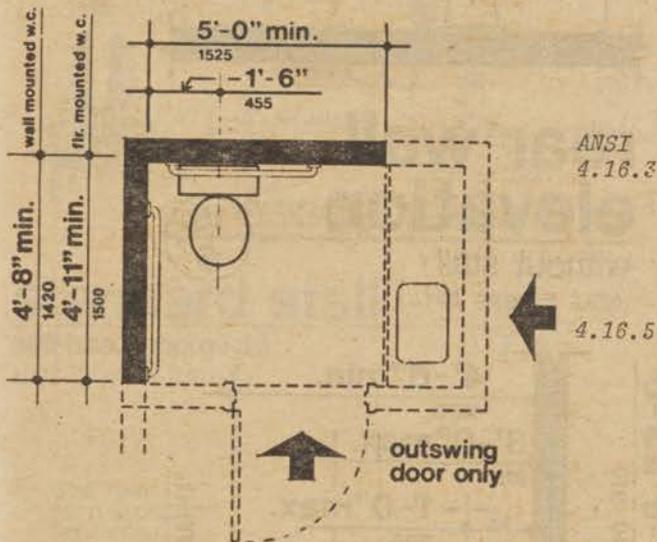
ANSI Figure 28(b)



**clear floor space** (15.3)  
(right-hand approach)

ANSI Figure 28(c)

Note: ANSI does not illustrate the differences in dimensions needed for wall and floor mounted water closets. ANSI also does not show door and wall locations.



- (ii) Have top of seats mounted 1'-5" to 1'-7" (430 mm to 485 mm) above finish floor (see figs. 15.5 and 15.6). Seats shall not be sprung to return to a lifted position when not in use.
- (iii) Have automatic or hand-operated flush controls complying with §1190.170, Controls and operating mechanisms. Mount controls for use from the wide side of access area and no higher than 3'-8" (1,120 mm) above finish floor.

## clear floor space

(right-hand approach)

15.  
4

ANSI Figure 28(c)

Note: ANSI does not illustrate the differences in dimensions for wall and floor mounted water closets.

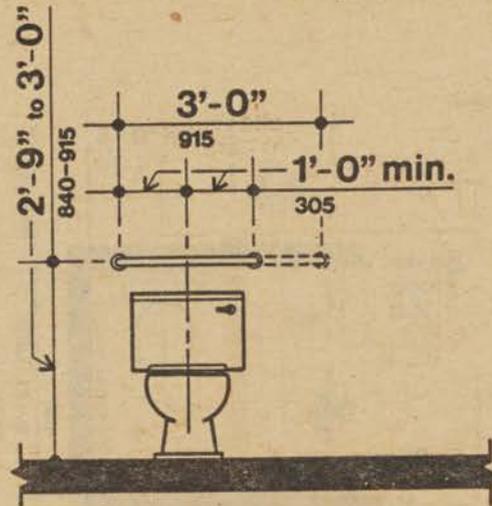
ANSI also does not illustrate the possible location of walls and doors.

ANSI  
4.16.6

(iv) Have toilet paper dispensers mounted as shown in fig. 15.6. Do not use dispensers that control delivery or that do not permit continuous paper flow.

4.16.4

(v) Have grab bars mounted of the length and positioning as shown in figs. 15.1, 15.2, 15.3, 15.4, 15.5 and 15.6.

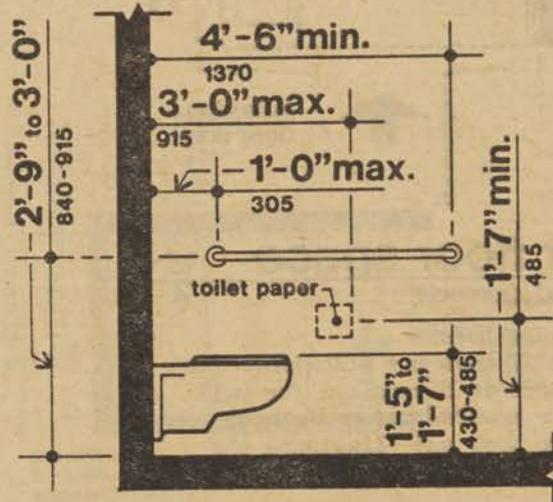


## rear wall elevation

without stall

ANSI Figure 29(a)

15.  
5



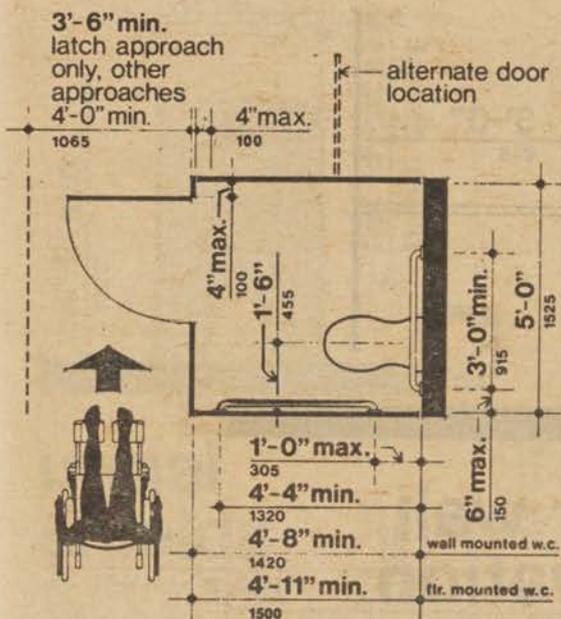
## side wall

without stall  
or alternate stall

ANSI Figure 29(b)

Note: ANSI does not provide a dimension from the wall to the toilet paper dispenser

15.  
6



ANSI

4.17 (2)

4.17.3

Toilet stalls. Accessible toilet stalls shall:

- (i) Have a water closet complying with paragraph 1190.150(e)(1); and
- (ii) Be of the size and arrangement as shown in fig. 15.7. Stall configuration may be reversed for left or right-handed approach.

(A) Exception. In instances of alteration work where provision of a standard stall (fig. 15.7) is structurally impractical or plumbing fixture code requirements prevent combining existing stalls to provide space,

▶ An alternate stall (fig. 15.8) may be provided in lieu of the standard stall.

(B) [Reserved] ▶ if a standard stall is provided in accordance with the requirements of 1190.31 (k) toilet and bathing facilities. ◀

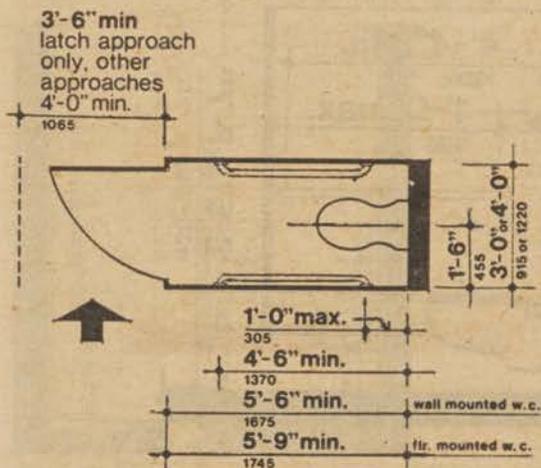
## standard stall

(left-hand approach)

ANSI Figure 30(a)

15.

7



## alternate stall

Figure 30(b)

15.

8

ANSI  
4.17.4

- (iii) Have toe clearances at the front partition and at least one side partition of 9 in. (230 mm) above finish floor. If stall depth is greater than 5'-0" (1,525 mm), then toe clearance is optional.

4.17.5  
4.13

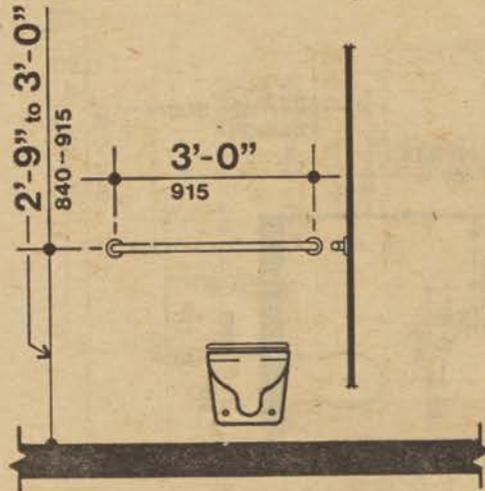
- (iv) Have doors that comply with §1190.130, Doors, and that are out-swinging; and have the symbol of access affixed to the outside of door.

(A) Exception. If toilet stall approach is from the latch side of the stall door, clearance between the door side of the stall and any obstruction may be reduced to a min. of 3'-6" (1,065 mm).

(B) [Reserved]

4.17.6

- (v) Have grab bars mounted of the length and positioning shown in figs. 15.7, 15.8, 15.9 and 15.10. ▸ *Grab bars may be mounted by any desired method as long as they have a gripping surface at the locations shown and do not obstruct the required clear area. Grab bars shall comply with 1190.150(g).* ◀

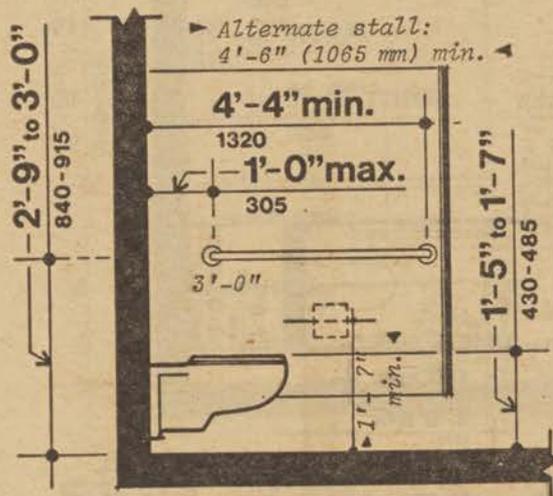


## rear wall elevation

standard stall

ANSI Figure 30(c)

15.  
9

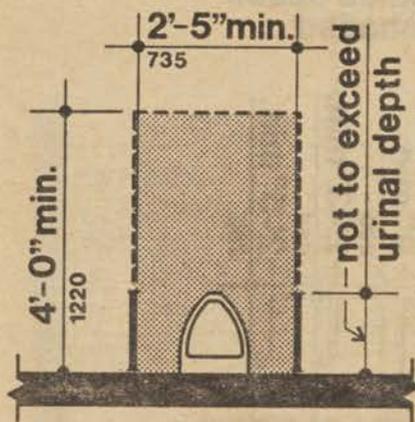


## side wall

standard stall

ANSI Figure 30(d)

15.  
10



## urinal shields

No similar figure in ANSI.

15.  
11

ANSI  
4.18  
4.18.3  
4.22.5  
4.23.5

(3) Urinals. Accessible urinals shall:

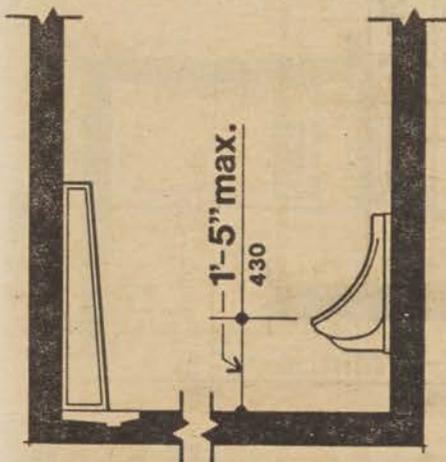
- (i) Have a clear floor space that complies with §1190.40, Human data.

[(A) Exception. Urinal shields that do not extend beyond the front edge of the urinal rim may be provided with 2'-5" (735 mm) clearance between them (fig. 15.11).]

(B) [Reserved]

- (ii) Be floor mounted stall type or wall-hung with an elongated rim mounted at 1'-5" (430 mm) max. above finish floor (fig. 15.12).

4.18.2



## urinals

No similar figure in ANSI

15.  
12

ANSI

4.18.4

(iii) Have automatic or hand-operated controls complying with §1190.170, Controls and operating mechanisms, and mounted no higher than 3'-8" (1,120 mm) above finish floor.

4.19

4.22.6

4.23.6

(4) Lavatories and sinks. Lavatories and sinks shall meet the following requirements:

4.19.2

(i) Mount lavatories with the rim or counter surface no higher than 2'-10" (865 mm) above finish floor. Provide knee space between bottom of apron and finish floor of at least 2'-5" (735 mm) high, 2'-6" (760 mm) wide and 1'-7" (485 mm) deep (fig. 15.13).

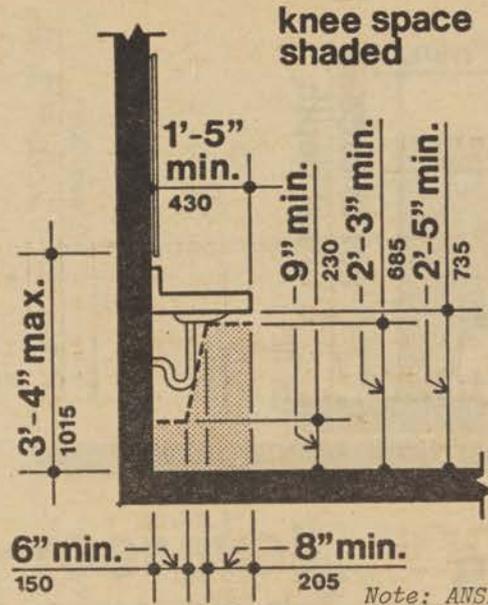
4.24

4.24.2

4.24.3

(ii) Mount sinks with the rim or counter surface no higher than 2'-10" (865 mm) above finish floor. Provide knee space under the sink of at least 2'-3" (685 mm) high, 2'-6" (760 mm) wide and 1'-7" (485 mm) deep. Sink bowls shall be a max. of 6-1/2 in. (165 mm) deep (fig. 15.14).

4.24.4



knee space shaded

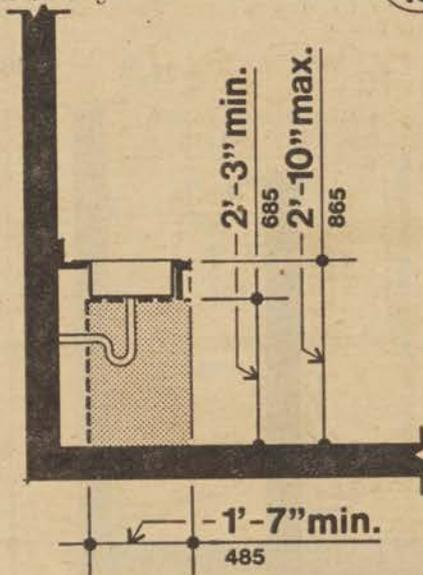
6" min. 150 8" min. 205

Note: ANSI does not address knee space for lavatories.

# lavatory

ANSI Figure 31

15.  
13

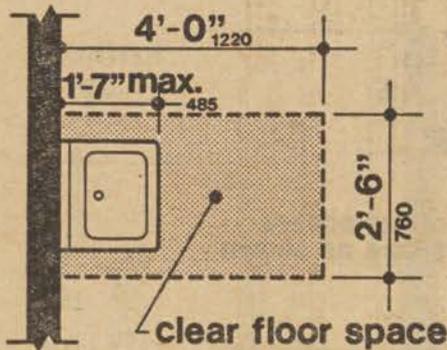


# sink

ANSI Figure 51

Note: ANSI provides range for sink heights: 2'-4", 2'-8", and 3'-0".

15.  
14



# lavatory

ANSI Figure 32

15.  
15

ANSI

4.19.3  
4.24.5

(iii) Clear floor space permitting front approach shall comply with §1190.40, Human Data. Clear floor space and knee space shall overlap 1'-7" (485 mm) max. (fig. 15.15).

4.19.4  
4.24.6

(iv) Insulate or cover hot water and drain lines. Allow no sharp or abrasive surfaces to remain exposed under accessible lavatories or sinks.

4.19.5  
4.24.7

(v) Acceptable faucet control designs include level-operated, push type, touch-type, and electronically controlled mechanisms that comply with §1190.170, Controls and operating mechanisms.

Note: ANSI uses touch-type faucets for sinks only.

(A) Exception. Self-closing valves are permitted at lavatories if the faucet remains open for at least 10 seconds.

(B) [Reserved]

4.19.6 (5)

Mirrors. Mount mirrors with the bottom edge of reflecting surface no higher than 3'-4" (1,015 mm) above finish floor (fig. 15.13).

4.22.7 (6)

4.23.7

4.27

Controls, dispensers, receptacles, or other equipment. Accessible equipment shall comply with §1190.170, Controls and operating mechanisms.

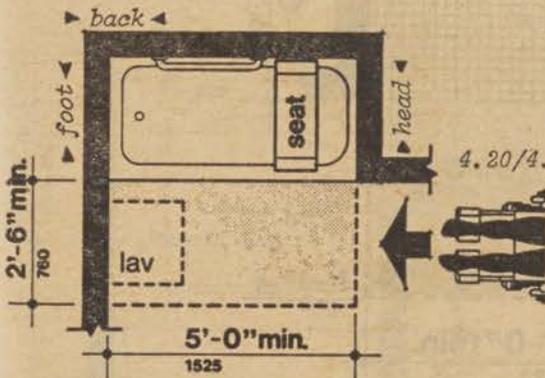
4.20/4.21

4.20.2 (1)

4.21.2

(f) **Bathing facilities.** Bathtubs or showers shall:

Have clear access space as shown in figs. 15.18 to 15.20.



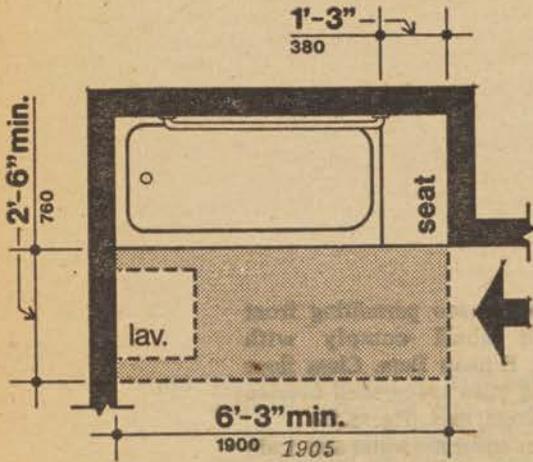
# clear floor space

with in-tub seat

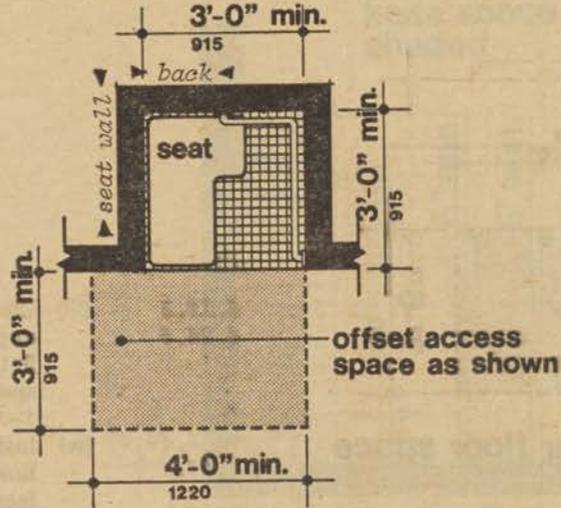
ANSI Figure 33(a)

15.  
16

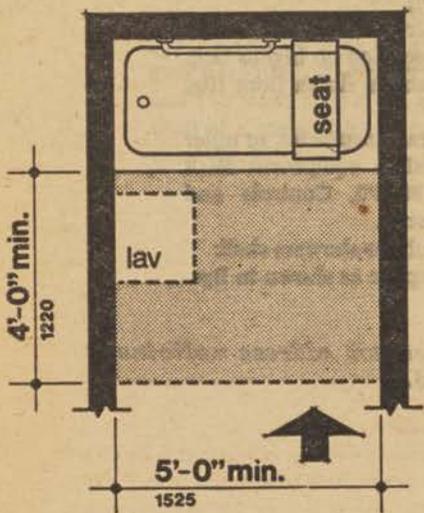
Note: The ATBCB does not address medicine cabinets, ANSI 4.23.9.



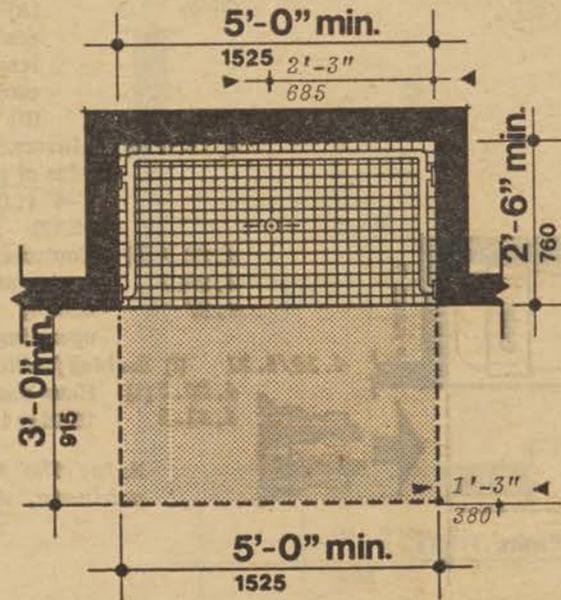
**clear floor space** (15. 17)  
with ledge seat  
ANSI Figure 33(b)



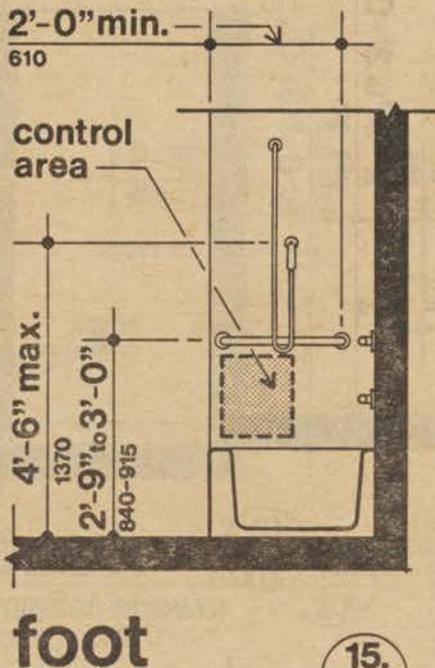
**transfer stall** (15. 19)  
ANSI Figure 35



**clear floor space** (15. 18)  
with in-tub seat  
ANSI Figure 33(a)



**roll-in stall** (15. 20)  
ANSI Figure 35(b)

**foot**

ANSI Figure 34(a)

15.

21

ANSI

4.20.3 (2) ▶ A seat shall be provided in shower stalls 3'-0" x 3'-0" (915 mm x 915 mm) as shown in Figure 15.26. The seat shall be mounted 1'-5" to 1'-7" (430 mm to 485 mm) from the bathroom floor and shall extend the full depth stall. The seat shall be on the wall opposite the controls. ◀

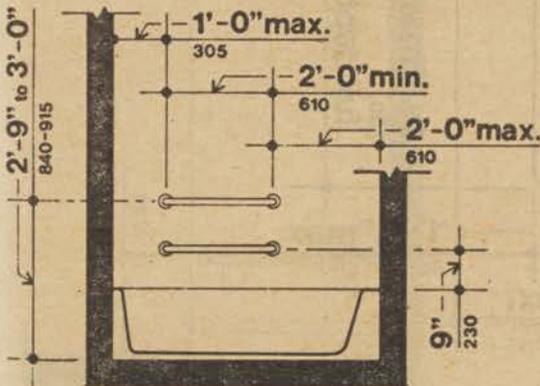
(2) Have seats provided as shown in figs. 15.16 to 15.19, 15.24 and 15.26 to 15.28.

▶ (i) ◀ Seats and their attachments shall safely support a 250 lbs. (114 Kg) continuous live load without sustaining permanent deflection. Seats shall not move when mounted during use. In-tub sets shall be portable.

4.26.3 ▶ (ii) Shear stress induced in a seat by the application of 250 lbf shall be less than the allowable shear stress for the material of the seat. If its mounting bracket or other support is considered to be fully restrained, then direct and torsional shear stresses shall be totaled for the combined shear stress, which shall not exceed the allowable shear stress.

(iii) Shear force induced in a fastener or mounting device from the application of 250 lbf shall be less than the allowable lateral load of either the fastener or mounting device or the supporting structure, whichever is the smaller allowable load.

(iv) Tensile force induced in a fastener by a direct force of 250 lbf plus the maximum moment from the application of 250 lbf shall be less than the allowable withdrawal load between the fastener and the supporting structure. ◀

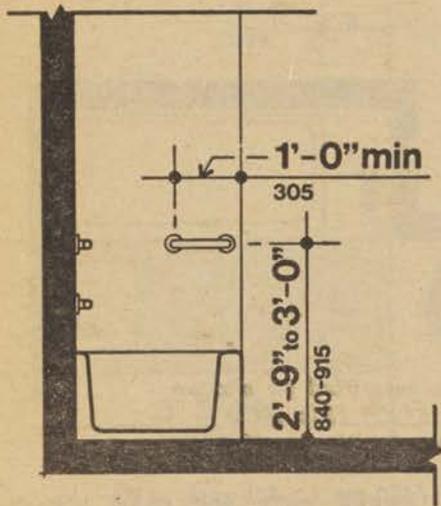
**bathtub back**

with in-tub seat

ANSI Figure 34(a)

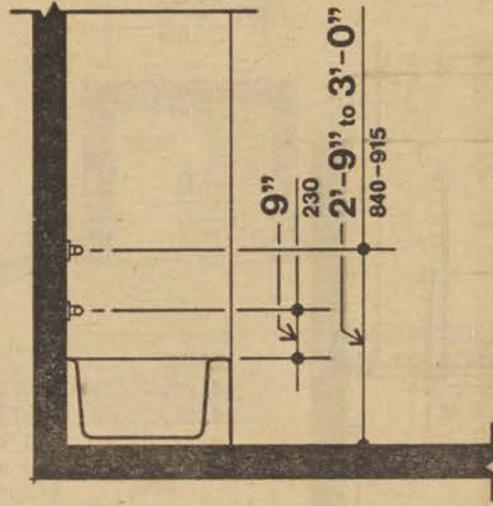
15.

22



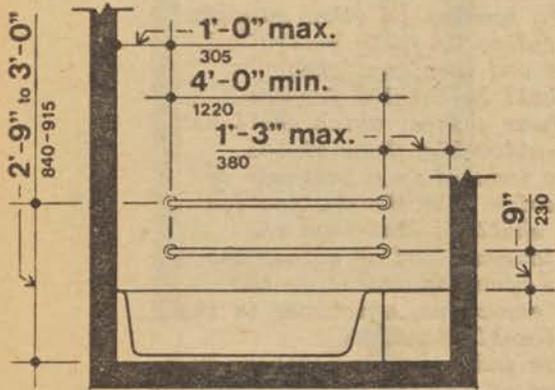
**head**  
with in-tub seat  
ANSI Figure 34(a)

15.  
23



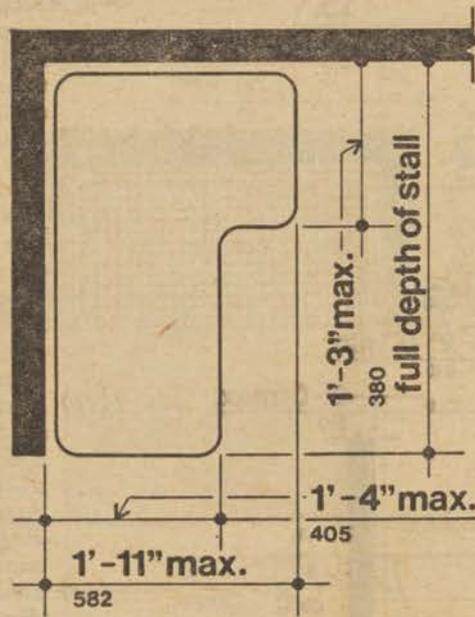
**head**  
with ledge seat  
ANSI Figure 34(b)

15.  
25



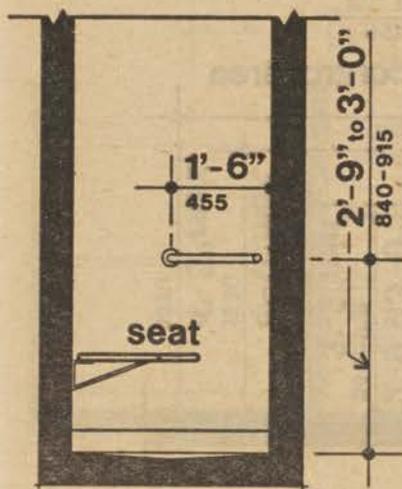
**bathtub back**  
with ledge seat  
ANSI Figure 34(b)

15.  
24



**seat**  
transfer shower  
ANSI Figure 36

15.  
26



## back

transfer shower

ANSI Figure 37(a)

15.  
27

ANSI

4.20.4 (3)

4.21.4

4.20.5

4.21.5

Have grab bars mounted of the length and positioning shown in figs. 15.16 to 15.32.

(4) Have faucets and controls complying with §1190.170, Controls and Operating Mechanisms, located as shown in figs.

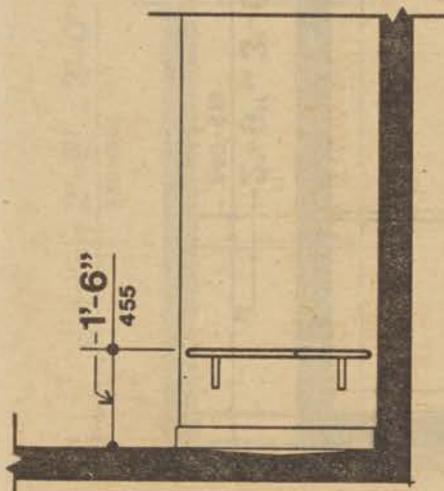
15.21, 15.29, and 15.31. ▶ In shower stalls

3'-0" x 3'-0" (915 mm x 915 mm),

all controls, faucets, and the shower

unit shall be mounted on the side

wall opposite the seat. ◀

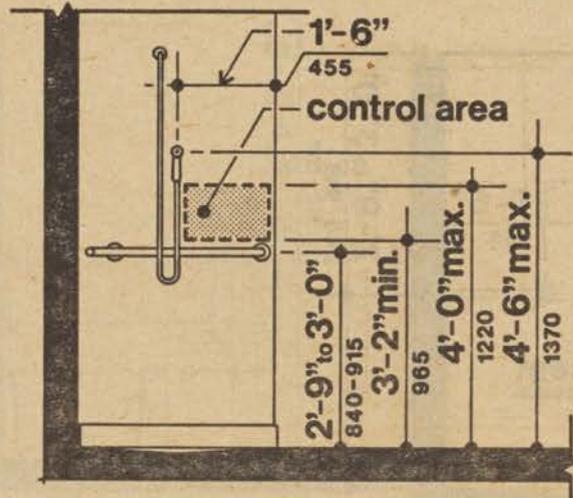


## seat wall

transfer shower

ANSI Figure 37(a)

15.  
28



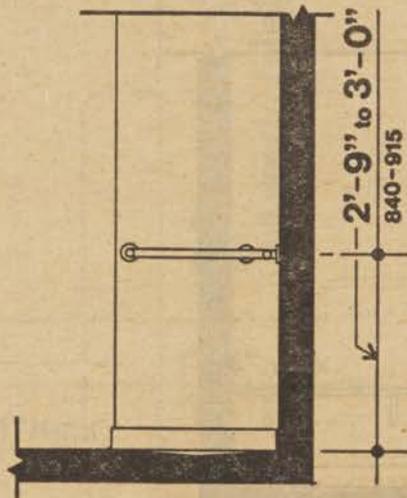
**control wall**  
transfer shower

15.  
29

ANSI Figure 37(a)

ANSI  
4.20.6  
4.21.6

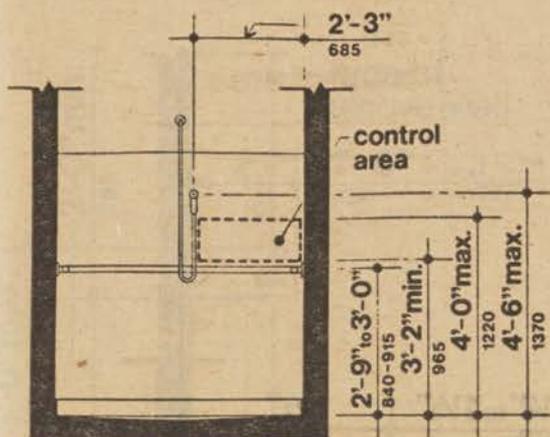
- (5) Have a shower spray unit with a flexible hose a min. of 5'-0" (1,525 mm) long that is usable as a fixed shower head and as a hand-held shower.
  - (i) Exception. In unmonitored facilities where vandalism is a concern, a fixed shower head mounted at 4'-0" (1,220 mm) above the tub bottom may be used in lieu of the hand-held unit.
  - (ii) [Reserved]



**side**  
roll-in shower

15.  
30

ANSI Figure 37(b)



## control wall

roll-in shower  
ANSI Figure 3(b)

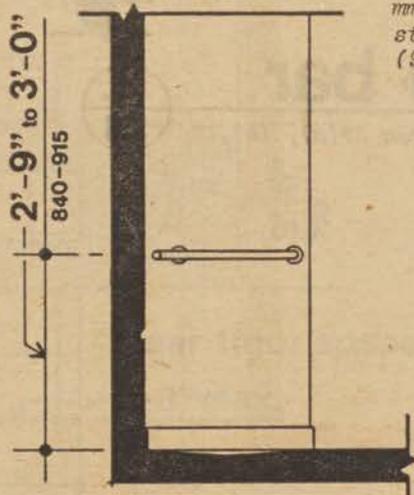
15.  
31

ANSI  
4.20.7 (6)  
4.21.7

Have enclosures, if provided, that do not obstruct transfer from wheelchairs onto seats or into tubs or access to controls from clear floor spaces. Bathtub enclosures shall not have tracks mounted on the bathtub rims.

4.21.7 (7) Have shower curbs or thresholds no higher than 1/2 in. (13 mm) beveled.

Note: ANSI permits 4 inch (100 mm) curbs in shower stalls 3'-0" x 3'-0" (915 x 915 mm).



## side

roll-in shower

ANSI Figure 3(b)

15.  
32

ANSI

4.26  
4.26.2**(g) Grab bars.** Grab bars for accessible toilet and bathing fixtures shall:

- (1) Have a diameter or width of the gripping surfaces that is 1-1/4 in. to 1-1/2 in. (32 mm to 38 mm).
- (2) Have a 1-1/2 in. (38 mm) (max./min.) clear space between the bar and the mounting surface (fig. 15.33).
- (3) As installed, support a min. concentrated load of 250 lb. (114 Kg). ]

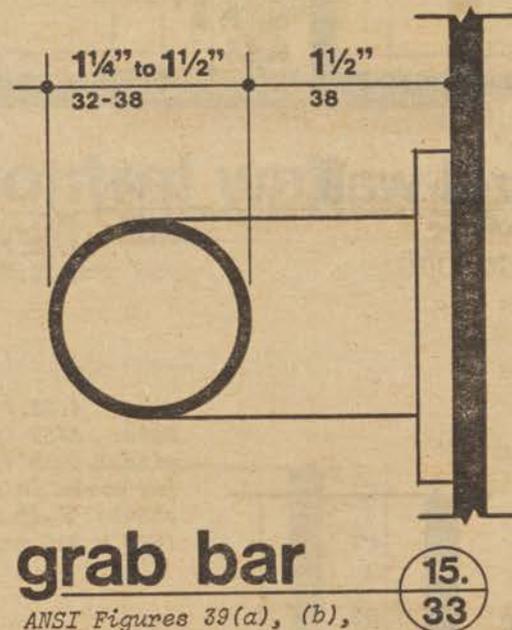
4.26.3(5) (3) (i) *Bending stress in a grab bar induced by the maximum bending moment from the application of 250 lbf shall be less than the allowable stress for the material of the grab bar.*

(ii) *Shear stress induced in a grab bar by the application of 250 lbf shall be less than the allowable shear stress for the material of the grab bar. If the connection between the grab bar and its mounting bracket or other support is considered to be fully restrained then direct and torsional shear stresses shall be totaled for the combined shear stress, which shall not exceed the allowable shear stress.*

(iii) *Shear force induced in a fastener or mounting device from the application of 250 lbf shall be less than the allowable lateral load of either the fastener or mounting device or the supporting structure, whichever is the smaller allowable load.*

(iv) *Tensile force induced in a fastener by a direct tension force of 250 lbf plus the maximum moment from the application of 250 lbf shall be less than the allowable withdrawal load between the fastener and the supporting structure. ◀*

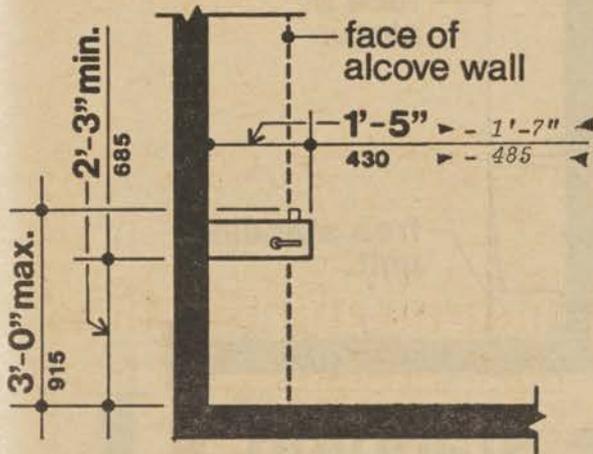
- (4) Not rotate in their fittings.



**grab bar**

ANSI Figures 39(a), (b), and (c)

15.  
33



## cantilevered drinking fountain

ANSI Figure 27(a)

16.  
1

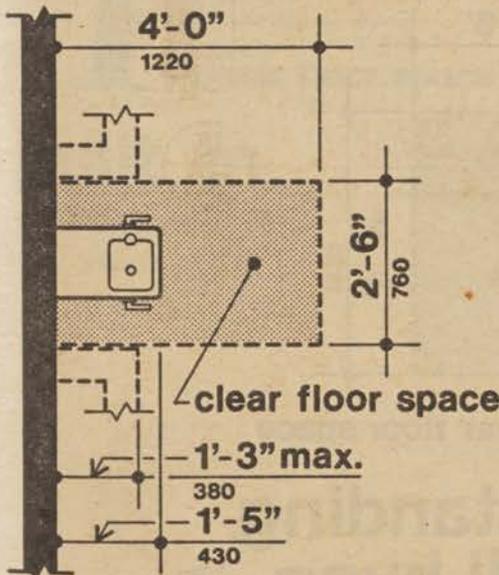
### §1190.160 Drinking fountains and water coolers.

(a) **General.** Drinking fountains and coolers required by Subpart C—Scope shall comply with this section.

4.15.5 (b) **Clearances.** Drinking fountains and water coolers shall have clear floor or ground spaces that comply with §1190.40, Human data, and shall be:

4.15.5 \* (1) Cantilevered units with a clear space allowing a forward approach and having a knee space under the unit that is at least 2'-3" (685 mm) high, 2'-6" (760 mm) wide, and 1'-5" (430 mm) deep (figs. 16.1 and 16.2); or 1'-7" (485 mm) deep (figures 16.1 and 16.2); or

\* Note: The ATBCB requests comments on the use of the 2'-3" minimum knee clearance required in Figure 16.1 for cantilevered drinking fountains. This dimension is also used for the minimum knee space under lavatories, see ATBCB Figure 15.3.

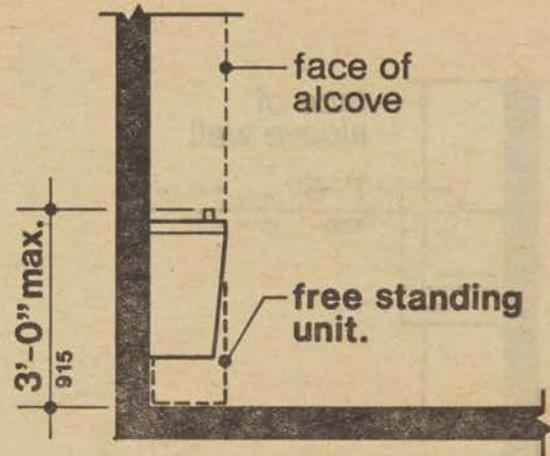


## cantilevered drinking fountain

ANSI Figure 27(b)

Note: ANSI does not illustrate alcove.

16.  
2



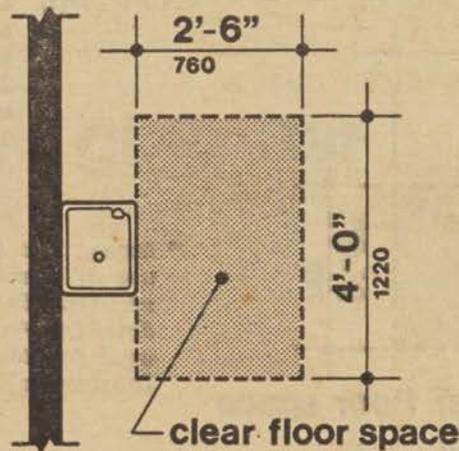
**free standing  
or wall hung**

drinking fountain

16.  
3

*No similar figure in ANSI.*

ANSI  
4.15.5(2) (2) Free-standing or built-in units with a clear space allowing a parallel approach and not having knee-space (figs. 16.3 and 16.4 and 16.5).

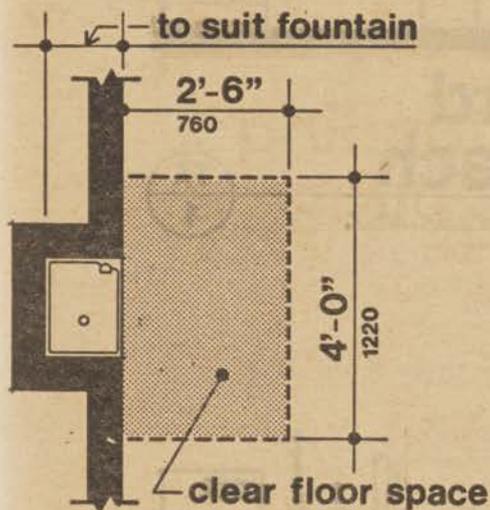


**free standing  
or wall hung**

drinking fountain

16.  
4

*ANSI Figure 27 (e)*



ANSI

## (c) Spouts of drinking fountains and water coolers. Spouts shall:

- 4.15.2 (1) Be mounted no higher than 3'-0" (915 mm) above the finish floor, measured to the spout outlet.
- 4.15.3 (2) Be at the front of the unit and shall direct water flow trajectory parallel or nearly parallel the front of the unit.
- 4.15.3 (3) Direct water flow at least 4 in. (100 mm) above the unit basin to facilitate cup or glass insertion.
- 4.15.4 (d) Controls. Unit controls shall be front mounted or side mounted near the front edge and shall comply with §1190.170, Controls and operating mechanisms.

# built in

## drinking fountain

16.  
5

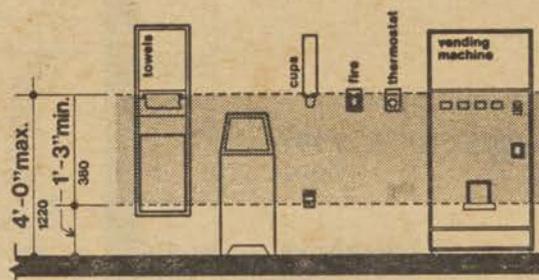
ANSI Figure 27(d)

ANSI

4.27 §1190.170 Controls and operating mechanisms.

- (a) **General.** Controls and operating mechanisms required to be accessible by Subpart C—Scope shall comply with this section.
- 4.27.2 (b) **Location requirements.** Controls and operating mechanisms shall adjoin clear floor or ground space complying with §1190.40, Human data.
- 4.27.3 Mount controls and operating mechanisms in compliance with approach direction and reach limitations specified in paragraph 1190.40(c), Clear floor or ground space, and paragraph 1190.40(d), Reach limitations (figs. 17.1 and 17.2).
- 4.27.4 (c) **Operation.** Controls and operating mechanisms shall be operable with one hand and shall not require tight grasping, pinching, or twisting of the wrist. The force required to activate controls shall be no greater than 5 lbs. of force (2.2 Kg).
- 4.27.3 (d) **Specialized equipment.** If specialized mechanical, electrical, or process equipment has inherent functional requirements which dictate location or force requirements other than those specified in this section, locate the equipment as dictated by its functional requirements.

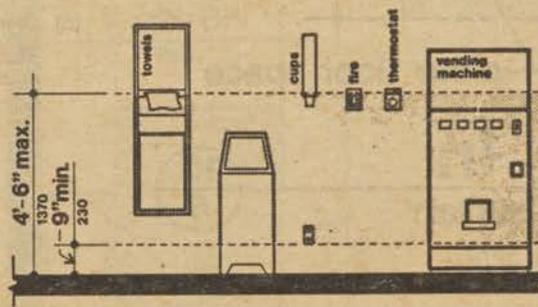
*Note: ANSI requires that except where special equipment dictates otherwise, electrical and communications system receptacles on walls shall be mounted no less than 1'-3" (380 mm) a.f.f. See 4.27.3*



## forward approach

No similar figure in ANSI.

17.  
1



## parallel approach

No similar figure in ANSI.

17.  
2

ANSI  
4.28**§1190.180 Alarms**

- (a) **General.** Alarm systems required to be accessible by Subpart C—Scope shall comply with this section.
- 4.28.2 (b) **Audible alarms.** Audible alarms shall produce a sound pressure level that exceeds ambient room or space noise by 15 decibels or any maximum noise level of 30 seconds duration by 5 decibels, whichever is greater. *▶ Sound levels for alarm signals shall not exceed 120 decibels. ◀*
- 4.28.3 (c) **Visual and other sensory alarms.** If audible alarms are provided, then in addition, provide a visual alarm device adjacent to or within each exit sign which flashes in conjunction with audible alarms and operates from the same power source. Flash frequency of visual alarms shall be less than 5 Hz. *▶ If such alarms use electricity from the building as a power source, then they shall be installed on the same system as the audible emergency alarms. ◀*
- (1) **Exception.** Specialized systems utilizing advanced technology will be considered on a case-by-case basis. *▶ Specialized utilizing advanced technology may be substituted if equivalent protection is afforded handicapped users of the building or facility. ◀*
- (2) [Reserved]
- no similar provision in ANSI (d) **Pull Stations.** Alarm pull stations shall comply with §1190.170, Controls and operating mechanisms.

**§1190.190 Tactile Warnings. [Reserved]**

**NOTE:** For information on tactile warnings, see ANSI A117.1 (1980), Section 4.29.

*Note: ANSI 4.29 Tactile Warnings has been deleted from the ATBCB Minimum Guidelines and Requirements until such time as sufficient research and/or field experience dictate a requirement in this area.*

ANSI  
4.30 §1190.200 Signage.

(a) **General.** Information and identification of elements and spaces as required by Subpart C—Scope shall comply with this section.

(1) **Exception.** The provisions of paragraph 1190.200(c) are not mandatory for temporary information on room and space signage.

(2) [Reserved]

4.30.2 (b) **Character proportion and contrast.** Letters and numbers on sign systems shall:

(1) Have a width-to-height ratio of between 3:5 and 1:1.

(2) Have a stroke width-to-height ratio of between 1:5 and 1:10.

4.30.3 (3) Contrast in value with their backgrounds, preferably light letters on a dark background.

4.30.4 (4) Have a matte finish on a matte finish background.

(c) **Raised or incised characters.** Provide numbers and letters that are:

Note:

Tactile signage is not mandatory in ANSI.

(1) Raised or incised from the background surface 1/32 in. (0.8 mm). Also incise or raise symbols and pictographs in this manner.

(2) Between 5/8 in. (16 mm) and 2 in. (50 mm) high.

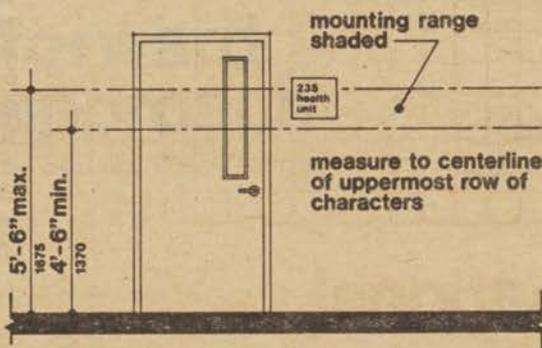
(3) Sans serif with sharply defined edges.

(4) If incised, provided with at least a 1/4 in. (6 mm) stroke width.

no similar provision in ANSI. (d) **Mounting location and height.** Signage shall be placed in a standardized location throughout a building or facility as follows:

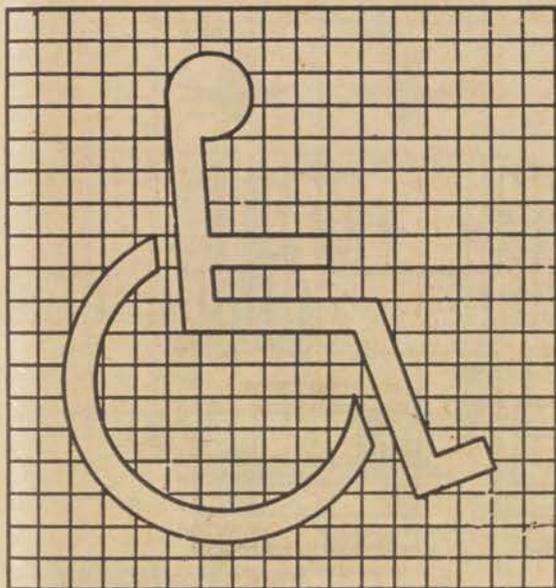
(1) Interior signage shall be located alongside of the door on the latch side and shall be mounted at between 4'-6" and 5'-6" (1,370 mm and 1,675 mm) above finish floor (fig. 20.1)

(2) Exterior signage shall be installed at entrances and walks to direct individuals to accessible routes and entrances as required.



## location & height 20.1

No similar figure in ANSI.



## international symbol

ANSI Figure 42(a)

20.  
2

- ANSI (e) **Symbol of accessibility.** Identification of accessible facilities as required by Subpart C—Scope shall be by means of the International Symbol of Accessibility. Display as shown in figs. 20.2 and 20.3. Provide symbols of the following min. dimensions:

4.30.5

No similar chart in ANSI.	Size	Location	Viewing Distance
	2-1/2 in. (65 mm)	Interior	Up to 30 ft. (9 m)
	4 in. (100 mm)	Interior	Greater than 30 ft. (9 m)
	4 in. (100 mm)	Exterior	Up to 60 ft. (18 m)
	8 in. (200 mm)	Exterior	Greater than 60 ft. (18 m)

### §1190.210 Telephones.

See ATBCB Minimum Guidelines and Requirements for Accessible Design, Amendment to Final Rule, published elsewhere in this Federal Register.



## display conditions

ANSI Figure 43(b)

20.  
3

4.32 §1190.220 **Seating, tables, and work surfaces.**

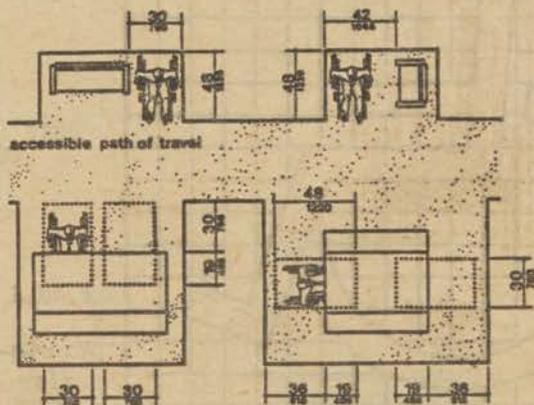
(a) **General.** Fixed seating spaces, tables, or work surfaces required to be accessible by Subpart C—Scope shall comply with this section.

4.32.2 (b) **Clearances.** Seating spaces for people in wheelchairs at tables, counters, or work surfaces shall:

(1) Have a clear floor or ground spaces that comply with §1190.40, Human data.

4.32.3 (2) Have knee spaces that are at least 2'-3" (685 mm) high, 2'-6" (760 mm) wide, and 1'-7" (485 mm) deep. Clear access space and knee space may overlap 1'-7" (fig. 15.15).

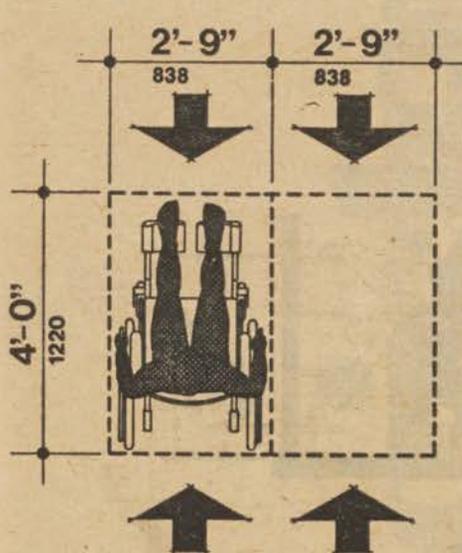
4.32.4 (3) Have table tops or work surfaces mounted between 2'-4" to 2'-10" (710 mm to 865 mm) above finish floor.



**minimum clearances  
seating and tables**

ANSI Figure 45

20  
1



## viewing positions

ANSI Figure 46(a)

23.  
1ANSI  
4.33

### §1190.230 Assembly areas, <sup>Conference, and</sup> Meeting Rooms. <sup>4</sup>

(a) **General.** Assembly areas required to be accessible by Subpart C—Scope shall comply with this section.

4.33.2 (b) **Size and location of viewing positions:** Accessible viewing positions shall:

- (1) Provide min. level clear floor or ground areas as shown in figs. 23.1 and 23.2.
- (2) Accommodate one occupied wheelchair or one portable seat to accommodate persons with crutches or leg braces.
- (3) Be in an adjoining configuration if only two positions are provided. Additional positions may be in single position configurations.
- (4) Be an integral part of the seating plan and shall be dispersed throughout the assembly area providing sight lines comparable to those for all seating.

Note: ANSI requires two.

4.33.3

(i) **Exception.** In alteration work where it is structurally impossible to alter seating locations to disperse seating throughout, seating may be located in collected areas as structurally feasible. Seating must adjoin an accessible route that also serves as a means of emergency egress.

(ii) [Reserved]

4.33.3 (5) Adjoin an accessible route of emergency egress as required by paragraph 1190.50(h), Egress.

4.33.4 (6) Have surfaces that comply with paragraph 1190.50(i), Ground and floor surfaces.

4.33.5 (c) **Performing areas.** Provide accessible routes that comply with §1190.50, Walks, floors, and accessible routes, to performing areas, including but not limited to stages, arena floors, dressing rooms, locker rooms, and other rooms and spaces required for use of the assembly area.

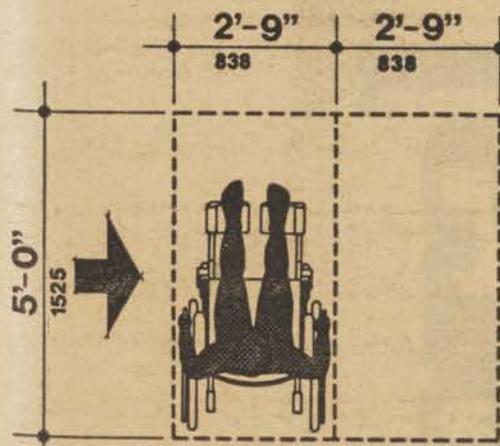
4.33.6 (1) **Exception.** In alteration work where it is structurally impracticable to alter all performing areas to be on an accessible route, at least one of each type shall be made accessible.

4.33.7 (2) [Reserved]

4.33.6 (d) **Listening systems.** Provide [assembly areas with] a listening system to assist no fewer than two persons with severe hearing loss

4.33.7 \*

\*See questions highlighted for comment at 1190.31(s).



## viewing positions

ANSI Figure 46(b)

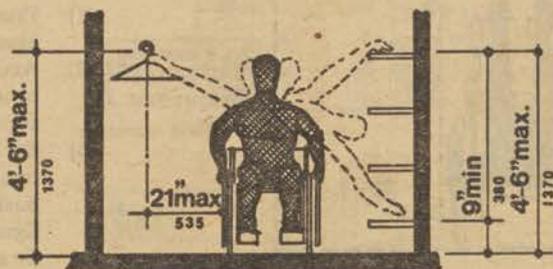
23.  
2

## ANSI

- 4.33.6 (1) If the listening system serves individual seats, locate such seats within 50 ft (15 m) of the stage or arena. Such locations shall provide a complete view of the stage or arena.
- 4.33.7 (2) Acceptable types of listening systems include, but are not limited to, audio loops and radio frequency systems.

## 4.25 §1190.240 Storage

- (a) **General.** Storage facilities required to be accessible by Subpart C—Scope shall comply with this section.
- 4.25.2 (1) Provide clear floor or ground spaces that comply with §1190.40, Human data.
- 4.25.3 (2) Provide storage spaces and clothes rods that comply with paragraph 1190.40(d), Reach limitations (fig. 24.1)
- 4.25.4 (3) Provide accessible hardware that complies with §1190.170, Controls and operating mechanisms.
- (b) [Reserved]



## storage

ANSI Figure 38

24.  
1

## Subpart E — Special Building or Facility Tapes or Elements. (Reserved)

### Preamble A.

Authority: Sec. 502(b)(7) of the Rehabilitation Act of 1973 (29 U.S.C. 792(b)(7)), as amended by the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978 (Pub. L. 95-602).

# Federal Register

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Wednesday  
January 27, 1982

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**Part III**

**Department of  
Health and Human  
Services**

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**Public Health Service**

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**Abortion Services by the Indian Health  
Service**

**DEPARTMENT OF HEALTH AND  
HUMAN SERVICES**
**Public Health Service**
**42 CFR Part 36**
**Provision of Abortion Services by the  
Indian Health Service**
**AGENCY:** Public Health Service, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Public Health Service is adding a new Subpart F to its regulations on Indian Health, making the Indian Health Service (IHS) policy on provision of abortion services consistent with that of other Department of Health and Human Services (HHS) programs. This regulation restricts abortion services available from the IHS to cases where the life of the mother would be endangered if the fetus were carried to term. The decision to conform IHS practice to that of other HHS programs arises from Congress' intention to limit Federal Funding of abortion.

**EFFECTIVE DATE:** February 26, 1982.

**FOR FURTHER INFORMATION CONTACT:** Richard J. McCloskey, Indian Health Service, Room 5A-39, 5600 Fishers Lane, Rockville, Maryland 20857, telephone (301) 443-1116.

**SUPPLEMENTARY INFORMATION:** On April 20, 1981, a notice of proposed rulemaking (NPRM) was published in the *Federal Register* (46 FR 22616 et seq.) proposing to make the IHS policy on provision of abortion services consistent with that of other HHS programs. The proposed regulation would have conformed IHS practice to the then current version of the "Hyde Amendment" which applied to all other HHS programs. As proposed, the regulation would have restricted abortion services to: (1) Cases where the life of the mother would be endangered if the fetus were carried to term; or (2) certain instances of rape or incest. Interested persons were given until June 19, 1981 to submit written comments.

**Changes From the Proposed Rule**

We explained in the preamble to the proposed rule that the decision to conform IHS practice to that of other HHS programs arises from the Congress' clear manifestation of its intention to limit the Federal funding of abortions. The expression of this intent at the time the proposed rule was published was the "Hyde Amendment" which prohibited Federal funding of abortion from HHS appropriations except where required to save the life of the mother, in promptly reported cases of rape, or in cases of incest. The Congress' most

recent expression of its intention concerning Federal funding of abortions from HHS appropriations is found at Section 204 of H.R. 4560, passed October 6, 1981, incorporated by reference in Sec. 101 of the Continuing Appropriations Act (Pub. L. 97-51). The revised amendment removes the rape and incest exception and permits use of HHS appropriations to fund abortion services only in cases where the life of the mother would be endangered if the fetus were carried to term. Although this statutory restriction is not applicable by its terms to IHS funds which are appropriated under the Department of Interior and Related Agencies Appropriation Bill, this regulation will conform IHS practice to that of other programs administered by HHS and subject to the new congressional restriction.

We do not view the change in the congressional restriction as necessitating reissuance of a notice of proposed rulemaking. The notice clearly stated that the purpose of the regulation was to conform IHS practice to that of the rest of the Department in accordance with the applicable congressional guidelines. Although the Administrative Procedures Act requires that a notice must include "either the terms or substance of the proposed rule or a description of the subjects and issues involved," it is not legally required that the final rule be identical in all respects to the proposed rule. *Chrysler Corporation v. Department of Transportation*, 515 F.2d 153 (6th Cir., 1975). The notice is legally sufficient if the substance of the HHS action is presented to the public. *National Industrial Traffic League v. United States*, 396 F. Supp. 456 (D.C.D.C. 1975).

The final regulation reflects this most recent expression of congressional intent and restricts the IHS funding of abortions to situations where the life of the mother would be endangered if the fetus were carried to term.

A number of comments were received which expressed general opposition to or support of the proposed rule. Several commentators suggested that there was a need to extend the comment period because of the critical nature of the abortion issue to Indian people. We recognize that abortion is a complex issue which touches very sensitive cultural and religious beliefs, not only for Indian people, but for all people. The issues on both sides of the abortion question have received extensive public exposure and no useful purpose would be served by either extending the comment period or by entering into an extensive reexamination of the pros and cons surrounding the issue.

**Legality of the Rule**

Several commentators objected to limiting the IHS funding of abortions as an unconstitutional restriction upon the Indian woman's right of personal privacy under the Fifth and Fourteenth Amendments. The Supreme Court in *Harris v. McRae*, 100 S.Ct. 2671 (1980) determined that the constitutional constraint upon governmental interference in the area of abortion—established in the earlier cases of *Roe v. Wade*, 410 U.S. 173, 93 S.Ct. 705 (1973) and *Doe v. Bolton*, 410 U.S. 179, 93 S.Ct. 739 (1973)—did not create a companion duty on the part of the Government to fund abortions. The Court found that it was reasonable for the Government to fund medical services generally, but to restrict funding for abortions, since "[a]bortion is inherently different from other medical procedures, because no other procedure involves the purposeful termination of a potential life." *McRae, supra* at 2692. Moreover, in *McRae*, the Supreme Court upheld the constitutionality of all versions of the Hyde Amendment including the more restrictive amendment applicable during fiscal year 1977, which prohibited abortion funding in cases of rape or incest. The Court went on to conclude that encouragement and promotion of childbirth over abortion was a legitimate, rationally-based decision. *McRae, supra*, at 2687, citing *Maher v. Roe*, 432 U.S. 464, 474, 97 S.Ct. 2376, 2382-83 (1974).

Another constitutional issue raised in the comments is that of violation of First Amendment guarantees of religious freedom. One commentator suggested that by implementing this rule the IHS is trying to decide when human life begins, violating the Establishment Clause by incorporating into Government regulation the doctrines of the Roman Catholic Church and of fundamentalist Protestant sects. However, this regulation is as much a reflection of "traditionalist" views toward abortion as it is a reflection of the dogma of a particular religion. (*Roe v. Wade, supra*, at 128-131; *Harris, supra*, at 2689.) A Government action does not violate the Establishment Clause if it "happens to coincide or harmonize with the tenets of some or all religions." *McGowan v. Maryland*, 366 U.S. 420, 442, 81 S.Ct. 1101, 1113 (1961) cited with approval in *McRae, supra* at 2689. The standard for determining whether agency action conflicts with the Establishment Clause is set forth in *Committee for Public Education and Religious Freedom v. Regan*, 100 S.Ct. 840, 846, 63 L.Ed. 2d 94 (1980). The Court stated that the

challenged Government action will be upheld if it "has a secular legislative purpose, if its principal or primary effect neither advances nor inhibits religion, and if it does not foster excessive governmental entanglement with religion." The District Court in *McRae* applied this test and concluded that the Establishment Clause was not violated by the Hyde Amendment. The Supreme Court concurred in the conclusion of the District Court. The same analysis applies to this regulation.

Nor does imposition of restrictions on abortion funding violate the Free Exercise Clause of the First Amendment. The Free Exercise Clause guarantees the right to practice one's religion without Government interference. This does not mean that the Government must bear the cost of each person's exercise of religious beliefs. In fact, the Supreme Court has upheld secular laws having the incidental effect of making some forms of religious observance more expensive than others. See *McGowan v. Maryland*, *supra* (upholding Sunday closing laws); *Prince v. Commonwealth of Massachusetts*, 321 U.S. 158, 64 S.Ct. 438 (1961) (upholding child labor laws prohibiting a minor from selling religious literature in public places).

It was suggested that because of the poverty and isolation of many Indian communities, a restriction upon IHS funding for abortion has the effect of prohibiting Indian women from obtaining the medical service. However, the effect of this restriction on Indian women is essentially identical to the effect of the "Hyde amendment upon rural Medicaid-eligible women which was found to be constitutionally permissible. The court recognized in *McRae* that prohibition of Medicaid funding for abortions could make them more difficult or impossible to obtain. However, it concluded that the indigent woman is in no different position than if the Government chose to fund no medical services at all. Similarly, the poverty and rural locale of some Indian communities is not a Government-imposed barrier to exercise of the right of privacy recognized in *Roe v. Wade*, *supra*, as deserving constitutional protection. The Indian woman is free to go to a facility in the surrounding area and procure an abortion with non-Federal resources on the same basis as any other citizen. A funding restriction does not constitute unconstitutional interference with the woman's right of privacy. In this regard, it is fundamentally different from a criminal statute (*Roe, supra*), a municipal ordinance forbidding abortions in city hospitals (*Nybert v. City of Virginia*,

Case No. 5-73 D.Minn., November 25, 1980), or an unconditional requirement of spousal consent (*Planned Parenthood of Central Missouri v. Danforth*, 428 U.S. 52, 97 S.Ct. 2831), all of which have been found to be constitutionally impermissible.

Several commenters took the position that the proposed rule was inconsistent with legislation authorizing the IHS program. The IHS' basic statutory authority is the Snyder Act (25 U.S.C. 13). The statute provides for expenditure of "such monies as the Congress shall from time to time appropriate . . . for relief of distress and the conservation of health" of Indians. This general statutory authority to spend funds to promote Indian Health does not create an entitlement to a specific configuration of health services. Instead, the IHS is granted substantial discretion concerning fulfillment of its statutory obligation.

The discretion vested in the IHS to make rational program decisions was recognized by the Supreme Court in *Morton v. Ruiz*, 415 U.S. 199, 94 S.Ct. 1055 (1974). In *Ruiz*, the Court held that the Bureau of Indian Affairs had the discretion, under the general language of the Snyder Act, to make rational allocations of limited welfare funds even where some Indians otherwise within the scope of the appropriation may be left without benefits. Although the court's opinion in *Ruiz* dealt with allocation of limited financial resources, we think that the case stands for the broader proposition that administrators of discretionary assistance programs must of necessity make choices and that those choices will be upheld so long as they have a rational basis in light of statutory goals, as broad as they may be.

The Medicaid statute at issue in *McRae* authorized payment for "usual and necessary" medical expenses. Yet the Court concluded that authorization of payment for abortion in only the most compelling cases was rationally related to a legitimate governmental interest in the protection of potential life. In this case, the Department is exercising the broad administrative discretion recognized by the Court in *Ruiz* to conform IHS practice to the abortion funding policy which was found in *McRae* to have a rational basis. The Secretary has used his discretion in other instances to restrict medical services for reasons unrelated to fiscal constraints where he determines the restriction would promote the best interest of the beneficiary population. For example, IHS funds are not

generally available for sterilization of minors or for psychosurgery.

Furthermore, the general "trust relationship" between the Federal Government and the Indian people does not, as several commenters suggested, create an independent legal obligation to provide Federal funds for abortion services for Indians in the absence of a specific statutory authorization. Although the relationship between the Federal Government and the Indian tribes has sometimes been described as analogous to that of "guardian to ward", e.g., *United States v. Kagama*, 118 U.S. 375, 384 (1886), this "guardianship" is more of a metaphor than a term to be given its literal meaning. *Gila River Pima-Maricopa Indian Community v. United States*, 427 F.2d 1194 (Ct.Cl. 1970), *cert. denied*, 400 U.S. 819. To determine whether any legally enforceable duty on the part of the Government exists, as well as to determine its scope, the courts look to specific treaties, executive orders, and statutes. See Cohen *Federal Indian Law*, 1972 ed., p. 172; *Seminole Nation v. United States*, 316 U.S. 286, 293, 62 S. Ct. 1049, 1053 (1942) (no enforceable obligation under broad treaty language to furnish specific education facilities); *Sac and Fox Tribe of Indians of Oklahoma v. United States*, 383 F.2d 991, 1001 (Ct. Cl. 1967) (no constructive trust placed on profits from Government resale of Indian land at high prices). In *Scholder v. United States*, 428 F.2d 1123, 1129 (9th Cir. 1970) *cert. denied*, 400 U.S. 942 (1970), the court stated that funds appropriated under the Snyder Act are simply "gratuitous appropriations of public moneys", and are not funds belonging to the Indians to which they have a constitutional proprietary interest. Therefore, although the IHS is obligated under the Snyder Act to spend its funds to promote "Indian health", and the trust relationship between the Government and the Indian people may provide a framework with which to analyze Indian claims to medical service, (See *White v. Califano*, 437 F.Supp. 543, 554 (1977)), it does not create an independent legally enforceable right to compel the IHS to provide abortion services.

#### Miscellaneous Comments

Some commenters raised the general principle of tribal sovereignty and the Indian Self-Determination Act (Pub. L. 93-638) as a justification for allowing freedom of choice for Indian people under the IHS program. However, the Indian Self-Determination Act is essentially a procedural statute which permits Indian tribes to enter into

contracts with the IHS to assume operation of health programs and facilities which otherwise would be operated by the Secretary. The scope of the contracted program is limited by section 103(a) of the statute to "those functions, authorities, and responsibilities under the Act of August 5, 1954 as amended." (The Act of August 5, 1954, also called the Transfer Act, Pub. L. 83-568, provided for the assumption of the responsibility for Indian health care by the Secretary of Health, Education, and Welfare.) The Indian Self-Determination Act does not permit a contracting tribe to use Federal funds under a Pub. L. 93-638 contract to provide services that are beyond the scope of the IHS program as defined by the Secretary. If, however, an Indian tribe wishes to use its own funds to provide abortion services to its members, the regulation does not impede exercise of this option.

Some comments urged a more liberal policy regarding the specifics of the rape and incest exception set forth in the notice of proposed rulemaking, or suggested that the IHS fund abortions where required to preserve the mother's health. We do not agree that we should adopt a more liberal policy than that enunciated in the notice of proposed rulemaking. Because congressional restrictions have changed since the proposed rule was published, adoption of these suggestions would be inconsistent with the goal of a uniform Department-wide abortion policy. As we indicated above, the Supreme Court in *McRae, supra*, upheld the constitutionality of all versions of the "Hyde" Amendment, including those which prohibited funding of abortion in all except life-threatening circumstances.

One commentator stated that IHS facilities performed many more abortions last year than the 638 reported in the preamble to the proposed rule. The notice of proposed rulemaking did not make clear that the 638 figure represented only inpatient induced abortions performed by or paid for by IHS in fiscal year 1979.

An informal survey conducted by the IHS in response to this comment revealed that the IHS may have performed or paid for as many as 400 additional induced abortions on an outpatient basis during fiscal year 1979. This would raise the total number of induced abortions provided by the IHS for fiscal year 1979 to approximately 1,038.

A number of commentators expressed the concern that restricting abortion funding would lead to an increase in

sterilization abuse, *i.e.*, involuntary or uninformed sterilizations. The restriction of abortion may result in increased use of contraceptive methods, including sterilization. However, the Department and the IHS have strict regulations and procedural requirements governing sterilization which are designed to prevent either involuntary or uninformed sterilization and are vigorously enforced.

Some commentators requested clarification of the language "or otherwise provide for abortions" contained in § 36.53. This phrase simply means that Federal funds may not be used to provide abortion services either directly or indirectly. For example, IHS funds cannot be used to pay the salary of an individual who performs nonconforming abortions on salaried time, or for the costs incurred at an IHS facility where an abortion is performed. Nor can IHS contract care funds be used to reimburse a physician or a facility performing an abortion, for this would constitute indirect support.

Several commentators stated that the Department has failed to consult with the Indian tribes on this regulation and that such consultation is required because of the unique relationship between the tribes and the Federal Government. Unlike proposed changes in regulations implementing the Indian Health Care Improvement Act (Pub. L. 93-437) or the Indian Self-Determination Act (Pub. L. 93-638), there is no independent legal requirement of additional consultation before promulgation of a general program regulation. However, the Department did seek, and carefully considered the views of the Indian people elicited by the publication of the notice of proposed rulemaking in the *Federal Register*.

Section 36.51, *Applicability*, has been amended to clarify that this Subpart applies to Subparts H, I and J, *i.e.*, to the use of IHS funds by contractors or grantees under Pub. L. 93-638 and the Indian Health Care Improvement Act, Pub. L. 94-437. Section 36.52, *Definitions*, has been amended to delete those definitions needed for the rape and incest provisions.

#### Determination Concerning Impact of the Proposed Rule.

The Secretary certifies, pursuant to section 605(b) of the Regulatory Flexibility Act, that this regulation will not have a significant economic impact on a substantial number of small entities. The reason for the Secretary's certification is that the regulation will not affect the level of Federal funds

available to treat a pregnant woman and, if she chooses to continue the pregnancy to term, the treatment of her child.

Paperwork requirements contained in this regulation have been minimized to the extent that we are requesting only a simple certification from providers. These requirements, therefore, are not subject to Office of Management and Budget approval under the Paperwork Reduction Act of 1980.

The Secretary has also determined, in accordance with Executive Order 12291, that the proposed rule does not constitute a "major rule" because it will not have annual effect on the economy of \$100 million or more; result in a major increase in costs or prices for consumers, any industries, any governmental agencies or geographic regions; or have significant and 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.

Accordingly, it is the decision of the Department to amend the IHS program regulations as follows to make the IHS policy on provision of abortion services consistent with that of other programs administered by the Department.

Dated: November 18, 1981.

Edward N. Brandt, Jr.,  
Assistant Secretary for Health.

Approved: December 23, 1981.

Richard S. Schweiker,  
Secretary.

#### PART 36—INDIAN HEALTH

Title 42 of the Code of Federal Regulations, Part 36, Indian Health, is amended by adding a new Subpart F to read as follows:

##### Subpart F—Abortions and Related Medical Services in Indian Health Service Facilities and Indian Health Service Programs

- Sec.
- 36.51 Applicability.
  - 36.52 Definitions.
  - 36.53 General rule.
  - 36.54 Life of the mother would be endangered.
  - 36.55 Drugs and devices and termination of ectopic pregnancies.
  - 36.56 Recordkeeping requirements.

Authority: Sec. 1, 42 Stat. 208, 25 U.S.C. 13; Sec. 1, 68 Stat. 674, 42 U.S.C. 2001; Sec. 3, 68 Stat. 674, 42 U.S.C. 2003

**Subpart F—Abortions and Related Medical Services in Indian Health Service Facilities and Indian Health Service Programs**

**§ 36.51 Applicability.**

This subpart is applicable to the use of Federal funds in providing health services to Indians in accordance with the provisions of Subparts A, B, C, H, I and J of this part.

**§ 36.52 Definitions.**

As used in this subpart:  
"Physician" means a doctor of medicine or osteopathy legally authorized to practice medicine and surgery at an Indian Health Service or tribally run facility, or by the State in which he or she practices.

**§ 36.53 General rule.**

Federal funds may not be used to pay for or otherwise provide for abortions in the programs described in § 36.51,

except under the Circumstances described in § 36.54.

**§ 36.54 Life of the mother would be endangered.**

Federal funds are available for an abortion when a physician has found and so certified in writing to the appropriate tribal or other contracting organization, or service unit or area director, that "on the basis of my professional judgement the life of the mother would be endangered if the fetus were carried to term." The certification must contain the name and address of the patient.

**§ 36.55 Drugs and devices and termination of ectopic pregnancies.**

Federal funds are available for drugs or devices to prevent implantation of the fertilized ovum, and for medical procedures necessary for the termination of an ectopic pregnancy.

**§ 36.56 Recordkeeping requirements.**

Documents required by § 36.54 must be maintained for three years pursuant to the retention and custodial requirements for records at 45 CFR 74.20 et seq.

**§ 36.57 Confidentiality.**

Information which is acquired in connection with the requirements of this subpart may not be disclosed in a form which permits the identification of an individual without the individual's consent, except as may be necessary for the health of the individual or as may be necessary for the Secretary to monitor Indian Health Service program activities. In any event, any disclosure shall be subject to appropriate safeguards which will minimize the likelihood of disclosures of personal information in identifiable form.

[FR Doc. 82-2053 Filed 1-26-82; 8:45 am]

BILLING CODE 4160-16-M



# Register Federal Register

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Wednesday  
January 27, 1982

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Part IV

## Office of Management and Budget

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Budget Recisions and Deferrals

**OFFICE OF MANAGEMENT AND  
BUDGET****Budget Recisions and Deferrals**

To The Congress of The United States:

In accordance with the Impoundment Control Act of 1974, I herewith report three new deferrals of budget authority totaling \$1,758.3 million, six revisions to existing deferrals increasing the amount deferred by \$191.3 million, and five revisions to existing deferrals which do not affect the amounts deferred.

The new deferrals involve International Security Assistance programs, Department of Transportation research and special programs, and the President's Commission for the Study of Ethical Problems in Medicine. The revisions to existing deferrals affect Appalachian Regional Development Programs as well as programs in the Departments of Agriculture, Commerce, Defense, Health and Human Services, State, and Transportation. The details of the deferrals are contained in the attached reports.

**Ronald Reagan,**  
*The White House,*  
January 22, 1982.

BILLING CODE 3110-01-M

CONTENTS OF SPECIAL MESSAGE  
(in thousands of dollars)

SUMMARY OF SPECIAL MESSAGES FOR FY 1982  
(in thousands of dollars)

Deferral #	Item	Budget Authority	Rescissions	Deferrals
	Funds Appropriated to the President			
	Appalachian Regional Development Programs			
D82-1A	Appalachian regional development programs.....	15,000		1,758,292
	International Security Assistance			
D82-21B	Economic support fund.....	1,756,980		191,323
	Department of Agriculture			
	Forest Service			
D82-2A	Timber salvage sales.....	7,284		1,949,615
	Department of Commerce			
D82-5A	National Oceanic and Atmospheric Administration		108,700	2,759,802
	Department of Defense-Military	2,000		
	Military Construction			
D82-6A	Military construction, all services.....	52,938		4,709,417
	Department of Defense-Civil			
D82-6A	Wildlife Conservation, Military Reservations			
	Wildlife conservation, all services.....	1,030		
	Department of Health and Human Services			
	Alcohol, Drug Abuse and Mental Health Administration			
D82-12A	Construction and renovation, St. Elizabeths Hospital.....	11,500		
	Office of Assistant Secretary of Health			
D82-13A	Scientific activities overseas (special foreign currency program).....	7,000		
	Social Security Administration			
D82-44A	Cuban and Haitian Entrants, reception and processing.....	2,400		
D82-45A	Cuban and Haitian Entrants, domestic assistance.....	48,398		
	Department of State			
	United States Emergency Refugee and Migration Assistance fund.....	35,143		
	Department of Transportation			
D82-21A	Federal Aviation Administration			
	Facilities and equipment (Airport and airway trust fund).....	350,513		
D82-220	Research and Special Programs Administration			
	Research and special programs.....	1,050		
	Other Independent Agencies			
D82-221	President's Commission for the Study of Ethical Problems in Medicine: Salaries and expenses.....	262		
	Total Deferrals.....			2,291,498

Deferral No: 082-1A

DEFERRAL OF BUDGET AUTHORITY  
Report Pursuant to Section 1013 of P.L. 93-344

Agency Funds Appropriated to the President	New budget authority (P.L. 97-88)	\$ 150,000,000*
Bureau Appalachian Regional Development Programs	Other budgetary resources	46,493,800*
Appropriation title & symbol	Total budgetary resources	196,493,800*
Appalachian Regional Development Programs	Amount to be deferred:	
11x0090	Part of year	\$ 15,000,00
	Entire year	
OMB identification code: 11-0090-0-1-452	Legal authority (in addition to sec. 1013):	
Grant program <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Antideficiency Act	
Type of account or fund:	<input type="checkbox"/> Other	
<input type="checkbox"/> Annual	Type of budget authority:	
<input type="checkbox"/> Multiple-year	<input checked="" type="checkbox"/> Appropriation	
<input checked="" type="checkbox"/> No-year (expiration date)	<input type="checkbox"/> Contract authority	
	<input type="checkbox"/> Other	

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. 082-1, transmitted to the Congress on October 1, 1981.

This revision to a deferral for Appalachian regional development programs under Funds Appropriated to the President increases the budgetary resources for these programs from \$18,000,000 to \$196,493,000. The increase of \$178,493,000 is attributable both to an increase of \$28,493,000 over the previous estimate of unobligated balances brought forward into FY 1982, and to new budget authority of \$150,000,000 provided by the Energy and Water Development Appropriation Act for FY 1982. These changes do not affect the amount deferred.

Justification: This appropriation provides funds for the Appalachian Regional Commission's highway, area development, and research and local development district support activities. As part of the President's comprehensive economic plan for spending reductions, the non-highway activities of the Commission were proposed for termination in 1981.

Until the issue of termination of the Commission is resolved, \$15,000,000 associated with non-highway activities will be deferred. These deferred funds will be available to pay termination costs for this account.

Estimated Effect: This deferral action will provide for termination costs associated with elimination of funding proposed for the Appalachian Regional Commission.

Outlay Effect: This deferral has no effect on FY 1982 outlays.

This account was the subject of a similar deferral in FY 1981 (081-79).

\* Revised from previous report.

D82-2A

Estimated Effects:

This deferral has no programmatic or budgetary effects. Rather, the reserve reflects the resources that are not currently required for obligational authority in meeting the current year's program requirements.

Any emergency funding needed to meet the necessary obligations to sell material as a result of a catastrophe must come from the available funds within the present reserve.

Outlay Effect:

There will be no outlay effect from this deferral action since the remaining funds are adequate to carry out the planned program.

✓ This account was the subject of a similar deferral in FY 1981 (D81-1A).

\* Revised from previous report.

D82-2A

## SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. D82-2, transmitted to the Congress on October 1, 1981.

This revision to a deferral of Timber Salvage Sales funds in the Forest Service of the Department of Agriculture increases the amount deferred from \$6,722,769 to \$7,283,958. The increase of \$561,189 is the result of a corresponding increase in the amount of unobligated balances brought forward into FY 1982.

Deferral No: D82-2A

DEFERRAL OF BUDGET AUTHORITY  
Report Pursuant to Section 1013 of P.L. 95-344

Agency: Department of Agriculture	New budget authority (P.L. 94-588)	\$ 2,283,958*
Bureau: Forest Service	Other budgetary resources	19,672,958*
Appropriation title & symbol: Timber Salvage Sales 12X204 1/	Total budgetary resources	21,956,916*
	Amount to be deferrred: Part of year	\$ 2,283,958*
	Entire year	
OMB identification code: 12-5204-0-2-302	Legal authority (in addition to sec. 1013): <input checked="" type="checkbox"/> Antideficiency Act	
Grant program: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type of budget authority: <input checked="" type="checkbox"/> Appropriation	
Type of account or fund: <input type="checkbox"/> Annual	<input type="checkbox"/> Contract authority	
<input type="checkbox"/> Multiple-year (expiration date)	<input type="checkbox"/> Other	
<input checked="" type="checkbox"/> No-year		

Justification: The National Forest Management Act of 1976 provided the salvage sale fund to meet catastrophes that occur during a given year or when other market conditions occur so that immediate action can take place to harvest the dead and dying trees. Sufficient reserves must be held in order to meet these catastrophes, so that salvage sale activity can take place without undue delay.

The Act authorized the Secretary to require purchasers of sales of dead, damaged, insect infested, or down timber to make monetary deposits into a designated fund to cover the costs associated with such sales.

This deferral is necessary because of the time lag between the deposit of receipts from salvage sales and the expenditure of funds to cover costs associated with making additional sales.

The collections becoming available in the current year are estimated and the related salvage sale operations may not necessarily be planned in the same year. Efficient program planning and accomplishment is facilitated by administering a stable program well within the funds available in any one year for this purpose.

The amount deferred is in excess of the planned program requirement and is taken under the provisions of the Antideficiency Act (31 U.S.C. 655).

Deferral No: D82-219

DEFERRAL OF BUDGET AUTHORITY  
Report Pursuant to Section 1013 of P.L. 95-344

Agency: Funds Appropriated to the President (AID)	New budget authority (P.L. 97-121)	\$ 2,576,000,000
Bureau: International Security Assistance	Other budgetary resources (net transfers)	-12,000,000
Appropriation title & symbol: Economic Support Fund, 1982 1/	Total budgetary resources	2,564,000,000
1121037	Amount to be deferrred: Part of year	\$ 1,756,980,000
	Entire year	
OMB identification code: 11-1037-0-1-152 2/	Legal authority (in addition to sec. 1013): <input type="checkbox"/> Antideficiency Act	
Grant program: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Type of budget authority: <input checked="" type="checkbox"/> Appropriation	
Type of account or fund: <input checked="" type="checkbox"/> Annual	<input type="checkbox"/> Contract authority	
<input type="checkbox"/> Multiple-year (expiration date)	<input type="checkbox"/> Other	
<input type="checkbox"/> No-year		

Justification: Pursuant to the Foreign Assistance Act of 1961, as amended, the President is authorized to furnish assistance to promote economic or political stability in foreign countries on such terms and conditions as he may determine. The Foreign Assistance and Related Programs Appropriations Act, 1982, P.L. 97-121, appropriates \$2,576,000,000 for fiscal year 1982 to enable the President to carry out those authorities. Under Part II, Chapter 4, of the Foreign Assistance Act, the Secretary of State is responsible for policy decisions and justifications for such economic support programs, including the countries and amounts to be provided. Executive Order No. 12163 of September 29, 1979, further delegates the President's responsibilities under Chapter 4 to the Secretary of State insofar as they relate to policy decisions and justifications for economic support programs. These functions will be exercised in cooperation with the Administrator of the Agency for International Development (AID).

The funds are deferred pending approval of specific loans and grants to eligible countries by the Secretary of State. This will insure that each approved program is consistent with the foreign, national security and financial policies of the U.S. and will not exceed the limits of available funds.

Estimated Effect: This deferral will have no programmatic or budgetary impact and is not restrictive in nature.

Outlay Effect: There is no outlay effect of this deferral because funds will be released as loans and grants are approved.

1/ This account was the subject of a deferral in FY 1981 (D81-24).

2/ Reflects approved sub-function change from 151 to 152.

Deferral No: D82-5A

DEFERRAL OF BUDGET AUTHORITY  
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Commerce Bureau National Oceanic and Atmospheric Administration Appropriation title & symbol	New budget authority (P.L. _____) Other budgetary resources 26,645,285* Total budgetary resources 26,645,285*
Construction 13x1452 1/	Amount to be deferred: Part of year \$ _____ Entire year 2,000,000
OMB identification code: 13-1452-0-1-306	Legal authority (in addition to sec. 1013): <input checked="" type="checkbox"/> Antideficiency Act <input type="checkbox"/> Other _____
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other _____
Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year _____ (expiration date) <input checked="" type="checkbox"/> No-year	

Justification: Public Law 96-38 included supplemental appropriations to fund NOAA's Western Regional Center (WRC) in Seattle, Washington. Due to delays in construction, the estimated date of completion has been extended into FY 1983. The above funds proposed for deferral will not be required during FY 1982. This deferral is consistent with congressional intent to provide no-year funding for this project and is taken under the provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effects: The funds proposed for deferral will not affect the construction progress of the WRC during FY 1982.

Outlay Effect: This deferral action will have no effect on FY 1982 outlays.

This account was the subject of a similar deferral in FY 1981 (D81-4).  
\* Revised from previous report.

D82-5A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. D82-5, transmitted to the Congress on October 1, 1981.

This revision to a deferral for the National Oceanic and Atmospheric Administration in the Department of Commerce increases the budgetary resources by \$2,945,285. This increase is attributable to larger unobligated balances brought forward into 1982 than originally estimated. This increase does not affect the amount deferred, which remains \$2,000,000.

Deferral No: 082-6A

DEFERRAL OF BUDGET AUTHORITY  
Report Pursuant to Section 1013 of P.L. 93-344

Agency	Department of Defense - Military	New budget authority	\$
Bureau		(P.L.)	\$1,747,982,281
Appropriation title & symbol		Other budgetary resources	\$1,747,982,281
	See coverage section below	Total budgetary resources	\$1,747,982,281
		Amount to be deferred:	
		Part of year	\$ 52,938,000
		Entire year	
CMB identification code:		Legal authority (in addition to sec. 1013):	
See coverage section below		<input checked="" type="checkbox"/> Antideficiency Act	
Grant program	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Other	
Type of account or fund:		Type of budget authority:	
<input type="checkbox"/> Annual	September 30, 1983	<input checked="" type="checkbox"/> Appropriation	
<input checked="" type="checkbox"/> Multiple-year	September 30, 1984	<input type="checkbox"/> Contract authority	
<input checked="" type="checkbox"/> No-year	September 30, 1985 (expiration date)	<input type="checkbox"/> Other	

D82-6A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(C) of Public Law 93-344

This report updates Deferral No. D82-6 transmitted to the Congress on October 1, 1981.

This revision to a deferral of Department of Defense military construction funds increases the amount originally reported as deferred from \$38,837,000 to \$52,938,000. This net increase of \$14,101,000 primarily results from foreign currency fluctuations savings in the Army construction accounts; specific projects have not been identified for these funds. Also, the budgetary resources have been revised to reflect the actual unobligated balances brought forward on October 1, 1981.

182-6A

D82-6A

Coverage: 1/

**Estimated Effect:**  
 These deferrals have no programmatic or budgetary effect because the funds would not be obligated if they were made available.

**Outlay Effect:**  
 These deferrals have no effect on FY 1982 outlays.

Appropriation	Symbol	OMB Identification Code	Amount Deferred*
Military construction, Army	211/52050	21-2050-0-1-051	\$40,600,000
Military construction, Army	210/42050	21-2050-0-1-051	8,100,000
Military construction, Army	219/32050	21-2050-0-1-051	3,700,000
Military construction, Navy	171/51205	17-1205-0-1-051	
Military construction, Navy	170/41205	17-1205-0-1-051	
Military construction, Navy	179/31205	17-1205-0-1-051	
Military construction, Air Force	571/53300	57-3300-0-1-051	
Military construction, Air Force	570/43300	57-3300-0-1-051	
Military construction, Air Force	579/33300	57-3300-0-1-051	
Military construction, Defense Agencies	971/05000	97-0500-0-1-051	538,000
Military construction, Defense Agencies	970/40500	97-0500-0-1-051	
Military construction, Defense Agencies	979/30500	97-0500-0-1-051	
Military construction, Army National Guard	211/52085	21-2085-0-1-051	
Military construction, Army National Guard	210/42085	21-2085-0-1-051	
Military construction, Army National Guard	219/32085	21-2085-0-1-051	
Military construction, Air National Guard	571/53830	57-3830-0-1-051	
Military construction, Air National Guard	570/43830	57-3830-0-1-051	
Military construction, Air National Guard	579/33830	57-3830-0-1-051	
Military construction, Army Reserve	211/52086	21-2086-0-1-051	
Military construction, Army Reserve	210/42086	21-2086-0-1-051	
Military construction, Army Reserve	219/32086	21-2086-0-1-051	
Military construction, Naval Reserve	171/51235	17-1235-0-1-051	
Military construction, Naval Reserve	170/41235	17-1235-0-1-051	
Military construction, Naval Reserve	179/31235	17-1235-0-1-051	
Military construction, Air Force Reserve	571/53730	57-3730-0-1-051	
Military construction, Air Force Reserve	570/43730	57-3730-0-1-051	
Military construction, Air Force Reserve	579/33730	57-3730-0-1-051	
North Atlantic Treaty Organization Infrastructure	97X0804	97-0804-0-1-051	

\$52,938,000

These accounts were the subject of a similar deferral during FY 1981 (081-98).

**Justification:**

The above amounts in the listed five-year appropriations are currently deferred under provisions of the Antideficiency Act (31 U.S.C. 665) which authorize the establishment of reserves for contingencies.

These funds are deferred due to administrative delays, such as project designs not being completed and incomplete coordination of projects with either other Federal agencies or local government agencies. Funds will be apportioned for individual projects throughout the year upon completion of project design and/or coordination.

\* Revised from previous report.

Deferral No. D82-8A

DEFERRAL OF BUDGET AUTHORITY  
Report Pursuant to Section 1013 of P.L. 93-344

Agency	Department of Defense - Civil	New budget authority	\$ 1,319,000*
Bureau		(16 U.S.C. 670f (a))	999,518*
Appropriation title & symbol		Other budgetary resources	2,318,518*
See coverage section below			
OMB identification code:		Amount to be deferred:	
See coverage section below		Part of year	\$ 1,029,518*
Grant program	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Entire year	
Type of account or fund:		Legal authority (in addition to sec. 1013):	
<input type="checkbox"/> Annual		<input checked="" type="checkbox"/> Antideficiency Act	
<input type="checkbox"/> Multiple-year	(expiration date)	<input type="checkbox"/> Other	
<input checked="" type="checkbox"/> No-year		Type of budget authority:	
		<input checked="" type="checkbox"/> Appropriation	
		<input type="checkbox"/> Contract authority	
		<input type="checkbox"/> Other	

Coverage 1/ \*

Appropriation	Symbol	OMB Identification Code	Amount Deferred
Wildlife Conservation, Army	21X5095	21-1500-0-1-303	\$758,583
Wildlife Conservation, Navy	17X5095	17-1501-0-1-303	114,619
Wildlife Conservation, Air Force	57X5095	57-1502-0-1-303	156,316
			\$1,029,518

Justification:

These are permanent appropriations. The budgetary resources consist of anticipated receipts and unobligated balances generated from hunting and fishing fees collected on military reservations, pursuant to 16 U.S.C. 670. They may be used only in accordance with the purpose of the law--to carry out a program of natural resources conservation.

These accounts were the subject of a similar deferral during FY 1981 (D81-9A)

\* Revised from previous report.

D82-8A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. D82-8, transmitted to the Congress on October 1, 1981.

This revision to a deferral of Department of Defense wildlife conservation funds increases the amount previously reported as deferred from \$596,663 to \$1,029,518. This net increase of \$432,855 is attributable to upward reestimates of receipts and adjustments in unobligated balances brought forward on October 1, 1981, and also reflects the previously-reported release of \$8,391 in this account.

D82-8A  
p. 2

Since apportionments have been made for all known program requirements, prudent financial management requires the deferral of the balance of the funds, which could not be used effectively during the current year even if made available for obligation. These funds are being deferred under the provisions of the Antideficiency Act (31 U.S.C. 665). Full apportionment is not requested by the Services because: (1) installations may be accumulating funds over a period of time to fund a major project, and (2) there is a seasonal relationship between the collection of fees and their subsequent expenditure. Most of the fees are collected during the winter and spring months, while most of the program work is performed during the summer and fall months. This necessitates that funds collected in a prior year be deferred in order to be available to finance the program during the summer and fall months. Additional amounts will be apportioned if program requirements are identified.

Estimated Effect:

This deferral has no programmatic or budgetary effect because the funds could not be obligated if made available.

Outlay Effect:

This deferral action has no effect on outlays.

D82-12A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. D82-12, transmitted to the Congress on October 1, 1981.

This revision to a deferral for the Alcohol, Drug Abuse and Mental Health Administration in the Department of Health and Human Services decreases the budgetary resources previously reported for the Construction and renovation, Saint Elizabeths Hospital account. This decrease is due to smaller unobligated balances brought forward into FY 1982 than originally estimated. This change does not affect the amount deferred, which remains \$11,500,000.

082-13A

Deferral No: 082-12A

DEFERRAL OF BUDGET AUTHORITY  
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Health and Human Services Bureau Alcohol, Drug Abuse, and Mental Health Administration Appropriation title & symbol Construction and Renovation, Saint Elizabeths Hospital 75X1312 J/	New budget authority (P.L. _____) 44,680,856* Other budgetary resources 44,680,856* Total budgetary resources Amount to be deferred: Part of year \$ _____ Entire year \$ 11,500,000
OMB identification code: 5-1312-0-1-551	Legal authority (in addition to sec. 1013): <input checked="" type="checkbox"/> Antideficiency Act <input type="checkbox"/> Other _____
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other _____
Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year _____ (expiration date) <input checked="" type="checkbox"/> No-year	

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. 082-13, transmitted to the Congress on October 1, 1981.

This revision to a deferral for the Office of the Assistant Secretary of Health in the Department of Health and Human Services decreases the budgetary resources for the Scientific Activities Overseas (special foreign currency program) by \$658,067. The decrease is due to smaller unobligated balances brought forward into FY 1982 than originally estimated. The amount deferred remains \$7,000,000.

Justification: Funds were provided in the Second Supplemental Appropriations Act, 1978 (P.L. 95-355), for the purpose of upgrading Saint Elizabeths Hospital to meet accreditation standards. In 1979 the Joint Commission on Accreditation of Hospitals granted a one year accreditation contingent upon implementation of the renovation plans. As a result of a recent 1981 accreditation survey, Saint Elizabeths Hospital was given a two-year accreditation. This deferral represents amounts not required for obligation in 1982, based on the current renovation schedule for the hospital. This deferral is consistent with Congressional intent to provide no-year funding for this project, and is taken under the provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effect: This deferral is consistent with current program plans for 1982. The amount deferred could not be economically used this fiscal year, if made available, due to the planned renovation schedule.

Outlay Effect: This deferral action has no effect on FY 1982 outlays.

This account was the subject of a similar deferral in FY 1981 (081-10A).

\* Revised from previous report.

D82-44A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. D82-44, transmitted to the Congress on October 20, 1981.

This revision to a deferral for the Social Security Administration in the Department of Health and Human Services revises the account title and symbol and the budgetary resources for the Cuban and Haitian Entrants, reception and processing account. The further continuing resolution, P.L. 97-92, provided for the merger of this account with the Cuban and Haitian Entrants, Domestic Assistance account, which is also the subject of a FY 1982 deferral (D82-45A). This report has been revised to reflect the budgetary resources available as a result of the merger. The revised budgetary resources include a decrease of \$9,733,128 in the reception and processing account. This decrease is attributable to a lower level of unobligated balances brought forward into FY 1982 than originally estimated.

This report also covers a decrease of \$2,500,000 from the original deferral of \$4,900,000. These funds were released to cover public health service costs in Puerto Rico. The remaining \$2,400,000 was temporarily withheld, and was released prior to the transmittal of this special message.

Deferral No: D82-13 A

DEFERRAL OF BUDGET AUTHORITY  
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Health & Human Services	Rev budget authority	\$ ---
Bureau Office of the Asst. Secretary for Health	(P.L. )	
Appropriation title & symbol	Other budgetary resources	14,341,933*
Scientific Activities Overseas (Special Foreign Currency Program)	Total budgetary resources	14,341,933*
75X1102 1/	Amount to be deferred:	
	Part of Year	\$ ---
	Entire year	7,000,000
OMB identification code: 75-1102-0-1-552	Legal authority (in addition to sec. 1013):	
	<input checked="" type="checkbox"/> Antideficiency Act	
	<input type="checkbox"/> Other	
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type of budget authority:	
Type of account or fund:	<input checked="" type="checkbox"/> Appropriation	
<input type="checkbox"/> Annual	<input type="checkbox"/> Contract authority	
<input type="checkbox"/> Multiple-year (expiration date)	<input type="checkbox"/> Other	
<input checked="" type="checkbox"/> No-year		

Justification -

The Scientific Activities Overseas Program of the Department of Health and Human Services (HHS) is funded with appropriations which consist of excess foreign currencies owned by the United States. The currencies of Egypt, Burma, Guinea, India, and Pakistan held by the Treasury have been designated as in excess of normal U.S. needs. Funds for this program, which remain available until expended, are used for scientific research projects in those countries.

The amount of funds to be obligated during FY 1982 and the amount to be deferred for the entire year were determined after a careful review of the scientific merit of project proposals in the countries for which excess currency is available. The research projects in those countries that will contribute toward meeting U.S. scientific needs have been selected for funding in FY 1982 by HHS. The amount being deferred is excess to current program requirements and is being reserved for contingencies under provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effect:

This deferral has no programmatic or budgetary effect because the funds would not be obligated if made available.

Outlay Effect:

This deferral action has no effect on FY 1982 outlays.

1/ This account was the subject of a similar deferral in FY 1981 (D81-11A).

\* Revised from previous report.

DEFERRAL OF BUDGET AUTHORITY  
Report Pursuant to Section 1013 of P.L. 93-344

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. D82-45, transmitted to the Congress on October 20, 1981.

This revision to a deferral of Cuban/Haitian Entrants, Domestic Assistance funds in the Department of Health and Human Services increases the amount previously reported as deferred from \$37,000,000 to \$48,397,575. This increase is attributable to an adjustment in unobligated balances brought forward on October 1, 1981. The adjustment was necessary because the actual amount of unobligated balances brought forward was \$11,397,575 higher than had been originally estimated. This report covers funds temporarily withheld and released prior to the transmittal of this report.

In addition, the further continuing resolution, P.L. 97-92, provided for the merger of this account with the Cuban and Haitian Entrants, Reception and Processing account, which is also the subject of a FY 1982 deferral (D82-44A). This report has been revised to reflect the change in account title and symbol and to show budgetary resources available as a result of the merger.

Agency Department of Health and Human Services	New budget authority (P.L. 97-92)	\$ 52,754,400*
Bureau Social Security Administration	Other budgetary resources	70,049,447*
Appropriation title & symbol	Total budgetary resources	122,803,847*
Cuban and Haitian Entrants, Domestic Assistance and Reception and Processing 7520175, 75X0175, 75X0174**	Amount to be deferred: Part of year	\$ 2,400,000*
	Entire year	
OMB identification code: 75-0174-0-1-609	Legal authority (in addition to sec. 1013): <input checked="" type="checkbox"/> Antideficiency Act	
Grant program <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other	
Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year (expiration date) <input checked="" type="checkbox"/> No-year		

Justification: \* Congress provided \$10 million in this appropriation for a Cuban and Haitian Entrants, Reception and Processing contingency reserve. A portion of this reserve was used to fund the FY 81 start-up and operations cost of Ft. Allen, Puerto Rico to relieve overcrowded camp conditions at Krome North, Miami, Florida. The remaining \$2,400,000 was temporarily held in reserve and was released prior to transmittal of this report. This deferral action was taken in accordance with the Antideficiency Act (31 U.S.C. 665)

Estimated Effects:

There will be no budgetary or programmatic effects as a result of this deferral action.

Outlay Effects:

This deferral action will have no effect on outlays.

\* Revised from previous report.

\*\* The continuing resolution (P.L. 97-92) provided for the merger of the Domestic Assistance account with the Reception and Processing account. The Domestic Assistance account is the subject of another FY 1982 deferral (D82-45A).

D82-19A

Deferral No: D82-45A

DEFERRAL OF BUDGET AUTHORITY  
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Health and Human Services	New budget authority (P.L. 97-92)	\$ 52,754,400*
Bureau Social Security Administration	Other budgetary resources	70,049,467*
Appropriation title & symbol	Total budgetary resources	122,803,867*
Cuban and Haitian Entrants, Domestic Assistance and Reception and Processing 7520475, 75X0175, 75X0174**	Amount to be deferred: Part of year	\$ 48,397,575*
	Entire year	
OMB identification code: 75-0175-0-1-609	Legal authority (in addition to sec. 1013):	<input checked="" type="checkbox"/> Antideficiency Act
Grant program <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Other
Type of account or fund: <input checked="" type="checkbox"/> Annual	Type of budget authority:	<input checked="" type="checkbox"/> Appropriation
<input type="checkbox"/> Multiple-year (expiration date)		<input type="checkbox"/> Contract authority
<input checked="" type="checkbox"/> No-year		<input type="checkbox"/> Other

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report revises Deferral No. D82-19 transmitted to the Congress on October 1, 1981.

The amount deferred for the United States Emergency Refugee and Migration Assistance Fund is \$35,142,784, an increase of \$99,484 over the amount previously reported as deferred. This increase results from higher unobligated balances than originally estimated.

Justification: Congress provided \$26 million in this appropriation for the Cuban and Haitian Entrants unaccompanied minor program in FY 1981. These funds were authorized to provide assistance, reimbursement to the States and make grants to, and contract with, public and private non-profit agencies for the care of these children. The Office of Refugee Resettlement (ORR) obligated only \$5.7 million in FY 1981 for this activity. Therefore, ORR is deferring \$20.3 million of carryover balances in FY 1982. An additional \$8 million in cash and medical assistance and social services funds were unobligated in FY 1981. Moreover, Congress provided a \$20 million contingency reserve for FY 1981 in the event that the original estimates for cash, medical, and State Administration were too low. None of these funds were obligated in FY 1981. These funds were temporarily withheld, but were released for obligation before this report could be transmitted. This deferral action was taken in accordance with the Antideficiency Act (31 U.S.C. 665).

Estimated Effects: There will be no budgetary or programmatic effect from this deferral.

Outlay Effect: There will be no change in outlays due to this deferral.

\* Revised from previous report.

\*\* The continuing resolution (P.L. 97-92) provided for the merger of the Domestic Assistance account with the Reception and Processing account. The Reception and Processing account is the subject of another FY 1982 deferral (D82-44A).

082-21A

Deferral No: 082-19A

DEFERRAL OF BUDGET AUTHORITY  
Report Pursuant to Section 1013 of P.L. 93-344

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of P.L. 93-344

This report revises Deferral No. 082-21, transmitted to the Congress on October 1, 1981.

This revision to a deferral of facilities and equipment funds in the Department of Transportation increases the amount deferred by \$164,729,966, from \$185,783,045 to \$350,513,011. The increase in this deferral is due to the additional budget authority provided by the Department of Transportation and Related Agencies Appropriation Act for 1982 (P.L. 97-102).

Agency Department of State Bureau	New budget authority (P.L.) \$ --- Other budgetary resources 36,648,826 Total budgetary resources 36,648,826
Appropriation title & symbol United States Emergency Refugee and Migration Assistance Fund, Executive I/ 11X0040	Amount to be deferred: Part of year \$ 35,142,784 Entire year
OMB identification code: 11-0040-0-1-151	Legal authority (in addition to sec. 1013): <input checked="" type="checkbox"/> Antideficiency Act <input type="checkbox"/> Other
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other
Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year (expiration date) <input checked="" type="checkbox"/> No-year	

Justification: Section 501(a) of the Foreign Relations Authorization Act, 1976 (Public Law 94-141) and Section 414(b)(1) of the Refugee Act of 1980 (Public Law 96-212) amended section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601) by authorizing a fund not to exceed \$50 million to enable the President to provide emergency assistance for unexpected urgent refugee and migration needs.

By Executive Order No. 11922 of June 16, 1976, the President allocated all funds appropriated to him for the Emergency Fund to the Secretary of State but reserved to himself the determination of assistance to be furnished and the designation of refugees to be assisted by the Fund.

The Emergency Fund contains \$36,648,826 in balances from prior-year authority. Of this amount, \$35,142,784 have been deferred consonant with the President's authority set out in Executive Order No. 11922 and to achieve the most economical use of appropriations. It is anticipated that reappropriations may be made case-by-case as the President determines assistance to be furnished and designates refugees to be assisted by the Fund. This deferral action is taken under the provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effect: There are no programmatic or budgetary effects resulting from this deferral.

Outlay Effect: This deferral action has no effect on FY 1982 outlays.

This account was the subject of a similar deferral during FY 1981. (081-37A).

\* Revised from previous report.

082-21A

Deferral No: 082-21A

FEDERAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Transportation Bureau Federal Aviation Administration	New budget authority (P.L. 97-102)	\$260,847,000*
Appropriation title & symbol Facilities and Equipment (Airport and Airway Trust Fund), FAA 1/	Other budgetary resources	380,266,011*
6928107 690/48107	Total budgetary resources	641,113,011*
698/48107 691/58107	Amount to be deferred:	\$ -0-
699/38107 692/68107*	Part of year	
	Entire year	350,513,011*
OMB identification code: 69-8107-0-7-402	Legal authority (in addition to sec. 1013):	<input checked="" type="checkbox"/> Antideficiency Act <input type="checkbox"/> Other
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type of account or fund: 698/28107 Sept. 30, 1982 699/38107 Sept. 30, 1983 690/48107 Sept. 30, 1984 691/58107 Sept. 30, 1985 (expiration date) 692/68107 Sept. 30, 1986 *	Type of budget authority: <input type="checkbox"/> Annual <input checked="" type="checkbox"/> Appropriation <input checked="" type="checkbox"/> Multiple-year <input type="checkbox"/> Contract authority <input checked="" type="checkbox"/> No-year <input type="checkbox"/> Other

Estimated Effects.

This deferral action is consistent with normal operation for this program. The amount deferred could not be economically used if made available in FY 1982 because of the planned multi-year procurement, construction, and installation cycle.

Outlay Effect.

There is no outlay effect because of this deferral since the funds could not be used if made available.

Justification\*

Funds from this account are used to procure specific Congressionally approved facilities and equipment for the expansion and modernization of the National Airspace System. Projects financed from this account include construction of buildings and purchase of new equipment for new or improved air traffic control towers, automation of the en route airway control system and expansion and improvement in the navigational and landing aid systems. These funds were appropriated in the Department of Transportation and Related Agencies Appropriation Acts of 1982 and prior years. The estimated total cost for each project is included in the budget submission and appropriation for the year in which it is requested. Because of the lengthy procurement and construction time for interrelated new facilities and complex equipment systems, it is not possible to obligate all funds necessary to complete each project in the year funds are appropriated. Therefore, it is necessary to apportion funds so that sufficient resources will be available in future periods to complete these projects. This deferral action is consistent with the Congressional intent to provide multi-year funding for the total costs of these projects and is taken under provisions of the Antideficiency Act (31 U.S.C. 655) which authorizes the establishment of reserves for contingencies.

1/ This account was the subject of a similar deferral in FY 1981 (D81-17B).

2/ None of these funds are deferred.  
\* Revised from previous report.

Deferral No: 192-221

DEFERRAL OF BUDGET AUTHORITY  
Report Pursuant to Section 1013 of P.L. 91-344

Agency President's Commission for the Study of Ethical Problems in Medicine	New budget authority (P.L. 97-92)	\$ 1,440,000
Bureau	Other budgetary resources	—
Appropriation title & symbol	Total budgetary resources	1,440,000
Salaries and Expenses 4823800	Amount to be deferred: Part of year	\$ —
	Entire year	262,000
OMB identification code: 48-3800-0-1-551	Legal authority (in addition to sec. 1013):	<input checked="" type="checkbox"/> Antideficiency Act
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type of budget authority:	<input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other
Type of account or fund: Annual <input checked="" type="checkbox"/> Multiple-year (Available through December 31, 1982) <input type="checkbox"/> No-year <input type="checkbox"/>		

Justification: The President's Commission for the Study of Ethical Problems in Medicine was established by P.L. 95-622 to study issues such as protection of human subjects in research activities and definitions of death. The Commission will make a final report of its findings to the President and the Congress upon completion of its study by December 1982. The further continuing resolution for 1982 (P.L. 97-92) provides \$1,440,000 to fund the Commission through FY 1982 and the first quarter of FY 1983. The amount to be deferred, \$262,000, will be released to the agency in October 1982 to cover FY 1983 obligations incurred during the close-out of the Commission.

This deferral action is taken in accordance with the Antideficiency Act (31 U.S.C. 665).

Estimated Effects: This deferral action has no impact on FY 1982 activities and provides for the availability of funds to close out the Commission.

Outlay Effect: This deferral action has no impact on outlays.

Deferral No: 192-220

DEFERRAL OF BUDGET AUTHORITY  
Report Pursuant to Section 1013 of P.L. 91-344

Agency Department of Transportation	New budget authority (P.L. 97-102)	\$ 17,441,000
Bureau Research and Special Programs Administration	Other budgetary resources	5,193,048
Appropriation title & symbol	Total budgetary resources	22,634,048
Research and Special Programs 69X0104 6920104 1/	Amount to be deferred: Part of year	\$ —
	Entire year	1,050,000
OMB identification code: 69-0104-0-1-907	Legal authority (in addition to sec. 1013):	<input type="checkbox"/> Antideficiency Act
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type of budget authority:	<input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other
Type of account or fund: Annual <input checked="" type="checkbox"/> Multiple-year (expiration date) <input type="checkbox"/> No-year <input checked="" type="checkbox"/>		

Justification: This appropriation provides for the conduct of advanced research and technology. This program seeks to improve the national transportation system by the investigation of basic transportation theories and concepts, multimodal technologies and energy efficiencies, and the movement of goods through terminal areas including the development of multimodal terminals. As part of the President's overall effort to reduce federal spending, \$1,050,000 is being deferred in this program.

Estimated Effects: There are no programmatic impacts upon the current mission or activities resulting from this deferral.

Outlay Effects: This deferral action will shift \$5.6 million in FY 1982 outlays into 1983.

1/ None of these funds are deferred.

[FR Doc. 82-2082 Filed 1-26-82; 8:45 am]

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# Reader Aids

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**AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK**

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
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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**

**Note:** No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing January 6, 1982



