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Monday,
February 1, 1982

Highlights

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4508 **Income Taxes** Treasury/IRS provides special rule for deduction of certain charitable contributions of inventory and other property.

4640 **Armed Forces** SSS revises regulations on deferment or exemption from military service. (Part II of this issue)

4541 **Motor Vehicle Safety** DOT/NHTSA proposes changes to informational readout display regulations for occupant crash protection.

4493 **Natural Gas** DOE/ERA issues interim rule on sale and direct industrial use of natural gas for outdoor lighting.

4626 **Grant Programs—Juvenile Delinquency** Justice/JJDPO announces supplemental financial assistance for delinquency problems in insular areas.

4521 **Government Property** GSA amends regulations on utilization and disposal of real property.

4535 **Foreign Aid** IDCA/AID extends comment period on regulations clarifying registration of agencies for voluntary foreign aid.

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 987

Domestic Dates Produced or Packed in Riverside County, California

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule will establish a revision of the container regulations prescribed for DAC dates of any variety handled in the United States and Canada under the Federal marketing order for California dates. This action will allow handlers to ship such dates to Canadian markets free of the container regulations and give handlers more shipping flexibility.

EFFECTIVE DATE: February 1, 1982.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447–5697.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA guidelines implementing Executive Order No. 12291 and Secretary's Memorandum 1512–1 and has been classified a "non-major" rule under criteria contained therein.

William T. Manley, Deputy Administrator, Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities because it would result in only minimal costs being incurred by the 17 regulated handlers.

It is found that good cause exists for not postponing the effective time of this action until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because (1) This action would allow handlers to ship DAC dates to Canadian markets free of container requirements and should be in effect promptly to enable them to compete more effectively in Canadian markets; (2) this action relieves restrictions on handlers; and (3) no useful purpose would be served by delaying the effective date of this action.

Notice inviting written comments on this action was published in the **Federal Register** on December 23, 1981 (46 FR 62280). None was received.

This action would revise § 987.112a(b)(3) of Subpart—Administrative Rules (7 CFR 987.101–987.172). This section is issued under §§ 987.12, 987.43, and 987.48 of the marketing agreement and Order No. 987 (7 CFR Part 987), both as amended, regulating the handling of domestic dates produced or packed in Riverside County, California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action was recommended unanimously by the California Date Administrative Committee, hereinafter referred to as the "Committee" which works with USDA in administering the order.

Section 987.112a(b)(3) prescribes consumer sizes of plastic containers, in terms of net weight content, that handlers must use when they package DAC dates in such containers for handling in domestic and Canadian markets. Some foreign competitors have been selling consumer-sized plastic containers of dates in Canada weighing slightly less than the containers of dates domestic handlers are required to ship under the current regulation. This places domestic handlers at a competitive disadvantage because the foreign competitors are able to sell at a slightly lower price.

Section 987.12 of the order defines DAC dates to be marketable whole or pitted dates that are inspected and certified as meeting the grade, size, container, and identification requirements established by the Committee, with the approval of the Secretary, for a specific variety for handling in the United States and Canada.

Section 987.43 of the order authorizes the Committee, with the approval of the Secretary, to modify the designations specified in § 987.12 to reflect new regulatory requirements needed because of changes in marketing conditions. To give domestic handlers more shipping flexibility and to allow them to compete more effectively with other foreign suppliers in Canadian markets, the container regulation in § 987.112a(b)(3) should not apply to DAC dates of any variety shipped to Canada.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Committee, and other available information, it is further found that the revision of § 987.112a(b)(3) of Subpart—Administrative Rules (7 CFR 987.101–987.172) will tend to effectuate the declared policy of the act.

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIFORNIA

Therefore, § 987.112a(b)(3) of Subpart—Administrative Rules (7 CFR 987.101–987.172) is revised to read as follows:

§ 987.112a Grade, size, and container requirements for each outlet category.

* * * * *

(b) * * *

(3) DAC dates of any variety, when packed in plastic containers, other than bags and master shipping containers, shall contain a net weight (i) for whole dates, of either eight ounces, twelve ounces, 1 pound 8 ounces, or more than two pounds, and (ii) for pitted dates, of either ten ounces, one pound, one pound eight ounces, or more than two pounds. DAC dates packed in other than plastic containers may be handled without regard to the net weight content. For the purpose of this subparagraph, "plastic container" means any containers of any shape made from plastic and in which dates are packed without the use of cardboard boats, trays, or other like stiffening material: *Provided,* That DAC dates shipped for sale in Canada in plastic containers are exempt from the net weight requirements of this subparagraph.

* * * * *

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

Dated: January 27, 1982.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 82-2511 Filed 1-29-82; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 2

Amendment To Provide Exception From Procedural Rules for Adjudications Involving Conduct of Military or Foreign Affairs

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is readopting that part of its "Rules of General Applicability" for the conduct of adjudicatory proceedings in 10 CFR Part 2 which provides an exception from those rules for adjudications involving the conduct of military or foreign affairs functions. The rule, 10 CFR 2.700a, has been restated to reflect the Commission's intent that the exception it provides may be applied to pending proceedings. This exception permits the Commission to exercise greater flexibility in fashioning procedures for proceedings involving military or foreign affairs functions pursuant to the exception stated in the Administrative Procedure Act (APA) at 5 U.S.C. 554(a)(4).

EFFECTIVE DATE: February 1, 1982.

FOR FURTHER INFORMATION CONTACT: Marjorie S. Nordlinger, Office of the General Counsel, Nuclear Regulatory Commission, Washington, D.C. 20555, phone 202-634-3214.

SUPPLEMENTARY INFORMATION: The Commission has readopted that part of its rules governing procedure for adjudications in subpart G of 10 CFR Part 2 which provides an exception from those rules for proceedings to the extent that there is involved the conduct of military or foreign affairs functions. In readopting that exception stated at 10 CFR 2.700a, the Commission has explicitly provided that the rule shall apply to Nuclear Regulatory Commission (NRC) proceedings in progress where hearings have already been requested or ordered.

On September 30, 1981 the Commission published notice of its intent to reconsider 10 CFR 2.700a. 46 FR 47799. The Commission specifically requested comment on the exception itself and regarding the issue of whether the rule, if readopted, is applicable to pending proceedings. *Id.* at 47800.

Five commenters responded to the Commission's notice. They are: Americans for Democratic Action (ADA); Natural Resources Defense Council (NRDC); Ms. Suzanne Sherbondy, an individual who is affiliated with NRDC; the Department of Energy (DOE); and Nuclear Information and Resource Service (NIRS).

The Department of Energy favored retention of the rule and its application to pending proceedings. DOE supported this view with specific reference to several facilities regulated by NRC where military functions of the United States are involved and thus where procedural flexibility is desirable. In DOE's view the Commission correctly applied its rule to a pending proceeding and reconsideration was not warranted. ADA commented that the rule was unnecessary because the APA exception which it duplicates is already applicable to NRC proceedings. ADA commented further that on the facts stated by NRDC it believed the rule was "probably not applicable" to the Erwin matter and would be likely to be similarly misapplied in the future. The three other commenters flatly opposed the rule, taking the further position that if retained it should be clarified and limited in application and in any event should not be applied to pending matters. NIRS recommended specifically that the rule should require as a condition for application that "the commercial plant in question has, under rare and unusal circumstances, direct military involvement, such as may be the case in time of war; or, if the Department of State or the President should deem a certain activity necessary to conduct foreign affairs at a particular point in time."

On consideration of these comments the Commission has not been persuaded to repeal its rule or to bar its application to the already noticed hearing on NFS Erwin's license amendment which has been stayed by order of the United States Court of Appeals for the District of Columbia, in *Natural Resources Defense Council* v. *Nuclear Regulatory Commission,* Nos. 80-1845 and 1846. Accordingly, the Commission readopts the rule as stated to apply to pending proceedings.

Readoption of the Rule

The essential point made by the Commission in originally adopting the rule was that doing so explicitly provided the administrative flexibility intended for any or every government agency when military or foreign affairs of the United States are involved in administrative adjudications. Two arguments that go to the merits of NRC's adopting such a rule have been made by commenters opposing the rule: (1) That NRC has no military or foreign affairs functions to which it is applicable, (2) that the rule is unnecessary because it duplicates and exception already available in the Administrative Procedure Act. Also, some commenters suggested that if NRC should decide to include the APA exception in its rules, some restrictive language going beyond the bare language of the APA should be included.

Regarding the first, as DOE has argued in its comments, NRC licensing actions at several facilities present at least the possibility of involvement of military functions of the United States. NRC licensing proceedings may, depending on the nature of the licensed activity, "involve" military or foreign affairs functions even though licensing itself is not actually regarded as a military or foreign affairs function. In the NFS Erwin matter the Commission has specifically decided that military functions are involved. Although export decisions are not subject to the agency's adjudicatory process, regulatory proceedings at domestic facilities admit the possibility of foreign affairs involvement, for example, where facilities are subject to International Atomic Energy Agency (IAEA) inspection or where materials in transit are covered by our rules. See e.g., 10 CFR Part 75.

Moreover, whether or not it now appears that NRC has regulatory resonsibilities involving military or foreign affairs functions, it is entirely reasonable for the Commission to incorporate in its rules the full flexibility provided by the APA and made applicable to its proceedings by Section 181 of the Atomic Energy Act of 1954, as amended. 42 U.S.C. 2231. This is true so that it will be clear that this exception is applicable in the event of a military or foreign affairs involvement.

Regarding the second argument, we concur with both ADA's statement that the rule duplicates a provision of the APA and ADA's implication that therefore it not only is but has been available to the Commission. Nonetheless, in order to clarify that this is the case and to have all rules including exceptions for adjudicatory procedures available in one place, the Commission adheres to the course of retaining rule § 2.700a in its rules of practice.

Just as there can be no serious doubt about the appropriateness of the Commission's incorporating an APA

provision into its own rules of practice, there can be no doubt about the appropriateness of doing so *verbatim*. The Commission does not therefore accept some commenters' recommendations to incorporate in the Commission's rule limitations that go beyond the bare language of the APA and arguably nullify its intent that wherever *military* functions are involved the rule is applicable. Had Congress intended this rule to be limited to time of war it may be presumed to have so stated.

Doubtless in the course of application of the rule the Commission will explore the bounds of the rule case by case as the subject matter requires. This process is clearly preferable to imposing unintended limits at the threshhold.

Application to Pending Proceedings

With the exception of NRDC no commenter provided views that addressed the applicability of the rule to a pending proceeding or to the NFS Erwin proceeding as a pending proceeding. Those who commented negatively did so essentially on the basis that the NFS Erwin proceeding does not involve military functions. As we stated above, the Commission has decided that issue otherwise and the United States Department of Energy concurs in that view.

NRDC reiterated the position that it has taken from the first that application of the rule is impermissible as it will prejudice NRDC's rights in an ongoing matter. As it argued in its briefs before the D.C. Circuit which were submitted as comment in this rulemaking, NRDC finds prejudice in the loss of expected rights to discovery the cross-examination. Presumably NRDC would argue on this basis that the rule may not legally be applied to any pending adjudication.

The Commission's position is that NRDC's view of the law on application of procedural rules to pending matters is erroneous. Nonetheless, the issue is before the Court of Appeals for the D.C. Circuit and will be resolved there. In that proceeding the Commission has briefed its response to NRDC's legal arguments. It is sufficient here to state that in the Commission's view a change in hearing format will not preordain the outcome of the NFS Erwin proceeding and will work no prejudice on NRDC in that proceeding.

As a general matter, the Commission believes it would be acting unwisely to preclude its use of the military or foreign affairs exception in any adjudication now pending in the event that a matter of military or foreign affairs were to become implicated. Such action would be contrary to Congressional intent. Congress indicated that the exception should be exercised by providing that *in any agency* those matters qualifying for the exception *are excluded* from coverage of the APA adjudicatory rules.

Good Cause for Immediate Effectiveness

The Commission's readoption of 10 CFR 2.700a in the proposed form including a slightly modified provision permitting application to pending proceedings is made effective on publication for the following reasons.

First, the rule is not substantive but is procedural in nature. Second, the only persons who would be affected by immediate effectiveness of the rule are the parties in the NFS Erwin proceeding. Those parties have long been on notice of the Commission intentions and immediate effectiveness imposes no additional burden on them.

Separate and Additional Views of Commissioners

1. Separate Views of Commissioner Gilinsky

The NRC does not need this rule. This agency and its predecessor, the AEC, have functioned for more than twenty-five years without such a rule, with no descernible detriment to the military and foreign affairs matters which have been subject to their jurisdiction. Our regulations are adequate to protect classified information in our proceedings; our review of exports is already statutorily exempt from the adjudicatory provisions of the Administrative Procedures Act. It is clear that this rule was proposed in 1980 [1] solely to limit the public inquiry into the Commission's decision to relax the material accounting standards applicable to the NFS Erwin facility, which is involved in the production of nuclear fuel for the Navy. This decision followed the discovery that the Erwin facility was unable to satisfy the NRC material accounting requirements for potential bomb material.

There is little question that if the NFS Erwin facility had been handling nuclear material intended for civilian use its license would have been revoked. However, because the operations of this facility are ultimately dictated by the needs of the Navy, without regard to whether or not NRC requirements are met, the NRC staff suggested transferring responsibility for the oversight of this facility to the Assistant Secretary for Defense Programs at the Department of Energy. I agreed with the staff's suggestion; it would have ensured that DOE, which has effective control over the operations of the facility, would also have responsibility for the manner in which it is operated. This would have brought the NFS Erwin plant under the same system of oversight which applies at other national security facilities. The Commission decided on another course. It relaxed the applicable material accounting requirements to a level the facility was thought to be able to meet. This retained the appearance of compliance with NRC safeguards requirements and masked the fact that real control over the plant had been transferred to DOE.

After making its decision, the Commission offered an opportunity for a hearing. When one was requested by the Natural Resources Defense Council, the Commission appears to have belatedly realized that the adjudicatory hearing normally held in these circumstances would subject its decision to too searching a review. It then attempted, without providing notice or an opportunity for comment, to adopt a rule excepting military and foreign affairs functions from the usual adjudicatory procedures, which it intended to apply retroactively to the NFS Erwin case. That effort floundered on the implausibility of arguing that the adoption of a military and foreign affairs exception rule was itself a military or foreign affairs matter exempt from the normal rulemaking provisions of the APA. Although the Commission has now remedied that legal defect, the courts may still look askance at its efforts to apply this rule retroactively to the NFS Erwin case to deprive the parties of their procedural rights.

More importantly, in its haste to deal with the NFS Erwin hearing, the Commission has not considered where and how to apply this rule. For example, would a hearing to license a waste disposal facility be subject to this rule because some of the waste is of military origin? The rule should not be applicable to such a case, but the test of the rule does not preclude such application. At a minimum, the rule should be modified to make it clear that the normal adjudicatory procedures may only be waived where such a waiver is essential and conduct of military or foreign affairs functions is directly at issue.

One of my reasons for arguing, a year and a half ago, that the Department of Energy should assume authority over NFS Erwin was that the NRC's efforts to bend its requirements in order to accommodate DOE would tend to undermine NRC's regulatory process as it applies to other facilities. This is, in fact, what I see happening. The right

[1] Federal Register, Vol. 45, No. 130, p. 45253, July 3, 1980.

course is still to transfer oversight authority over this plant to the Department of Energy so that responsibility can be joined with authority.

2. Separate Views of Commissioner Bradford

Once again the Commission is taking action that its attorneys had, back when they still had freedom of choice in the matter, advised strongly against.[2] While the agency now implicitly acknowledges the illegality of its original pretense that the promulgation of a military affairs exemption is itself a military function,[3] that bizarre notion's day in the sun still sets the tone for this rulemaking. Three issues remain: (1) Do we need the military and foreign affairs exemption, and, if so, the one proposed? (2) Does the Erwin matter involve a military function? (3) Should the rule apply retroactively?

We obviously do not "need" this rule for any wise purpose. The agency has functioned smoothly for decades, during which the country has fought some wars, considered others and probably deterred a few more without the rule's absence being noticed at all. Nor does anything in the present state of the world seem likely to make its absence the missing horseshoe nail of some future conflict.[4]

Nonetheless, comment having been sought, the Commission has the power to adopt this rule, and even to do so in the form and manner proposed. Still, the fact that alcoholics have the right to buy liquor does not make them wise to do so, especially in the absence of substantial restraining forces. Despite the clear penchant for overindulgence that the NRC has demonstrated in this area, no such restraints on the use of the military functions exemption are imposed. Given what its brief history and its present use reveal about the temptations that it offers, the limits proposed by the commenters should have been adopted.

A more serious legal question is whether this exemption is properly applied to NRC regulation at Erwin. The Erwin facility has as its sole purpose the processing of highly enriched uranium for fuel in the nuclear submarine program. However, it is privately owned and operated, and its output goes to another private company before being transferred to the Navy. The employees are all civilians. The contractor is the Department of Energy (not Defense). The DOE involvement in nuclear matters is the *civilian* jurisdiction deliberately created by the Congress in the Atomic Energy Act of 1946, reaffirmed once in the Atomic Energy Act of 1954, again in the Energy Reorganization Act of 1974 and again in the 1978 legislation creating DOE. Throughout these 35 years, the Atomic Energy Commission/DOE nuclear jurisdiction has been civilian until the point at which a product is turned over to the military. Thus, Erwin is clearly on the civilian side of the line.

The civilian nature of the function at issue here is reinforced by the fact that the Navy's fuel supply is not in jeopardy. Neither classified information nor DOE submissions contravene this point. The conditions for Erwin's continued operation may be at issue (including whether a new facility should replace it), but the fueling and running of the submarines are not. It is the submarines and the security of their fuel that are the military function. The regulation of the conditions surrounding but not essential to these functions is emphatically non-military. To misunderstand this is to misunderstand the Congressional motive in establishing civilian control of nuclear matters in the Atomic Energy Act and in narrowly circumscribing the military affairs functions exemptions.[5] Furthermore, this blurring of the distinction invites similar sleight-of-hand in many other contexts to shield from adjudicatory inquiry or from the Administrative Procedue Act chains of defense procurement activities that are many steps removed from any military functions.

The final question, if our regulation at Erwin is found to be a military function, is whether the NRC should or can apply its new rule in a proceeding originally offered under a different set of rules. It is here that the agency continues to ignore aspects of the advice furnished by its two legal offices from March until June, 1980.

The first half of the question is easy—the Erwin proceeding is of precisely the sort to which adjudicatory processes are essential. The extent to which the public is adequately protected by the measures that the Commission now employs at the Erwin facility flows directly from narrow questions of fact having to do with, for example, statistical and measuring capabilities, potentials for theft, past shortcomings, and the costs and benefits of a new facility.[6] The wisdom of continuing the 1979 relaxation in light of DOE's failure to move toward an alternative facility is very much in doubt and rests entirely on our capability to detect and prevent diversion of material that can be used to make atomic bombs. The ultimate conclusion may be one of policy,[7] but it will be based heavily on material facts that are very likely to be contested. Therefore, the NRC's own interest in a reliable record is best served by a hearing, involving discovery and cross-examination, of the type that it first offered to NRDC in February, 1980.[8]

Since I have concluded that an adjudicatory hearing should be offered by choice, I need not decide whether the law requires us to do so. The NRDC will clearly be disadvantaged without adjudicatory procedures, for the essential information is in the possession of parties who have shown themselves to be reluctant to share it. The NRC has always viewed cross-examination and discovery as substantive rights. Whether the NRC may now inflict substantive disadvantage by alleging a lack of prejudicial reliance in a proceeding in

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[2] *Nuclear Fuel Services, Inc.*, 11 NRC 799, 809, Note 3 (June, 1980). I should note that making internal agency legal advice public is not our normal practice. Indeed, the June, 1980 decision represents the only time in the more than four years of my term that I have done so. I took the step on that occasion only because the Commission, immediately *after* its Secretary had announced its vote, extracted a public statement from its General Counsel that its action had been "legal" despite his previous advice putting that proposition at least very much in doubt.

[3] *Ibid.* pp. 809–810.

[4] The conduct of foreign affairs will also continue uninterrupted without this rule. NRC export licensing decisions are already exempted from the Administrative Procedure Act by statute.

[5] Legislative History of the Administrative Procedure Act, S. Doc. No. 248, 79th Congress 2d Sess. 199 and 267 (1946).

[6] In this context, I should note that my 1979 concurrence in the original relaxation of limits at Erwin was premised on a good faith study within one year of the feasibility of a new facility. Such a study was requested in the NRC's February 20, 1980 letter to DOE Under Secretary John Deutch and was committed to in Deutch's March 13 reply. No such study has been conducted.

In retrospect, I believe that Commissioner Gilinsky's suggestion that surveillance of the facility be vested in DOE (11 NRC 807–8) may well have been correct. The useful purpose that I saw in retaining jurisdiction was the potential to compel significant improvement, for this is dangerous material to lose track of. However, I doubt the usefulness of a regulatory regimen that functions as tolerantly as this one does now.

[7] See the views of Commissioner Ahearne at 11 NRC 799, 812–816. His suggested "stipulation of as many facts as possible" [at 816] is a desirable step, but one that would be considerably aided by the certainty of an adjudicatory hearing for issues of material fact on which no stipulation had been reached.

[8] The Commission has dropped the ill-considered language in the original rule implying that protection of classified information was at issue here, but the Department of Energy has sought to keep up the pretense in its comments. The fact is that our present rules give ample authority to assure that no classified information falls into unauthorized hands as a result of any type of NRC proceeding. Classified information will be fully protected in any type of proceeding whether or not this rule is adopted.

which it has managed to stall off significant progress for two years is for the courts to decide. Such a course is certainly unwise and unfair. It would not be cause for regret if it turns out also to be illegal.

3. Additional Views of Commissioner Ahearne

I disagree with many of Commissioner Bradford's comments. To repeat points which have been made in the past: The General Counsel did advise that the Commission's actions were legal,[9] the fuel supply for the Naval Nuclear Propulsion Program is directly affected,[10] and although the Commission offered a hearing, it did not specify an adjudicatory hearing and a majority agreed that under the circumstances a modified legislative hearing before the Commission was more appropriate than a formal adjudicatory hearing before a Licensing Board.[11]

Regulatory Flexibility Statement

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this rule change would not have a significant economic impact on a substantial number of small entities. The rule change would affect the Commission's procedures by permitting informal procedures where military functions of the United States are involved. Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and Sections 552, 553, and 554 of Title 5 of the United States Code, notice is hereby given that the Commission is reconsidering its now stayed adoption of the following amendment to Title 10, Chapter 1, Code of Federal Regulations, Part 2.

Paperwork Reduction Act Statement

Pursuant to the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511), the NRC has made a determination that this proposed rule would not impose new recordkeeping, information collection, or reporting requirements.

PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSE PROCEEDINGS

1. The authority citation for Part 2 is revised to read as follows:

Authority: Secs. 161p and 181, Pub. L. 83–703, 68 Stat. 950 and 953 (42 U.S.C. 2201(p) and 2231); sec. 191, as amended, Pub. L. 87–615, 76 Stat. 409 (42 U.S.C. 2241); sec. 201, as amended, Pub. L. 93–438, 88 Stat. 1242 (42 U.S.C. 5841); 5 U.S.C. 552; unless otherwise noted. Sections 2.200–2.206 also issued under sec. 186, Pub. L. 83–703, 68 Stat. 955 (42 U.S.C. 2236) and sec. 206, Pub. L. 93–438, 88 Stat. 1246 (42 U.S.C. 5846). Section 2.700a is also issued under Pub. L. 89–554, 80 Stat. 384 (5 U.S.C. 554). Sections 2.800–2.808 also issued under 5 U.S.C. 553. Section 2.809 also issued under 5 U.S.C. 553 and Sec. 29, as amended, Pub. L. 85–256, 71 Stat. 579, and Pub. L. 95–209, 91 Stat. 1483 (42 U.S.C. 2039).

2. Section 2.700a is revised to read as follows:

§ 2.700a Exceptions.

(a) Consistent with 5 U.S.C. 554(a)(4) of the Administrative Procedure Act, the Commission may provide alternative procedures in adjudications to the extent that there is involved the conduct of military or foreign affairs functions.

(b) This rule shall apply to proceedings in progress where hearings have already been requested or ordered as well as to future proceedings.

Dated at Washington, D.C. this 26th day of January 1982.

For the Nuclear Regulatory Commission.

John C. Hoyle,

Assistant Secretary of the Commission.

[FR Doc. 82–2528 Filed 1–29–82; 8:45 am]

BILLING CODE 7590–01–M

[9] The following exchanges took place at the affirmation session on June 26, 1980.

Concerning the immediately effective rule to exempt from Part 2 adjudications relating to military and foreign functions: "Chairman Ahearne: Mr. Bickwit, may I ask you a legal judgment since I read at least one of the dissents. Is this a legal action you're [sic] taking?

"Mr. Bickwit: Yes, I believe they are."

Affirmation session, transcript at 6 (June 26, 1980).

Concerning the Commission order and notice of hearing: "Chairman Ahearne: I would like to ask the General Counsel the same question. Is this a legal action?

"Mr. Bickwit: I do believe it is. Yes."

Affirmation session, transcript at 8 (June 26, 1980).

[10] In reaching its initial decision concerning Erwin, the Commission specifically noted "the essential role of the NFS-Erwin facility in supplying material for the Naval nuclear propulsion program and thus for the common defense and security." Memorandum from S. J. Chilk, Secretary to L. V. Gossick, EDO (January 21, 1980) (memorandum documenting Commission decision). A more precise description of the connection is difficult because it would involve classified material.

[11] *Nucleor Fuel Service, Inc.* (Erwin, Tennessee), CLI–80–27, 11 NRC 799 (1980). Two fundamental issues raised by this licensing action are (1) the value of NRC review of DOE activities, and (2) the propriety of trading material control and accounting measures for physical security given non-proliferation concerns about the international precedent. These are basically policy issues which only the Commission can decide and which must be decided in light of the defense policy considerations.

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 516

[Docket No. ERA–R–79–6–A]

Sale and Direct Industrial Use of Natural Gas for Outdoor Lighting; Amendments to Final Rule and Notice of Public Comment Period

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Interim final rule; request for comments.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of the issuance of the Interim Final Rule on the Sale and Direct Industrial Use of Natural Gas for Outdoor Lighting, reflecting the amendments proposed by ERA on November 2, 1981 (46 FR 54378). The regulatory amendments are required by the amendments to section 402 of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.*, (FUA or the Act), made by section 1024 of the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35, August 13, 1981 (OBRA or the FUA amendments). ERA is also hereby giving notice of a public comment period in this rulemaking proceeding to March 18, 1982. The Interim Final Rule will become effective January 30, 1982; a Final Rule will be issued after the close of the comment period.

DATES: Effective date of Interim Final Rule: January 30, 1982. Written comments are due by March 18, 1982.

ADDRESSES: Comments are to be addressed to: The Office of Fuels Programs, Economic Regulatory Administration, Department of Energy, Room 6114, 2000 M Street, NW., Washington, D.C. 20461.

Comments and the outside of the envelope in which they are transmitted should be marked "Amendments to the Outdoor Natural Gas Lighting Rule."

FOR FURTHER INFORMATION CONTACT:

Robert L. Davies, Director, Conversion Division, Economic Regulatory Administration, Department of Energy, Room 6128, 2000 M Street, NW., Washington, D.C. 20461, (202) 653–3372

Cliff Tomaszewski, Conversion Division, Economic Regulatory Administration, Department of Energy, Room 6114–E, 2000 M Street, NW., Washington, D.C. 20461, (202) 653–3313

Marya Rowan, Office of the General Counsel, Department of Energy, Room 6B–178, 1000 Independence Avenue,

SW., Washington, D.C. 20585, (202) 252–2967

SUPPLEMENTARY INFORMATION:

I. Background

The Final Rule on the Sale and Direct Industrial Use of Natural Gas for Outdoor Lighting (10 CFR Part 516, 44 FR 27606, May 10, 1979) (Final Rule) was issued by the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) on May 3, 1979, to implement section 402 of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* The Final Rule, as required by section 402, prohibited local natural gas distribution companies from supplying natural gas for outdoor lighting by residential, municipal, or commercial customers and prohibited direct industrial users from using natural gas for outdoor lighting. Also as required by FUA, local distribution companies and direct industrial users were prohibited from installing new natural gas outdoor lighting fixtures (10 CFR 516.20).

On August 13, 1981, the Omnibus Budget Reconciliation Act of 1981 was enacted. Section 1024 of the act made certain amendments to section 402 of FUA. Specifically, those amendments (1) lift the prohibition on the supplying of natural gas for use in outdoor residential lights installed prior to and in service on November 9, 1978; (2) require local distribution companies to select and develop a method to periodically inform their customers of the amount of natural gas used for outdoor lighting and the annual cost thereof; (3) require local distribution companies to report the method selected to the Secretary of Energy; and (4) require the Secretary of Energy to propose and promulgate rules relating to customer notification and reports to the Secretary of Energy. Under the prior law, residential outdoor lights could not be supplied with natural gas after January 1, 1982. Although the FUA amendments permit those residential fixtures in service on November 9, 1978 to continue to be supplied with fuel by their local distribution companies, they require those companies to inform their customers of the annual cost of outdoor lighting "for the purpose of discouraging the use of outdoor lighting * * *".

ERA, as required by the amended section 402(f)(2) of FUA, proposed by notice of November 2, 1981 (46 FR 54378) to amend the Final Rule (Part 516) to (1) reflect the statutory rescission of the prohibition on local distribution companies supplying natural gas for residential outdoor lighting that was being supplied when FUA was first enacted; and (2) as required by the FUA amendments, implement the statutory provisions relating to customer notification of the amount and annual cost of natural gas used in outdoor lights and local distribution companies' reports on their customer notification methods. ERA's proposed notification and reporting regulations were intended to provide local distribution companies and the appropriate state regulatory authorities' maximum flexibility in complying with the new statutory requirements with the least possible burden.

ERA is, by this notice, announcing its issuance of the amendments proposed on November 2, 1981, as an interim final rule, effective January 30, 1982, and is also announcing a public comment period to March 18, 1982. ERA has found that good cause exists for this course of action as it (1) enables ERA to comply with section 1024 of OBRA which requires that the proposed amendments shall take effect not later than the ninetieth day after they are proposed while affording the public an opportunity for the submission of additional comment; and (2) it facilitates the removal of a restriction, consistent with the Administration's policy of relieving the private sector of unnecessary regulatory burdens. ERA believes a comment period is warranted in view of the brief initial comment period made necessary by ERA's need to comply with the OBRA time schedule, a fact which may have restricted or discouraged some public participation in the rulemaking proceeding.

II. Discussion of Comments and ERA Response

ERA received a number of comments generally supporting its proposed amendments as positive steps on the part of the Federal government to remove unnecessary burdens from individual citizens and as reasonable implementation of the residential outdoor natural gas lights prohibition repeal. ERA's efforts to fashion regulations that reflect the new statutory requirements while affording the maximum compliance flexibility to the regulated entities received particularly favorable review. Other comments, although also generally supportive, suggested revisions to ERA's proposals or raised pertinent issues related to the rulemaking proceeding for ERA's consideration. The significant comments and ERA's response thereto are discussed below.

A. *Section 516.51—Customer Notification of amount and annual cost of natural gas used in outdoor lights.*—(a) Comments on subparagraph (a) called ERA's attention to the fact that some local retail distribution companies do not, for one reason or another, have any outdoor gas lights on their systems. It was felt that, for such companies, the customer notification requirement would serve no useful purpose and should be waived in favor of a one-time only statement or certification of this fact by the company to its appropriate state regulatory authority. While section 402(f)(1) of FUA indicates that the notification requirement is applicable to all local distribution companies subject to subsections (a) and (b), ERA believes that Congress did not intend to place a regulatory burden on companies where such regulation would not contribute to achieving the desired result of decreasing natural gas use for unnecessary outdoor lighting. ERA considered these facts in reaching this conclusion: (1) Section 402(a) places a total prohibition on installations of new gas lights by local distribution companies. Accordingly, companies with no natural gas outdoor lights now on their systems cannot be expected to have any such new lights installed on their systems in the future. (2) Although, in a previous rulemaking involving Part 516, ERA stated that the prohibition on the installation of new lights does not prevent the replacement of existing fixtures that are in service pursuant to an exemption (or otherwise permitted by law, such as under the new FUA amendments) (45 FR 35206, May 23, 1980), companies with no currently existing natural gas lights have nothing to replace in the future. Therefore, ERA cannot see how annual customer notification would fulfill the expressed Congressional intent of "discouraging the use of natural gas for outdoor lighting", the basis for the imposition of this requirement. The appropriate revision has been made to § 516.51(a).

(b) Other comments on § 516.51 suggested that customer notification be required on an annual basis for only a specified number of years, e.g. 3 or 5, and thereafter only at lengthy periodic intervals. This suggestion was made based upon an anticipated decline in numbers of natural gas light users expected as the result of enforcement of the FUA prohibitions on both future installations and service and due to the eventual termination of the use of aging fixtures. While ERA believes that such a notification schedule may be warranted at some point in the future, it has decided to institute only the annual reporting requirement until such time that evidence is available demonstrating that the use of natural gas in outdoor lighting is declining on a consistently

regular basis. ERA bases this decision on its belief that substantial declines might not occur as expected. For example, as indicated earlier, existing fixtures operating legally within the terms of § 402 may be totally replaced, as necessary.

ERA believes that annual use and cost notification to natural gas customers is, therefore, reasonable on an annual basis until such time that less frequent notification appears to be warranted. At the time of any such future consideration of notification schedules, ERA will also consider the suggestion that discretionary ability to review notification intervals and to alter schedules as circumstances warrant be lodged with the State regulatory authorities under the already existing delegation of authority.

Other commenters felt that the annual reporting requirement called for unjustifiably repetitive notices, giving customers the same information that they had received several times before. ERA believes that this is indeed the purpose of the requirement imposed by the FUA amendments, since periodic notification must necessarily involve repetition of information earlier known and received by the addressee. It is through the reminders that users will be continually encouraged to weigh their needs for natural gas lighting against the costs of alternative lighting, resulting, it is hoped, in the discontinuance of all but necessary use.

(c) The May 31, 1982 deadline for the selection of the method of customer notification and for the report of such methods to the appropriate state regulatory authorities met generally with approval; however, one commenter suggested that companies with special problems be allowed to obtain an extension of the deadline upon a showing of good cause. ERA believes this is a reasonable suggestion, and to cover such contingencies, it is appropriately revising §§ 516.51 and 516.52.

(d) One commenter objected to the requirement for any customer notification, citing in particular the cost to small natural gas utilities of giving such notice. While ERA is charged with the responsibility of implementing the recent FUA amendments without having the discretion of waiving the requirements for the benefit of certain utilities, it re-emphasizes to all affected entities that it is its intention that compliance be by means of the least burdensome method and in a simple manner, tailored to each company's already existing operational procedures. A small utility that finds individual customer notification unduly costly may wish to consider selecting a method of general notification involving perhaps newspaper or other media advertising.

B. *Section 516.52—Reports on Customer Notification Methods.*— Because in several of the states the appropriate state regulatory authorities administering the natural gas lighting program may be several hundred in number, as where incorporated municipalities exercise original rate jurisdiction, some concern was expressed that there might, in the future, be attempts to impose additional reporting requirements similar to the one-time only reports required by § 516.52. ERA does not interpret section 402(f)(1)(B), which refers only to a requirement that the companies "report to the Secretary the method [for customer notification] established under subparagraph (A)", to mean that any additional or follow-up reports will be required.

C. *Section 516.11—Definitions.*—1. *"Residential outdoor lighting fixture"*— The definition of residential outdoor lighting fixture requires that, to be eligible to receive natural gas service after January 1, 1982, the fixture must not only have been installed prior to but also in use on November 9, 1978. Several commenters questioned how local distribution companies are to determine which lights are exempt from the prohibitions because of the lifting of the ban on residential lights and which are not. This is expected to be especially a problem where natural gas lights are not separately metered, making it almost impossible to determine which lights were in operation on November 9, 1978. To avoid this dilemma, it was suggested that ERA incorporate in the final rule a presumption that any fixture installed prior to November 9, 1978 was in service on that same date. While ERA recognizes this as a legitimate concern, it notes that, under 10 CFR Part 516, Subpart C, compliance and enforcement authority is delegated to, and has been accepted by most state regulatory authorities. Therefore, guidance on what constitutes adequate compliance is a matter properly addressed to the applicable regulatory authorities in each of the states. Such agencies will be in a position to evaluate the propriety of such a presumption, based on their knowledge of the situation existing in each jurisdiction on November 9, 1978, and will exercise their authority in this regard in a reasonable manner designed to minimize the compliance burden placed on the regulated companies by the FUA amendments.

2. *"Natural gas"*. The definition of "natural gas" in § 516.11, taken from the statutory definition in section 103(a)(3) of FUA and applicable to section 402, includes therein "liquid petroleum gas". Due to this inclusion, retail distributors of liquid petroleum gas (LP-gas or propane) must comply with the notification and reporting requirements imposed by the FUA amendments.

In a comment submitted by the National LP-Gas Association (NLPGA), it was noted that many LP-gas retailers are small family-owned operations with limited resources and, unlike the large natural gas utilities, lacking in the expertise and ability to make the computations necessary to meet the section 402 notification requirements. The comment suggested that, because the notification requirement could impose a potential hardship for the small retailer and because annual residential use of LP-gas is extremely small in comparison to the annual use of natural gas (.307 quads of LP gas versus 5.31 quads of natural gas), LP-gas distribution companies should be exempted from the new requirement. In the absence of total exemption, however, it was suggested that (a) retailers with no residential users among their propane customers be permitted to report this fact to their state regulatory authority and, thereafter, be relieved of customer notification, and (b) that those retailers servicing residential users be permitted (i) to give customer notice by the use of any reasonable method and (ii) to compute the use and cost data to be used in the customer notice by multiplying the estimated annual amount of propane used by a typical outdoor light, as determined by the NLPGA, by the particular retailer's current price to arrive at an estimated annual cost to customers. ERA has examined NLPGA's exemption request, but finds that, because the definition of natural gas is established in the statute, ERA is without authority to eliminate LP-gas from the definition and thus to exempt propane dealers from compliance with the FUA requirements. Nonetheless, ERA believes that the use in notifications of estimated statistics is consistent with ERA's expressed policy of minimizing the compliance burdens imposed by the new FUA requirements on natural gas retailers. Regarding "reasonable" notification methods, ERA emphasizes that the FUA amendments and § 516.51 permit each affected distribution company to select its own method of compliance with the customer notification requirements of section 402(f)(1), and that each method is to be reasonable and simple as viewed in the context of the company's routine operating procedures.

With respect to the suggestion that retailers having no residential propane users among their customers be excluded from any notice requirements other than the requirement that a statement of this fact be filed with the appropriate State regulatory authority, the FUA amendments do not impose the customer notification requirement only for the purpose of discouraging the use of *residential* lights, but rather are directed at discouraging all forms of natural gas outdoor lighting. Accordingly, propane retailers with any type of outdoor gas light users among their customers would be required under the statute to give reasonable customer notification, using the method selected by such retailers in accordance with § 516.51(b); those serving no outdoor lighting customers may report such fact to their State regulatory authority under the revised procedures of § 516.52(b).

D. *Compliance with Executive Order No. 12291.*—One comment suggested that, because of the potential impact of the regulations on residential users of "nonexempt" gas lights, the proposed regulatory package should have been submitted to the Office of Management and Budget (OMB) under Executive Order No. 12291 so that a determination of the net program benefit could be made. As indicated in its discussion of Executive Order No. 12291 (Notice of Proposed Rulemaking, 46 FR at 54380, November 2, 1981), and consistent with the requirements of section 3(b) of the Executive Order, ERA has determined, using the criteria defining a "major rule" (section 1 of Executive Order 12291) that the regulation is not a major rule. Both the rule and this determination were submitted to OMB for review pursuant to E.O. 12291.

E. *Miscellaneous Comments and Comments Beyond the Scope of the Notice.*—A comment suggested that ERA include in its final rule a reference to the requirement of section 402(f)(2) of FUA that the final rule implementing the FUA amendments take effect no later than the ninetieth day after it is proposed. ERA does not see a need to incorporate this requirement in the final rule as it is of value for only a limited period of time and not the proper subject matter for inclusion in a final rule. The effective date, which is January 30, 1982, is stated in the "DATES" section, above.

Several comments were received that were beyond the scope of the Notice and often beyond ERA's authority under section 402 of FUA. Consequently, such comments will not be addressed in this rulemaking proceeding.

III. Procedural Matters

A. *Written Comments.*—Interested persons are invited to participate in this rule-making by submitting data, views, or arguments with respect to any issues raised by or addressed in the Interim Final Rule. Comments are to be filed with ERA in accordance with the instructions given in the address section, above, no later than March 18, 1982. All comments received will be available for public inspection in the ERA Office of Public Information, Room 7120, 12th Street and Pennsylvania Avenue, NW., Washington, D.C. 20461 between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

Any interested party who wishes to submit confidential information or data must comply with DOE's Freedom of Information Regulations, 10 CFR Part 1004. DOE reserves the right to determine the confidential status of the information or data so submitted and to treat it according to this determination.

B. *NEPA Compliance.*—DOE has determined that this interim final rule does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act (NEPA). Therefore, the preparation of an Environmental Impact Statement is not required.

C. *Executive Order No. 12291.*—In accordance with Section 3(b) of the Executive Order No. 12291, DOE has determined that the amendments to 10 CFR Part 516, are a non-major rule that will not result in (1) an annual effect on the economy of $100 million or more; (2) major increase in costs or prices for consumers; individual industries; Federal, state, or local government agencies; or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. This rule was submitted to OMB for its review pursuant to E.O. 12291.

D. *Regulatory Flexibility Act.* The Regulatory Flexibility Act, 5 U.S.C. 601 et seq., requires that a agency shall prepare a final regulatory flexibility analysis with regard to a final rule that will have a significant economic impact on a substantial number of small entities.

DOE considered the potential economic impact of its proposed regulations (46 FR 54379, November 2, 1981) and concluded that compliance (if the regulations were adopted) would be relatively insignificant for small concerns and that an initial regulatory flexibility analysis would not be required. No information has come to DOE's attention in the course of the rulemaking proceeding indicating that any other conclusion is warranted. Accordingly, DOE certifies that the interim final rule amending Part 516 will not have a significant economic impact on a substantial number of small entities.

E. *Paperwork Reduction Act.*—The amendments to Part 516 (ERA–757) were approved by OMB under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* in OMB No. 1903–0072 by date of November 30, 1981.

(Department of Energy Organization Act, Pub. L. 95–91, 91 Stat. 585 (42 U.S.C. 7101 *et seq.*); Powerplant and Industrial Fuel Use Act of 1978, Pub. L. 95–620, 92 Stat. 3289 (42 U.S.C. 8372); E. O. 12008, 42 FR 46367, September 15, 1977; Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35, August 13, 1981)

Issued in Washington, D.C. on January 21, 1982.

Rayburn Hanzlik,

Administrator, Economic Regulatory Administration.

PART 516—PROHIBITION ON SALE AND DIRECT INDUSTRIAL USE OF NATURAL GAS FOR OUTDOOR LIGHTING

For the reasons stated in the preamble, Chapter II, Title 10 of the Code of Federal Regulations, Part 516, is amended as follows:

1. The table of contents is amended by adding Subpart E (§§ 516.51 and 516.52) to read as follows:

* * * * *

Subpart E—Outdoor Natural Gas Lights—Customer Notification; Reporting Procedures

Sec.

516.51 Notification of amount and annual cost of natural gas used in outdoor lights.

516.52 Customer notification reports.

2. Section 516.10 is amended by revising paragraphs (a), (b), and (c) and adding paragraph (f) to read as follows:

Subpart A—General Purpose and Scope; Definitions

§ 516.10 General purpose and scope.

(a) The purpose of this rule is to implement section 402 of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.*, as amended (FUA or the Act).

(b) The rule consists of five subparts. Subpart A describes the general purpose and scope of Part 516 and contains the definitions.

(c) Subpart B contains the prohibitions on the installation of natural gas outdoor lighting fixtures and the sale and direct industrial use of natural gas for outdoor lighting.

* * * * *

(f) Subpart E provides (1) for periodic notification of customers of the amount and annual cost of natural gas used in outdoor lights; and (2) for the procedures to be followed by each affected local distribution company in reporting to the appropriate state regulatory authority the method it has selected for giving such customer notice.

3. Section 516.11 is amended by adding paragraph (i) to read as follows:

§ 516.11 Definitions.

* * * * *

(i) The term "residential outdoor lighting fixture" means a natural gas outdoor lighting fixture which was installed prior to, and was in service in connection with a residence on November 9, 1978.

4. Section 516.21 is revised to read as follows:

Subpart B—Prohibitions

* * * * *

§ 516.21 General prohibition on sale of natural gas for use in outdoor lighting.

(a) *Prohibition.* No local distribution company shall supply natural gas for use in any outdoor lighting fixture except for residential outdoor lighting fixtures, as that term is defined in § 516.11(i).

(b) *Effective dates.* The prohibitions stated in paragraph (a) of this section shall be effective on the following dates.

(1) For any industrial or commercial fixture to which natural gas was supplied for outdoor lighting use on November 9, 1978, November 5, 1979; and

(2) For any municipal outdoor lighting fixture to which natural gas was supplied for outdoor lighting use on November 9, 1978, January 1, 1982.

5. Section 516.30 is amended by revising the introductory text and adding paragraph (h) to read as follows:

Subpart C—Delegation of Authority

§ 516.30 Scope.

Pursuant to section 402(e) of the act, ERA delegates to the appropriate state regulatory authorities, effective on the date this rule is issued as a final rule, the full responsibility and authority of the Secretary of Energy with regard to natural gas outdoor lighting. The authorities and responsibilities delegated by this rule to the appropriate state regulatory authorities are those enumerated in paragraphs (a) through (h) of this section. The appropriate state regulatory authorities should normally consult with the state Historic Preservation Officers for their respective states (as recognized by the U.S. Department of Interior, National Park Service) when fulfilling their responsibilities and authorities as set forth in this section, particularly when decisions are made or options considered relating to historic preservation.

* * * * *

(h) *Authority to receive customer notification reports.* The authority to receive reports concerning the method selected by local distribution companies for periodic notification of their customers under § 516.52.

6. 10 CFR Part 516 is amended by adding Subpart E, §§ 516.51 and 516.52, to read as follows:

Subpart E—Outdoor Natural Gas Lights—Customer Notification; Reporting Procedures

§ 516.51 Notification of amount and annual cost of natural gas used in outdoor lights.

(a) Each local distribution company subject to the prohibitions of section 402 (a) and (b) of FUA which has natural gas outdoor lighting fixtures attached to its system shall:

(1) No later than May 31, 1982, select a method for periodically informing its customers of the amount of natural gas used by a typical natural gas outdoor lighting fixture in the company's system, as determined by the company, and the annual cost of the natural gas so used; and

(2) Within one year from the date on which the notification method is reported to the appropriate state regulatory authorities in accordance with § 516.52, give the initial customer notification, using the method so selected. The notification shall thereafter be given annually.

(3) Any local distribution company which experiences difficulty in selecting its customer notification method may obtain a reasonable extension of the May 31, 1982 deadline from the appropriate state regulatory authority upon the showing of good cause.

(b) The method to be used in the customer notification required by paragraph (a) of this section, shall be selected by each affected local distribution company, and shall be reasonable and simple, as viewed in the context of the company's routine operating procedures.

§ 516.52 Customer notification reports.

(a) No later than May 31, 1982, each local distribution company required to give customer notification under §516.51(a), shall report the method selected to the state regulatory authority designated by the governor to administer the outdoor natural gas lighting program for the area in which the distributor is located, under the delegation of authority is Subpart C of this part.

(b) No later than May 31, 1982, each local distribution company not required to give customer notification under § 516.51(a) by reason of the fact that it has no natural gas outdoor lighting fixtures attached to its system shall report this fact to the state regulatory authority designated by the governor to administer the outdoor natural gas lighting program for the area in which the distributor is located, under the delegation of authority in Subpart C of this part.

(c) Local distribution companies given extensions to the May 31, 1982, deadline for selection of a customer notification method under § 516.51(a)(3), above, shall report the method selected to their state regulatory authority in accordance with the terms of such extension.

[FR Doc. 82-2474 Filed 1-29-82; 8:45 am]
BILLING CODE 6450-01-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Licensing Requirements for Pending Construction Permit and Manufacturing License Applications

Corrections

In FR Doc. 82-1174 appearing on page 2286, in the issue of Friday, January 15, 1982, make the following changes:

1. On page 2301, third column, § 50.34(f), fifth and sixth lines, delete "(insert effective date of amendment)" and insert "(February 16, 1982)"; and in the seventh line, "* * * (b)(1)" should read "* * * (f)(1)".

2. On page 2302, first column, § 50.34(f), fifth line, "* * * (b) * * *" should read "* * * (f) * * *"; third column, § 50.34(f)(1)(xii), fourth line, "* * * (b) * * *" should read "* * * (f) * * *"; and the third line of § 50.34(f)(1)(xii)(B), "* * * (b) * * *" should read "* * * (f) * * *".

3. On page 2303, second column, § 50.34(f)(2)(x), eleventh line, insert the following after "testing"; "under ATWS conditions need".

4. On page 2304, third column, § 50.34(f)(3)(v), eighteenth line from the top, insert "(B)" in front of "(1)".

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FEDERAL HOME LOAN BANK BOARD

12 CFR Part 545

[No. 82-21]

Consumer Leasing

Correction

In FR Doc. 82-1923 appearing on page 3541, in the issue of Tuesday, January 26, 1982, make the following correction.

On page 3542, paragraph (a) of § 545.7-10a was codified incorrectly. As corrected § 545.7-10a should have read as set forth below:

§ 545.7-10a Consumer leasing.

(a) *General.* Within the limitations of § 545.7-10 of this Part, a Federal association may:

(1) Become the legal or beneficial owner and lessor of specific personal property or otherwise acquire such property at the request of the lessee who wishes to lease it from the association; or

(2) Become the owner and lessor of personal property by purchasing the property from another lessor in connection with its purchase of the related lease; and

(3) Incur obligations incidental to its position as the legal or beneficial owner and lessor of the leased property, if the lease is a net, full-payout lease representing a noncancelable obligation of the lessee, notwithstanding the possible early termination of that lease, and at the expiration of the lease all interest in the property shall be either liquidated or released on a net basis as soon as practicable.

* * * * *

BILLING CODE 1505-01

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-GL-11-AD; Amdt. 39-4305]

Airworthiness Directives; Detroit Diesel Allison; Model 250-C28B Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comment.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires disarming the N_2 (Electronic) Overspeed Control on Detroit Diesel Allison (DDA) Model 250-C28B engines installed in, but not limited to, Bell Model 206L-1 rotorcraft. The AD is prompted by a report that the recent spooling down of five Allison 250-C28B engines in flight has been attributed to intermittent and spurious activation of the N_2 (Electronic) Overspeed Control System. In a sixth spooling down incident of an Allison 250-C28B engine, the N_2 (Electronic) Overspeed Control was suspect. As a precaution to preclude intermittent or spurious power reductions/shutdowns of the Allison 250-C28B engines in flight, the N_2 (Electronic) Overspeed Control is to be disarmed before further flight.

DATES: Effective February 4, 1982.

Comments related to this amendment must be received on or before April 4, 1982. Depending on the comments received, this amendment may be modified.

Compliance schedule—As prescribed in body of AD.

ADDRESSES: The applicable engine service bulletins may be obtained from Detroit Diesel Allison, Division of General Motors Corporation, Indianapolis, Indiana 46206.

A copy of the service bulletins [1] is contained in the Rules Docket, Room 415, Office of the Regional Counsel 2300 East Devon Avenue, Des Plaines, Illinois 60018.

Submit comments to Chicago Aircraft Certification Office, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Mr. Royace Prather, Chicago Aircraft Certification Office, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018; telephone number (312) 694-7132.

SUPPLEMENTARY INFORMATION: The FAA has determined that the cause of five Allison 250-C28B engines spooling down recently in flight is attributed to false N_2 (Electronic) Overspeed Control System activation. An additional review of the Bell Helicopter Model 206L-1 flight history of 400,000 hours resulted in Detroit Diesel Allison (DDA) issuing Commercial Engine Alert Bulletin CEB-A-73-2020 on September 9, 1981, with FAA concurrence to disarm the N_2 (Electronic) Overspeed Control on the Allison 250-C28B engines. The FAA, DDA and Bell Helicopter Textron coordinated a temporary revision of the Bell 206L-1 flight manual dated September 10, 1981, in order to comply with CEB-A-73-2020 to disarm the N_2 (Electronic) Overspeed Protection System on installed Allison 250-C28B engines. Since there may be some aircraft other than the Bell 206L-1 that have the Allison 250-C28B engine installed under a Supplemental Type Certificate, an Airworthiness Directive is being issued which requires mandatory disarming of the N_2 (Electronic) Overspeed Protection System on all Allison Model 250-C28B engines.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days. Although this action, which involves requirements affecting immediate flight safety, is in the form of a final rule and thus was not preceded by notice and public comment, comments are now invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation.

Adoption of the Amendment

PART 39—AIRWORTHINESS DIRECTIVES

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new Airworthiness Directive:

Detroit Diesel Allison: Amendment 39-4305. Applies to all Model 250-C28B engines installed in, but not limited to, Bell Model 206L-1 rotorcraft certificated in all categories.

Compliance is required as indicated, unless previously accomplished. To preclude possible engine power loss resulting from intermittent or spurious activation of the N_2 (Electronic) Overspeed Control System, accomplish the following before further flight:

(1) Disarm the aircraft installed engine N_2 Overspeed Circuit Breaker by pulling the N_2 Overspeed Circuit Breaker and secure by wrapping with tape or placing a Ty-wrap (or equivalent plastic tie strap) around the breaker stem.

(2) Install placard which states: "ENG OVSP CIRCUIT DEACTIVATED" in ¼" or larger letters adjacent to N_2 Overspeed Circuit Breaker.

Note: The engine electronic overspeed test and the engine electronic overspeed trip system outline in the rotorcraft Flight Manual will no longer function with the circuit breaker deactivated.

(3) Install a P/N AN814-4DL or Alternate Plug and P/N AS3084-04 Packing in the outlet port of the N_2 Overspeed Solenoid Valve. Tighten and safety with lockwire.

Note: This action further assures deactivation of the N_2 (Electronic) Overspeed Control System. Primary overspeed protection is still

[1] Filed with the original document.

provided by the mechanical power turbine fuel governor.

Upon request of the operator, an equivalent means of compliance with the requirements of this AD may be approved by the Chief, Chicago Aircraft Certification Office, Federal Aviation Administration, Central Region.

Note.—Detroit Diesel Allison Commercial Engine Alert Bulletin CEB–A–73–2020 refers to this subject.

This amendment becomes effective February 4, 1982.

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

Note.—The FAA has determined that this document involves a final regulation which is not considered to be significant as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A final regulatory evaluation prepared for this document is contained in the public docket. A copy of it may be obtained by contacting the person identified under the caption "For Further Information Contact." It is certified that under the criteria of the Regulatory Flexibility Act this rule, at promulgation, will not have a significant economic impact on a substantial number of small entities because of the small ($25) unit cost of complying with this AD.

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the Courts of Appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Burlington, Massachusetts, on January 20, 1982.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 82-2293 Filed 1-29-82; 8:45 am]

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14 CFR Part 39

[Docket No. 77-WE-33-AD; Amdt. 39-4304]

Airworthiness Directives; Garrett Turbine Engine Company Engine Models TSE331-3 and TPE331-1, -2, -3, -5, and -6 Series Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes a currently effective airworthiness directive (AD) which established turbine wheel life limits. The previous AD was issued to reduce the possibility of rapid destruction of the engine turbine resulting from separation of a portion of the turbine wheel rim. This superseding AD is required because of third stage turbine wheel assembly failures which have occurred subsequent to the issuance of the previous AD at times less than the cyclic life limits established by that AD.

DATE: Effective February 11, 1982.

Compliance schedule—As prescribed in the body of the AD unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: Garrett Turbine Engine Company, P.O. Box 5217, Phoenix, Arizona 85010, Telephone: (602) 267–3011.

Also, a copy of the service information may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue, SW., Washington, D.C. 20591,

or

Rules Docket in Room 6W14, FAA Western-Pacific Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT: Bill Moring, Aerospace Engineer, AWP–214, Engineering and Manufacturing Branch, Federal Aviation Administration, Western-Pacific Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: 213–536–6381.

SUPPLEMENTARY INFORMATION: There has been a long history of thermal fatigue cracking of the Garrett TPE331–1, –2, –3, –5, and –6 turbine wheels which originate at the inner portion of the rivet holes. Cracking by this mechanism led to the establishment of cyclic life limits in AD 78–04–05, Amendment 39–3143, effective March 24, 1978. During the past twelve months there have been sixteen failures of the third stage turbine wheel. Of the ten wheels recovered seven failed by a low cycle fatigue mechanism originating in the side of the center area of the rivet hole and three failed by a high cycle fatigue mechanism in the side of the aft section of the rivet hole. After investigation of these failures the FAA had determined that the life limit of the affected third stage turbine wheels should be reduced from 5400 to 2600 operating cycles in the TPE/TSE331–3 Series Engines and to 3600 operating cycles in the TPE331–1, –2, –5, and –6 Series Engines. These turbine wheel failures have all occurred in the TPE331–3U/–3UW engines used in commuter service which accumulate operating cycles at a more accelerated rate than typical executive operators.

In addition to these turbine wheel pedestal failures there have been seven reported occurrences of third stage rotating knife seal failure. This knife seal is pinch fit to the third stage turbine wheel as part of the wheel assembly. Failure of this seal has resulted in uncontained third stage turbine wheel failures. Until mid-1980 the four reported incidents occurred within a few hours after assembly of the turbine and were consequently attributed to inadequate build tolerances. During the past year, however, there have been three additional seal failures, at significantly higher times after shop visit. In one occurrence both the second and third stage seals were fractured. Two third stage wheel assemblies have recently been located where the forward rotating knife seal had contacted the static seal surface causing an overheat of the rotating seal. Garrett has made available a procedure by which the Part Number 868630–1, –2, –3, or –4 wheel assembly may be modified to the 868630–7 wheel design by removing a portion of this forward knife seal. This will reduce the contact between rotating and non-rotating seals and, thus, minimize the number of seal failures. Garrett has made available a replacement curvic coupling gasket which provides increased cooling air to the third stage seal cavity thereby improving the fatigue resistance in the rivet hole area where the pedestal failures have occurred as well as providing increased cooling air to the third stage knife seal reducing its propensity to expand thermally. In order to reduce the potential for failure of the knife seals, incorporation of the improved cooling curvic coupling gasket is being provided as an alternative to incorporation of the Part Number 868630–7 wheel assembly.

Further, it has come to the attention of the FAA that several second and thrid stage turbine wheels of the basic Part Numbers 868272–1, 868630–1, and 895539–1 designs where released into service with minor rotating knife seal to turbine wheel interference fit diameter variation. These wheels were assigned consecutive suffix dash part numbers. (Example: 868630–2, –3, or –4). An additional first stage turbine wheel has similarly been identified as Part Number 867569–7 due to a difference in thermal coating application. This AD assigns cyclic wheel lives to these alternate part numbered designs not previously identified in AD 78–04–05.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

PART 39—AIRWORTHINESS DIRECTIVES

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new Airworthiness Directive:

Garrett Turbine Engine Company (formerly AiResearch Manufacturing Company of Arizona): Applies to Garrett Engine Models TSE331–3 and TPE331–1, –2, –3, –5, and –6 Series Engines.

Compliance required as indicated, unless already accomplished.

To reduce the possibility of rapid destruction of the engine turbine, accomplish the following:

(a) As of the effective date of this AD, the service life limit in cycles of new (zero-time) Part Numbers 868630–1, –2, –3, –4, and –7 third stage turbine wheels introduced into service after March 24, 1978, and operating in TPE/ TSE331–3U and –3UW Series Engines, is reduced from 5400 operating cycles to 2600 operating cycles and must be removed from service according to the following schedule:

Wheel total cycles [1]	Remove by [1]
Less than 1500	Before accumulation of 2600 cycles.
1500 or more and less than 2500.	Before accumulation of 2900 cycles or within the next 1100 cycles, whichever occurs first.
2500 or more and less than 4000.	Before accumulation of 4300 cycles or within the next 400 cycles, whichever occurs first.
4000 or more and less than 5200.	Before accumulation of 5250 cycles or within the next 300 cycles, whichever occurs first.
5200 or more	Within the next 50 cycles.

[1] Except that no wheel may exceed 2600 cycles after December 1, 1982.

(b) As of the effective date of this AD, the service life limit in cycles of new (zero-time) Part Numbers 868630–1, –2, –3, –4, and –7 third stage turbine wheels introduced into service after March 24, 1978, and operating in TPE331–1, –2, –5, and –6 Series Engines, is reduced from 5400 operating cycles to 3600 operating cycles and must be removed from service according to the following schedule:

Wheel total cycles	Removed by
Less than 3300	Before accumulation of 3600 cycles.
3300 or more and less than 3600.	Before accumulation of 3800 cycles or within the next 300 cycles whichever occurs first.
3600 or more and less than 5200.	Before accumulation of 5250 cycles or 200 cycles whichever occurs first.
5200 or more	Within the next 50 cycles.

Turbine wheels known to have operated at any time in TPE/TSE331–3U and –3UW Series Engines must be removed from service according to the schedule in paragraph (a) of this AD.

(c) As of the effective date of this AD, this AD establishes the service life limits in cycles of new (zero-time) turbine wheels introduced into service after March 24, 1978. Turbine wheels specified below may not be operated in service in excess of these service life limits except as provided in Paragraph (a) or (b) of this AD, as applicable.

Wheel stage	Part No.	Cycle life
1st	867569–1, –7	4900.
2d	868272–1, –2, –3, –4	4900.
3d	895539–1, –2, –3, –4	2400.
3d	868630–1, –2, –3, –4, –7	2600 (in TPE/TSE331–3U/–3UW Engines only).
3d	868630–1, –2, –3, –4, –7	3600 (in TPE331–1, –2, –5, and –6 engines).

Note.—For purposes of this AD, except as otherwise may be approved by the Chief, Engineering and Manufacturing Branch, FAA Western-Pacific Region, an operating cycle is defined as any operating sequence involving an engine start, aircraft takeoff and landing, followed by engine shutdown and one cycle shall be counted for each such operational sequence.

Note.—Prior to March 24, 1978, turbine wheel life limits were published in Garrett (AiResearch) Service Bulletin TPE/TSE331–72–0019, Revision 4, dated December 6, 1976, as 4250 operating hours.

(d) Turbine wheels Part Numbers 867569–1 and –7; 868272–1, –2, –3, and –4; 895539–1, –2, –3, and –4; and 868630–1, –2, –3, –4, and –7, which have operated in service prior to March 24, 1978, may be continued in service to their then current life limit of 4250 operating hours provided they are inspected by procedures contained in the existing FAA approved maintenance manual for the applicable TPE/TSE331 engine before accumulating 1800 operating hours in service since new and at intervals not to exceed 1800 operating hours in service thereafter. All wheels found to have crack indications by the procedure specified above must be replaced.

(e) Turbine wheels now in service which have the previously established life limits of 4250 operating hours referred to in Paragraph (d) of this AD may be continued in service to the operating cycle life limit established by Paragraph (c) of this AD, provided the number of operating cycles for that turbine wheel can be determined from the aircraft and/or engine log books based on the operating cycle definition in Paragraph (c) of this AD.

If the total number of cycles cannot be determined from the log books, those operating hours for which cycles are unknown may be converted to cycles on the basis of 1.5 cycles per hour.

Turbine wheels which are operated to cycle life limits as provided by Paragraph (c) are not required by this AD to have the interim life inspections required by Paragraph (d) of this AD.

(f) Prior to accumulating an additional 1800 operating hours on all affected engines after the effective date of this AD, either:

(1) Remove curvic coupling gasket, Part Number 868892–2, located forward of third stage turbine wheel and replace it with a serviceable Part Number 868892–9 curvic coupling gasket as prescribed in Paragraph 2 of Garrett Service Bulletin TPE331–72–0300, dated September 9, 1981, or;

(2) Replace the Part Numbers 868630–1, –2, –3, or –4 third stage turbine wheel with a Part Number 868630–7 third stage turbine wheel.

Note.—The Part Numbers 868630–1, –2, –3, or –4 turbine wheel may be modified to the Part Number 868630–7 third stage turbine wheel design by compliance with instructions provided in Garrett Service Bulletin TPE331–72–0327, dated December 14, 1981.

(g) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate aircraft to a base for the accomplishment of inspections or modifications required by this AD.

(h) Alternative inspections, modifications or other actions which provide an equivalent level of safety may be used when approved by the Chief, Engineering and Manufacturing Branch, FAA Western-Pacific Region.

This AD supersedes AD 78–04–05, Amendment 39–3143.

This amendment becomes effective February 11, 1982.

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

Note.—The FAA has determined that this document involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and will not have a significant economic effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act, since it involves few, if any, such entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator. Under Section 1008(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1486(a)), it is subject to review by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Los Angeles, California on January 19, 1982.

R. L. Devereaux,

Acting Director, FAA Western-Pacific Region.

[FR Doc. 82–2278 Filed 1–29–82; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 81-NE-08; Amdt. 39-4303]

Airworthiness Directives; Sikorsky S-62 Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment amends an existing airworthiness directive (AD), applicable to the Sikorsky S-62 series helicopter, that requires a daily visual inspection, a periodic dye penetrant inspection, and the removal of defective rotor brake disks. This amendment provides for the replacement of the existing disk with an improved design disk.

DATES: Effective date: February 18, 1982.

Comments must be received on or before March 18, 1982.

Compliance schedule—As prescribed in text of AD.

ADDRESSES: Send comments on the rule in duplicate to: Federal Aviation Administration, New England Region, Office of Regional Counsel, Attention: Rules Docket (ANE-7), Docket No. 81-NE-08, 12 New England Executive Park, Burlington, Massachusetts 01803.

To obtain copies of the Service Bulletins, referenced in the AD, contact Manager, Technical Services, Commercial Customer Service, Sikorsky Aircraft Division, North Main Street, Stratford, Connecticut 06602. A copy of each Service Bulletin is contained in the Rules Docket, Office of the Regional Counsel, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Bernard Schaffer, Systems Section, ANE-213, Engineering and Manufacturing Branch, Aircraft Certification Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone: (617) 273-7332.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39-4124, 46 FR 29926, AD 81-06-53, which currently requires a daily visual inspection, a periodic dye penetrant inspection, and the removal of defective rotor brake disks. This was an interim measure until a suitable replacement disk was available. Since a suitable replacement can now be obtained, the FAA has determined that Amendment 39-4124 must be amended to require installation of this replacement disk and to eliminate the requirement for a daily visual inspection of the replacement brake before the first flight of each day.

Need for Amendment

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in 30 days.

Request for Comments on the Rule

Although this action is in the form of a final rule, comments are invited on the rule.

When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the AD and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule.

Adoption of the Amendment

PART 39—AIRWORTHINESS DIRECTIVES

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39-4124, 46 FR 29926, AD 81-06-53, as follows:

(1) Change the applicability statement to read: "Applies to S-62 series helicopters, certificated in all categories, equipped with P/N S6235-20213 (Goodyear 9430301) or P/N S62350-22013-101 (Goodyear 4000277) rotor brakes disks."

(2) Change Paragraphs A(1) and A(2) to insert "P/N S6235-20213 (Goodyear 9430301)" between the words "the" and "rotor."

(3) Substitute the following for Paragraph A(3):

A(3) Not later than July 31, 1982, replace P/N S6235-20213 (Goodyear 9430301) rotor brake disk with P/N 62350-22013-101 (Goodyear 4000277) rotor brake disk in accordance with Paragraph 2 of Sikorsky Service Bulletin 62B35-13.

(4) Add the following new Paragraphs A(4), A(5), and A(6):

A(4) Upon completion of the requirements of Paragraph A(3), the inspections required by Paragraph A(1) may be discontinued.

A(5) Prior to the accumulation of 120 flight hours since new or the last inspection, or within the next 10 flight hours, whichever occurs later, do a detailed inspection of the P/N 62350-22013-101 (Goodyear 4000277) rotar brake disk installation and a dye penetrant inspection of the rotar brake disk for possible cracks, in accordance with paragraph E(2) of Sikorsky Alert Service Bulletin 62B35-12, except that the minimum thickness for the new disk is .449 inches and the attachment bolt torque is changed per Figures 1 and 2 of Sikorsky Service Bulletin 62B35-13. Thereafter, inspect at intervals not to exceed 120 flight hours.

A(6) If crack indications exist, replace the disk in accordance with the applicable Sikorsky S-62 Maintenance Manual, and resume inspections as required in paragraph A(5) above.

(5) Change the last sentence of Paragraph B(3) to read "Remove placard from cockpit, and resume inspections as required by paragraph A(1), A(2) and A(5), above, as applicable."

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Manager, Technical Services, Commercial Customer Service, Sikorsky Aircraft Division, North Main Street, Stratford, Connecticut 06602. These documents may also be examined at Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, and FAA Headquarters, 800 Independence Avenue, S.W., Washington, D.C. 20591.

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

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. The FAA has also determined that this document involves a regulation which is not significant under Executive Order 12044, as amended, on June 27, 1980, by Executive Order 12221, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). It is certified that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities because the rule will affect only approximately 24 aircraft. If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the

courts of appeals of the United States or the United States Court of Appeals of the District of Columbia.

Issued in Burlington, Massachusetts, on January 18, 1982.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 82-2277 Filed 1-29-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ANW-10]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of VOR Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Final rule.

SUMMARY: This amendment alters several VOR Federal Airways in the vicinity of Portland, OR. These airway changes are in support of our commitment to the International Civil Aviation Organization (ICAO) to eliminate alternate airway designations from the National Airspace System. This action eliminates alternate airways in Portland by assigning them new numbers.

EFFECTIVE DATE: March 18, 1982.

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

SUPPLEMENTARY INFORMATION:

History

On November 27, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter several VOR Federal Airways in the vicinity of Portland, OR (46 FR 57912). The airway changes are in support of our agreement with ICAO to eliminate alternate airways from the National Airspace System. This action aids flight planning and reduces chart clutter. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments were received objecting to the proposal. This amendment is the same as that proposed in the notice. Sections 71.123 and 71.125 of Part 71 were republished on January 2, 1981 (46 FR 409 and 443).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) alters several airways in the Portland, OR, area, and designates two new airways. This amendment aids flight planning and reduces chart clutter.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, §§ 71.123 and 71.125 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409 and 443) and amended (46 FR 56779 and 57890) are further amended, effective 0901 GMT, March 18, 1982, as follows:

Under Section 71.123

1. V-23 [Amended]

By deleting the words "Fort Jones, CA; Medford, OR; Eugene, OR; Portland, OR, including an east alternate and including a west alternate from Fort Jones to Portland via INT Fort Jones 340° and Roseburg, OR, 174° radials, Roseburg, INT Roseburg 355° and Corvallis, OR, 195° radials, Corvallis and Newberg, OR; 20 miles, 45 MSL INT Portland 350° and Seattle, WA, 197° radials; 21 miles, 45 MSL, Seattle, including an east alternate from Portland to Seattle via direct radials;" and substituting for them the words "Fort Jones, CA; Medford, OR; Eugene, OR; Portland, OR; INT Portland 350° and Seattle, WA, 197° radials; 21 miles, 45 MSL, Seattle;"

2. V-448 [Amended]

By deleting the words "From Portland, OR;" and substituting the words "From Medford, OR, via Roseburg, OR; INT Roseburg 003° and Eugene, OR, 187° radials, Eugene; INT Eugene 030° and Portland, OR, 180° radials, Portland;"

3. V-481 [New]

By adding "V-481 From Eugene, OR, via Corvallis, OR, to INT Corvallis 351° and Newberg, OR, 203° radials."

4. V-495 [New]

By adding "V-495 From Victoria, British Columbia, Canada, via Seattle, WA; Portland, OR; Newberg, OR; Corvallis, OR; INT Corvallis 195° and Roseburg, OR, 355° Roseburg; INT Roseburg 174° and Fort Jones, CA, 340° radials, to Fort Jones. The airspace within Canada is excluded."

Under Section 71.125 V-440 [Amended]

By deleting the words "From Seattle, WA, to Victoria, British Columbia, Canada." and substituting the words "From Victoria, British Columbia, Canada."

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

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

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

B. Keith Potts,

Chief, Airspace and Air Traffic Rules Divison.

[FR Doc. 82-2423 Filed 1-29-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AEA-32]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Revocation of Additional Control Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment revokes Control 1149 Control Area since it is duplicated in the North Atlantic control Area description. This action reduces and simplifies Federal Aviation Regulations by eliminating redundant airspace designation.

DATES: Effective date—May 13, 1982. Comments must be received on or before March 3, 1982.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA Eastern Region, Attention: Chief, Air Traffic Division, Docket No. 81-AEA-32, Federal Aviation Administration, John F. Kennedy International Airport, Jamaica, NY 11430.

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

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

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

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves the revocation of Control 1149, such action is required to eliminate duplicate airspace description and, thus, was not preceded by notice and public procedure. However, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 71.163 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to revoke control 1149 Control Area, since it is duplicated in the description of the North Atlantic Control Area. Separate action is being taken, for flight planning and route continuity purposes, to establish Atlantic Route 9 (AR–9) between the Norfolk, VA, VORTAC and the ZIBUT reporting point via the Norfolk VORTAC 095° magnetic radial. All current reporting points along Control 1149 to ZIBUT are being retained. Section 71.163 of Part 71 of the Federal Aviation Regulations was republished in the **Federal Register** on January 2, 1981 (46 FR 449). Therefore, I find that notice or public procedure under 5 U.S.C. 533(b) is impractical and unnecessary.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.163 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 449), is amended, effective 0901 GMT, May 13, 1982 as follows:

Control 1149 [Revoked]

By revoking Control 1149.

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

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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

John W. Baier,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 82-2417 Filed 1-29-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 73

[Airspace Docket No. 82-ASO-1]

Special Use Airspace; Alteration of Restricted Area R-3003, Fort Gordon, GA

AGENCY: Federal Aviation Administration, (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This action amends the controlling agency for Restricted Area R–3003, Fort Gordon, GA. This amendment provides continuity in joint use procedures by designating the Federal Aviation Administration, Jacksonville Air Route Traffic Control Center (ARTCC), as the controlling agency. This change is necessary because of the reduced hours of operation of the Augusta Air Traffic Control Tower (ATCT).

DATES: Effective date—March 18, 1982.

Comments must be received on or before March 3, 1982.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA Southern Region, Attention: Chief, Air Traffic Division, Docket No. 82–ASO–1, Federal Aviation Administration, P.O. Box 20636, Atlanta, GA 30320.

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

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

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

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves a change in the controlling agency for Restricted Area R–3003, Fort Gordon, GA, and, thus, was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other availabile information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed.

The Rule

The purpose of this amendment to § 73.30 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) is to designate the FAA Jacksonville ARTCC as the controlling agency for Restricted Area R–3003, Fort Gordon, GA. This amendment is necessary because the prior controlling agency, Augusta ATCT, is no longer a 24-hour facility. Designating the Jacksonville ARTCC as the controlling agency provides for continuity in joint use procedures by providing one controlling agency for the entire 24-hour period. Section 73.30 of Part 73 of the Federal Aviation Regulations was republished in the **Federal Register** on January 2, 1981 (46 FR 798).

Under the circumstances presented, the FAA concludes that there is an immediate need for a regulation to amend the controlling agency for Restricted Area R–3003. Therefore, I find that notice or public procedure under 5 U.S.C. 553(b) is contrary to the public interest.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 73.30 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (46 FR 798) is amended, effective 0901 GMT, March 18, 1982, as follows:

Restricted Area R–3003 Fort Gordon, GA [Amended]

Under Controlling Agency by deleting the words "Federal Aviation Administration, Augusta, GA, ATC Tower." and substituting for them the words "Federal Aviation Administration, Jacksonville ARTC Center."

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

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

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

B. Keith Potts,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 82-2430 Filed 1-29-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 73

[Airspace Docket No. 81-ARM-17]

Special Use Airspace; Rescission of Restricted Area R-6410, Blanding, UT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment rescinds Restricted Area R-6410, Blanding, UT. The Department of the Air Force has determined that the area is no longer required. This action restores previously restricted airspace to public use.

EFFECTIVE DATE: March 18, 1982.

Comments must be received on or before March 3, 1982.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA Northwest Mountain Region, Attention: Chief, Air Traffic Division, Docket No. 81-ARM-17, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, WA 98108.

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

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

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

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves the revocation of Restricted Area R-6410, Blanding, UT, and, thus, was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 73.64 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) is to rescind the restricted area at Blanding, UT. Because this action restores previously restricted airspace to public use, I find that notice or public procedure under 5 U.S.C. 553(b) is contrary to the public interest. Section 73.64 of Part 73 of the Federal Aviation Regulations was republished in the **Federal Register** on January 2, 1981, (46 FR 824).

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 73.64 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (46 FR 824), is amended, effective 0901 GMT, March 18, 1982, as follows:

R-6410 Blanding, UT [Revoked]

By deleting the title and text.

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

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

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

B. Keith Potts,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 82-2416 Filed 1-29-82; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM80-53]

18 CFR Part 271

Prescribed Maximum Lawful Prices Under the Natural Gas Policy Act of 1978

January 25, 1982.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order of the Director, OPPR.

SUMMARY: Pursuant to the authority delegated by 18 CFR 357.307(1), the Director of the Office of Pipeline and Producer Regulation revises and publishes the maximum lawful prices prescribed under Title I of the Natural Gas Policy Act (NGPA) for the months of February, March and April, 1982. Section 101(b)(6) of the NGPA requires that the Commission compute and publish the maximum lawful prices before the beginning of each month for which the figures apply.

EFFECTIVE DATE: February 1, 1982.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Williams, Director, OPPR (202) 357-8500

SUPPLEMENTARY INFORMATION:

Section 101(b)(6) of the Natural Gas Policy Act of 1978 (NGPA) requires that the Commission compute and make available maximum lawful prices and inflation adjustments prescribed in Title I of the NGPA before the beginning of any month for which such figures apply.

Pursuant to this requirement and § 375.307(1) of the Commission's regulations, which delegates the publication of such prices and inflation adjustments to the Director of the Office of Pipeline and Producer Regulation, the maximum lawful prices for the months of February, March and April, 1982 are issued by the publication of the price tables for the applicable quarter. Pricing tables are found in § 271.101(a) of the Commission's regulations. Table I of § 271.101(a) specifies the maximum lawful prices for gas subject to NGPA sections 102, 103, 106(b)(1)(B), 107(c)(5), 108 and 109. Table II of § 271.101(a) specifies the maximum lawful prices for sections 104 and 106(a) of the NGPA. Table III of § 271.102(c) contains the inflation adjustment factors.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—CEILING PRICES

§ 271.101 [Amended]

1. Section 271.101(a) is amended by inserting the maximum lawful prices for February, March and April, 1982, in Tables I and II.

§ 271.102 [Amended]

2. Section 271.102(c) is amended by inserting the inflation adjustment for the months of February, March and April, 1982, in Table III.

TABLE I—NATURAL GAS CEILING PRICES

[Other than NGPA sections 104 and 106(a)]

Subpart of part 271	NGPA section	Category of gas	Maximum lawful price per MMBtu for deliveries in Dec. 1978	Jan. 1979	Feb. 1979	Mar. 1979	Apr. 1979	May 1979	June 1979	July 1979	Aug. 1979	Sept. 1979
B	102	New natural gas, certain OCS gas	$2.078	$2.096	$2.116	$2.136	$2.156	$2.177	$2.198	$2.220	$2.244	$2.268
C	103	New, onshore production wells	1.969	1.980	1.993	2.006	2.019	2.033	2.047	2.062	2.079	2.096
F	106(b)(1)(B)	Alternative maximum lawful price for certain intrastate rollover gas [1]	1.121	1.128	1.136	1.144	1.152	1.160	1.168	1.176	1.185	1.195
G	107(c)(1)	High-cost gas (deep gas) [2]	2.078	2.096	2.116	2.136	2.156	2.177	2.198	2.220	2.244	2.268
	107(c)(5)	Gas produced from tight formations [3]									4.124	4.158	4.192
H	108	Stripper gas	2.224	2.243	2.264	2.285	2.306	2.329	2.352	2.375	2.400	2.426
I	109	Not otherwise covered	1.630	1.639	1.650	1.661	1.672	1.684	1.696	1.708	1.722	1.736

TABLE I—NATURAL GAS CEILING PRICES—Continued

[Other than NGPA sections 104 and 106(a)]

Subpart of part 271	NGPA section	Category of gas	Maximum lawful price per MMBtu for deliveries in Oct. 1979	Nov. 1979	Dec. 1979	Jan. 1980	Feb. 1980	Mar. 1980	Apr. 1980	May 1980	June 1980	July 1980
B	102	New natural gas, certain OCS gas	$2.292	$2.314	$2.336	$2.358	$2.381	$2.404	$2.428	$2.453	$2.478	$2.504
C	103	New, onshore production wells	2.113	2.128	2.143	2.158	2.173	2.188	2.204	2.221	2.238	2.255
F	106(b)(1)(B)	Alternative maximum lawful price for certain intrastate rollover gas [1]	1.205	1.213	1.221	1.229	1.238	1.247	1.256	1.266	1.276	1.286
G	107(c)(1)	High-cost gas (deep gas) [2]	2.292									
	107(c)(5)	Gas produced from tight formations [3]	4.226	4.256	4.286	4.316	4.346	4.376	4.408	4.442	4.476	4.510
H	108	Stripper gas	2.452	2.475	2.499	2.523	2.548	2.573	2.598	2.625	2.652	2.680
I	109	Not otherwise covered	1.750	1.762	1.774	1.786	1.799	1.812	1.825	1.839	1.853	1.867

TABLE I—NATURAL GAS CEILING PRICES—Continued

[Other than NGPA sections 104 and 106(a)]

Subpart of part 271	NGPA section	Category of gas	Maximum lawful price per MMBtu for deliveries in Aug. 1980	Sept. 1980	Oct. 1980	Nov. 1980	Dec. 1980	Jan. 1981	Feb. 1981	Mar. 1981	Apr. 1981	May 1981
B	102	New natural gas, certain OCS gas	$2.532	$2.560	$2.588	$2.614	$2.640	$2.667	$2.698	$2.729	$2.761	$2.787
C	103	New, onshore production wells	2.274	2.293	2.312	2.329	2.346	2.363	2.384	2.406	2.428	2.444
F	106(b)(1)(B)	Alternative maximum lawful price for certain intrastate rollover gas [1]	1.297	1.308	1.319	1.329	1.339	1.349	1.361	1.373	1.385	1.394
G	107(c)(5)	Gas produced from tight formations [3]	4.548	4.586	4.624	4.658	4.692	4.726	4.768	4.812	4.856	4.888
H	108	Stripper gas	2.710	2.740	2.770	2.798	2.826	2.855	2.888	2.922	2.956	2.984
I	109	Not otherwise covered	1.883	1.899	1.915	1.929	1.943	1.957	1.975	1.993	2.011	2.024

TABLE I—NATURAL GAS CEILING PRICES—Continued

[Other than NGPA sections 104 and 106(a)]

Subpart of part 271	NGPA section	Category of gas	Maximum lawful price per MMBtu for deliveries in June 1981	July 1981	Aug. 1981	Sept. 1981	Oct. 1981	Nov. 1981	Dec. 1981	Jan. 1982	Feb. 1982	Mar. 1982	Apr. 1982
B	102	New natural gas, certain OCS gas	$2.813	$2.840	$2.863	$2.886	$2.909	$2.940	$2.971	$3.003	$3.033	$3.063	3.093
C	103	New, onshore production wells	2.460	2.476	2.488	2.501	2.514	2.533	2.552	2.572	2.590	2.608	2.626
F	106(b)(1)(B)	Alternative maximum lawful price for certain intrastate rollover gas [1]	1.403	1.412	1.419	1.426	1.433	1.444	1.455	1.466	1.476	1.486	1.496
G	107(c)(5)	Gas produced from tight formations [3]	4.920	4.952	4.976	5.002	5.028	5.066	5.104	5.144	5.180	5.216	5.252
H	108	Stripper gas	3.012	3.041	3.066	3.091	3.116	3.149	3.183	3.217	3.249	3.281	3.314
I	109	Not otherwise covered	2.037	2.050	2.060	2.070	2.080	2.096	2.112	2.128	2.143	2.158	2.173

[1] Section 271.602(a) provides that for certain gas sold under an intrastate rollover contract the maximum lawful price is the higher of the price paid under the expired contract, adjusted for inflation or an alternative Maximum Lawful Price specified in this Table. This alternative Maximum Lawful Price for each month appears in this row of Table I.

[2] Commencing November 1, 1979, the price of natural gas finally determined to be eligible as deep high-cost gas under section 107(c)(1) of the NGPA is deregulated. (*See*, Part 272 of the Commission's Regulations.) Prior to that date, the maximum lawful price applicable to deep high-cost gas was the price specified in Subpart B of Part 271.

[3] The maximum lawful price for tight formation gas is the lesser of the negotiated contract price or 200% of the price specified in Subpart C of Part 271. The maximum lawful price for tight formation gas applies on or after July 16, 1979. (*See*, § 271.703 and § 271.204.)

TABLE II.—NATURAL GAS CEILING PRICES: NGPA SECTIONS 104 AND 106(a) (SUBPART D, PART 271)

Category of natural gas and type of sale or contract	Maximum lawful price per MMBtu for deliveries made in										
	Dec. 1978	Jan. 1979	Feb. 1979	Mar. 1979	Apr. 1979	May 1979	June 1979	July 1979	Aug. 1979	Sept. 1979	Oct. 1979
Post-1974 gas: All producers	$1.630	$1.639	$1.650	$1.661	$1.672	$1.684	$1.696	$1.708	$1.722	$1.736	$1.750
1973–74 biennium gas:											
Small producer	1.379	1.387	1.396	1.405	1.414	1.424	1.434	1.444	1.456	1.468	1.480
Large producer	1.058	1.064	1.071	1.078	1.085	1.093	1.101	1.109	1.118	1.127	1.136
Interstate Rollover gas [1]:											
Small producer	.702	.715	.715	.715	.715	.715	.715	.715	.715	.715	.715
Large producer	.603	.607	.611	.615	.619	.623	.627	.631	.636	.641	.646
Replacement contract gas or recompletion gas:											
Small producer	.771	.775	.780	.785	.790	.796	.802	.808	.815	.822	.829
Large producer	.593	.596	.600	.604	.608	.612	.616	.620	.625	.630	.635
Flowing gas:											
Small producer	.393	.395	.398	.401	.404	.407	.410	.413	.416	.419	.422
Large producer	.332	.334	.336	.338	.340	.342	.344	.346	.349	.352	.355
Certain Permian Basin gas:											
Small producer	.462	.465	.468	.471	.474	.477	.480	.483	.487	.491	.495
Large producer	.405	.407	.410	.413	.416	.419	.422	.425	.428	.431	.434
Certain Rocky Mountain gas:											
Small producer	.462	.465	.468	.471	.474	.477	.480	.483	.487	.491	.495
Large producer	.393	.395	.398	.401	.404	.407	.410	.413	.416	.419	.422
Certain Appalachian Basin Gas:											
North subarea contracts dated after 10–7–69	.368	.370	.372	.374	.376	.379	.382	.385	.388	.391	.394
Other contracts	.344	.346	.348	.350	.352	.355	.358	.361	.364	.367	.370
Minimum Rate gas [2]: All producers	.203	.204	.205	.206	.207	.208	.209	.210	.212	.214	.216

TABLE II.—NATURAL GAS CEILING PRICES: NGPA SECTIONS 104 AND 106(a) (SUBPART D, PART 271)—Continued

Category of natural gas and type of sale or contract	Maximum lawful price per MMBtu for deliveries made in									
	Nov. 1979	Dec. 1979	Jan. 1980	Feb. 1980	Mar. 1980	Apr. 1980	May 1980	June 1980	July 1980	Aug. 1980
Post-1974 gas: All producers	$1.762	$1.774	$1.786	$1.799	$1.812	$1.825	$1.839	$1.853	$1.867	$1.883
1973–74 Biennium gas:										
Small producer	1.490	1.500	1.510	1.521	1.532	1.543	1.555	1.567	1.579	1.592
Large producer	1.144	1.152	1.160	1.168	1.176	1.184	1.193	1.202	1.211	1.221
Interstate Rollover gas [1]:										
Small producer	.715	.715	.728	.728	.728	.728	.728	.728	.728	.728
Large producer	.650	.654	.659	.664	.669	.674	.679	.684	.689	.695
Replacement contract gas or recompletion gas:										
Small producer	.835	.841	.847	.853	.859	.865	.872	.879	.886	.893
Large producer	.639	.643	.647	.652	.657	.662	.667	.672	.677	.683
Flowing gas:										
Small producer	.425	.428	.431	.434	.437	.440	.443	.446	.449	.453
Large producer	.357	.359	.361	.364	.367	.370	.373	.376	.379	.382
Certain Permian Basin gas:										
Small producer	.498	.501	.504	.508	.512	.516	.520	.524	.528	.532
Large producer	.437	.440	.443	.446	.449	.452	.455	.459	.463	.467
Certain Rocky Mountain gas:										
Small producer	.498	.501	.504	.508	.512	.516	.520	.524	.528	.532
Large producer	.425	.428	.431	.434	.437	.440	.443	.446	.449	.453
Certain Appalachian Basin gas:										
North subarea contracts dated after 10–7–69	.397	.400	.403	.406	.409	.412	.415	.418	.421	.425
Other Contracts	.373	.376	.379	.382	.385	.388	.391	.394	.397	.400
Minimum Rate Gas [2]: All producers	.217	.218	.220	.222	.224	.226	.228	.230	.232	.234

TABLE II.—NATURAL GAS CEILING PRICES: NGPA SECTIONS 104 AND 106(a) (Subpart D, Part 271)—Continued

Category of natural gas and type of sale or contract	Maximum lawful price per MMBtu for deliveries made in									
	Sept. 1980	Oct. 1980	Nov. 1980	Dec. 1980	Jan. 1981	Feb. 1981	Mar. 1981	Apr. 1981	May 1981	June 1981
Post-1974 gas: All producers	$1.899	$1.915	$1.929	$1.943	$1.957	$1.975	$1.993	$2.011	$2.024	$2.037
1973-74 Biennium gas:										
Small producer	1.605	1.619	1.631	1.643	1.655	1.670	1.685	1.700	1.711	1.722
Large producer	1.231	1.241	1.250	1.259	1.268	1.279	1.291	1.303	1.311	1.319
Interstate Rollover gas [1]:										
Small producer	.728	.728	.728	.728	.741	.741	.741	.743	.748	.753
Large producer	.701	.707	.712	.717	.722	.729	.736	.743	.748	.753
Replacement contract gas or recompletion gas:										
Small producer	.901	.909	.916	.923	.930	.938	.946	.955	.961	.967
Large producer	.689	.695	.700	.705	.710	.716	.722	.729	.734	.739
Flowing gas:										
Small producer	.457	.461	.464	.467	.470	.474	.478	.482	.485	.488
Large producer	.385	.388	.391	.394	.397	.401	.405	.409	.412	.415
Certain Permian Basin gas:										
Small producer	.536	.541	.545	.549	.553	.558	.563	.568	.572	.576
Large producer	.471	.475	.479	.483	.487	.491	.495	.499	.502	.505
Certain Rocky Mountain gas:										
Small producer	.536	.541	.545	.549	.553	.558	.563	.568	.572	.576
Large producer	.457	.461	.464	.467	.470	.474	.478	.482	.485	.488
Certain Appalachian Basin gas:										
North subarea contracts dated after 10/7/69	.429	.433	.436	.439	.442	.446	.450	.454	.457	.460

TABLE II.—NATURAL GAS CEILING PRICES: NGPA SECTIONS 104 AND 106(a) (Subpart D, Part 271)—Continued—Continued

Category of natural gas and type of sale or contract	Maximum lawful price per MMBtu for deliveries made in									
	Sept. 1980	Oct. 1980	Nov. 1980	Dec. 1980	Jan. 1981	Feb. 1981	Mar. 1981	Apr. 1981	May 1981	June 1981
Other contracts	.403	.406	.409	.412	.415	.419	.423	.427	.430	.433
Minimum Rate gas [2]: All producers	.236	.238	.240	.242	.244	.246	.248	.250	.252	.254

TABLE II.—NATURAL GAS CEILING PRICES: NGPA SECTIONS 104 AND 106(a) (SUBPART D, PART 271)—Continued

Category of natural gas and type of sale or contract	Maximum lawful price per MMBtu for deliveries made in									
	July 1981	Aug. 1981	Sept. 1981	Oct. 1981	Nov. 1981	Dec. 1981	Jan. 1982	Feb. 1982	Mar. 1982	Apr. 1982
Post-1974 gas: All producers	$2.050	$2.060	$2.070	$2.080	$2.096	$2.112	$2.128	$2.143	$2.158	$2.173
1973-74 Biennium gas:										
Small producer	1.733	1.742	1.751	1.760	1.773	1.787	1.801	1.813	1.826	1.839
Large producer	1.327	1.334	1.341	1.348	1.358	1.368	1.378	1.388	1.398	1.408
Interstate Rollover gas [1]:										
Small producer	.758	.762	.766	.770	.776	.782	.788	.793	.798	.804
Large producer	.758	.762	.766	.770	.776	.782	.788	.793	.798	.804
Replacement contract gas or recompletion gas:										
Small producer	.973	.978	.983	.988	.996	1.004	1.012	1.019	1.026	1.033
Large producer	.744	.748	.752	.756	.762	.768	.774	.779	.784	.789
Flowing gas:										
Small producer	.491	.493	.495	.497	.501	.505	.509	.513	.517	.521
Large producer	.418	.420	.422	.424	.427	.430	.433	.436	.439	.442
Certain Permian Basin gas:										
Small producer	.580	.583	.586	.589	.594	.599	.604	.608	.612	.616
Large producer	.508	.511	.514	.517	.521	.525	.529	.533	.537	.541
Certain Rocky Mountain gas:										
Small producer	.580	.583	.586	.589	.594	.599	.604	.608	.612	.616
Large producer	.491	.493	.495	.497	.501	.505	.509	.513	.517	.521
Certain Appalachian Basin gas:										
North subarea contracts dated after 10-7-69	.463	.465	.467	.469	.473	.477	.481	.484	.487	.490
Other contracts	.436	.438	.440	.442	.445	.448	.451	.454	.457	.460
Minimum Rate gas [2]: All producers	.256	.257	.258	.259	.261	.263	.265	.267	.269	.271

[1] The price for interstate rollover gas is the higher of the price listed in this table or the just and reasonable price under the expired contract as adjusted for inflation. (See § 271.402(c)(3)).
[2] Prices for minimum rate gas are expressed in terms of dollars per Mcf, rather than MMBtu.

TABLE III—INFLATION ADJUSTMENT

Month of delivery	Factor [1]
1977:	
May	1.00636
June	1.00636
July	1.00431
August	1.00431
September	1.00431
October	1.00463
November	1.00463
December	1.00463
1978:	
January	1.00597
February	1.00597
March	1.00597
April	1.00889
May	1.00889
June	1.00889
July	1.00581
August	1.00581
September	1.00581
October	1.00581
November	1.00581
December	1.00581
1979:	
January	1.00581
February	1.00667
March	1.00667
April	1.00667
May	1.00713
June	1.00713
July	1.00713
August	1.00805
September	1.00805
October	1.00805
November	1.00690
December	1.00690

TABLE III—INFLATION ADJUSTMENT—Continued

Month of delivery	Factor [1]
1980:	
January	1.00690
February	1.00713
March	1.00713
April	1.00713
May	1.00774
June	1.00774
July	1.00774
August	1.00843
September	1.00843
October	1.00843
November	1.00744
December	1.00744
1981:	
January	1.00744
February	1.00904
March	1.00904
April	1.00904
May	1.00643
June	1.00643
July	1.00643
August	1.00503
September	1.00503
October	1.00503
November	1.00767
December	1.00767
1982:	
January	1.00767
February	1.00690
March	1.00690
April	1.00690

[1] By which price in preceding month in multiplied.

[FR Doc. 82-2364 Filed 1-29-82; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 207

[Docket No. R-82-957]

Multifamily Housing Mortgage Insurance Eligibility of Mortgages on Existing Projects

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: Section 207.32a is being amended to implement provisions of the Housing and Community Development Act of 1980 dealing with the section 223(f) program under the National Housing Act which limit prepayment, which make the purchase of an existing project in an older, declining urban area subject to the same requirements as the refinancing of a project, and which change the basis on which a rent

increase may be approved in an older, declining urban area.

EFFECTIVE DATE: March 11, 1982.

FOR FURTHER INFORMATION CONTACT: Ms. Cherie D. Charles, Insured Loan Processing Branch, Housing Development, Room 6118, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410; (202) 755-7172. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: The Housing and Community Development Act of 1974 added a new section 223(f) to the National Housing Act to make HUD mortgage insurance available for the purchase or refinancing of existing multifamily housing. The Housing and Community Development Act of 1980, which was enacted into law on October 8, 1980, contains amendments to section 223(f) which add provisions intended to maintain the rental character of housing insured under this section. One provision limits the circumstances under which prepayment of a section 223(f) mortgage will be allowed for a period of five years (twenty years for projects utilizing GNMA financing). Prepayment is permitted only where the property will be maintained as rental housing or where maintenance as rental property is not necessary or desirable. Other provisions affect use of section 223(f) in older, declining urban areas by making purchase transactions in these areas subject to the same requirements as refinancing transactions and by allowing reasonable profit to be taken into consideration in determining approvable rent increases.

In addition, one technical correction is being made at this time. On December 12, 1979, a final rule was published in the **Federal Register** (Vol. 44, No. 240, p. 71824) amending § 207.32a to implement the Housing and Community Development Amendments of 1978 which changed the minimum number of units in a project from 8 to 5. One reference, which was missed, is now being corrected.

Because these amendments to § 207.32a implement already-enacted statutory provisions which are beneficial to the public and do not involve the exercise of policy judgment by this Department, the Secretary has determined that advance notice, publication and public comment procedures would be contrary to the public interest and that good cause exists for making these amendments effective as soon as possible.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulation 24 CFR Part 50, which implements section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection and copying (at a charge of 10 cents per copy) during regular business hours in the Office of the General Counsel, Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

Pursuant to section 605(b) of the Regulatory Flexibility Act 5 U.S.C. 601 et seq., the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities.

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

The Catalog of Federal Domestic Assistance program number and title are 14.155, Mortgage Insurance for the Purchase or Refinancing of Existing Multifamily Housing Projects (section 223(f) Pursuant to section 207).

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Accordingly, § 207.32a, Part 207, Subchapter B, Chapter II of Title 24 Code of Federal Regulations, is amended as set forth below:

1. In § 207.32a, paragraph (e) is retitled "Maturity and prepayment", and the existing paragraph is redesignated as paragraph (l)(1) and a new paragraph (l)(2) is added to read as follows:

§ 207.32a Eligibility of mortgages on existing projects.

* * * * *

(e) *Maturity and prepayment.* (1)

* * *

(2) Where the commitment for mortgage insurance was issued after October 8, 1980, prepayment of the mortgage indebtedness is prohibited, except as required by the Commissioner, for a period of five years from the date of endorsement of the mortgage (or for a period of twenty years where the mortgage was purchased by the Government National Mortgage Association under Chapter II of Subtitle B of Title 24) except where, at the time of prepayment:

(i) The mortgagor has entered into an agreement with the Commissioner to maintain the property as rental housing for the remainder of the specified five-year (or twenty-year) period;

(ii) The Commissioner has determined that the conversion of the property to cooperative or condominium ownership is sponsored by a bona fide tenants' organization representing a majority of the households in the project;

(iii) The Commissioner has determined that continuation of the property as rental housing is unnecessary to assure adequate rental housing opportunities for low-and moderate-income people in the community; or

(iv) The Commissioner has determined that continuation of the property as rental housing would have an undesirable and deleterious effect on the surrounding neighborhood.

§ 207.32a [Amended]

2. In § 207.32a, paragraph (f) is amended to replace the word "eight" in the first sentence of the introductory text with "five".

3. In § 207.32a, paragraph (g) is retitled "Eligible property in older, declining urban areas," and three changes are made within the paragraph: (1) the words "purchased or" are added in the introductory text between "project to be" and "refinanced"; (2) "(c)" is added to (g)(1) after "(b)(2),"; and (3) the words "purchased or" are added to (g)(2) between "the" and "refinancing".

4. In § 207.32a, paragraph (g)(3) is revised to read as follows:

* * * * *

(g) * * *

(3) The mortgagor shall agree that, during the mortgage term, no rental increase shall be made except where approved by the Commissioner to offset actual and reasonable operating expense increases, or other necessary expense increases, and to maintain reasonable profit levels.

* * * * *

(Sec. 327 of the Housing and Community Development Act of 1980 (42 U.S.C. 5301 et seq.); Sec. 223(f) of the National Housing Act (12 U.S.C. 1715n); Secs. 4(a) and 7(d) of the U.S. Department of HUD Act (42 U.S.C. 3533(a), 3535(d)))

Issued at Washington, D.C. on December 14, 1981.

Philip D. Winn,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 82-2455 Filed 1-29-82; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7807]

Special Rule for the Deduction of Certain Charitable Contributions of Inventory and Other Property

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final Income Tax Regulations relating to a special rule for the deduction by corporations of certain charitable contributions of inventory and other property as added by the Tax Reform Act of 1976. The regulations provide corporate donors and charitable and other recipient organizations with the guidance needed to comply with the new law.

DATES: The regulations are effective, generally, with respect to qualified contributions made after October 4, 1976.

FOR FURTHER INFORMATION CONTACT: Charles Saverude of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, D.C. 20224 (Attention: CC:LR:T, 202–566–3323).

SUPPLEMENTARY INFORMATION:

Background

On March 20, 1980, the Federal Register published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 170(e)(3) of the Code. A public hearing was held on July 15, 1980. After consideration of all comments regarding the proposed amendments, those amendments are adopted as revised by this Treasury decision.

The effectiveness of these regulations will be evaluated on the basis of comments and information received from the public, members of Congress, other Government agencies, and offices within the Treasury Department and Internal Revenue Service.

Explanation of Provisions: Qualified Contributions

Section 2135 of the Tax Reform Act of 1976 added a new paragraph (3) to section 170(e) of the Internal Revenue Code to provide a special rule for the deduction by corporations of qualified contributions of certain property. The final regulations provide rules which set forth the requirements for a qualified contribution. Only certain of the organizations described in section 501(c)(3) of the Code may receive the contribution, and only certain property may be contributed (principally inventory and depreciable property). The property must be used for a purpose related to the grounds for the exemption of the organization to which the contribution is made and must be used for the care of the ill, needy, or infants. In addition, the organization may not charge for the transfer (or use) of the property and must provide the corporate-donor with a written statement representing that the organization intends to comply with these restrictions on use and transfer of the property. Finally, the contributed property must conform to any applicable provisions of the Federal Food, Drug, and Cosmetic Act (as amended), and the regulations thereunder, at the date of contribution and for the immediately preceding 180 days.

Explanation of Provisions: Calculation of Allowable Deduction

The final regulations require reduction of the amount of the allowable deduction for a qualified charitable contribution by an amount equal to one-half of the amount of gain (other than gain subject to certain ordinary income recapture provisions) which would not have been long-term capital gain if the property had been sold by the taxpayer at fair market value at the date of contribution. A second reduction is made if the amount of the allowable deduction which remains after the first reduction is more than twice the basis of the contributed property.

The final regulations also provide rules for determining the basis of contributed property which is inventory. The basis of such contributed property must be determined under the donor's method of accounting for inventory for purposes of United States income tax. The donor must decrease cost of goods sold for the year of contribution by the amount of this basis.

In addition the regulations do not allow a deduction for amounts which would have been subject to certain ordinary income recapture provisions if the property had been sold.

Comments and Changes In the Regulations

The proposed regulations provided, in § 1.170A–4A(b)(2), that a use inconsistent with the requirements of section 170(e)(3) or the regulations under that section would result in a reduction of the donor's charitable contribution deduction. The final regulations modify this rule to provide that the donor's deduction is not reduced if the donor establishes that, at the time of contribution, the donor reasonably anticipated that the donated property would be used in a manner consistent with the requirements. This modification was made in response to comments and to make the regulations under section 170(e)(3) conform more closely to the requirements of other regulations under section 170.

The proposed regulations provided, in § 1.170A–4A(b)(2)(ii)(E), that the term "infant" meant a child under six years of age. The final regulations provide that the term "infant" means a minor child, as determined by the laws of the jurisdiction in which the child resides. Although it was believed that the term "infant" described a very young (younger than school-age) child, several comments pointed out that the term "infant" can also reasonably refer to a "minor". The change was made, therefore, as responsive to comments and as consistent with the intent of section 170(e)(3).

The proposed regulations provided, in § 1.170A–4A(b)(3), that an organization may not receive property or money in exchange for the transfer of the contributed property. Numerous comments presented the common situation where an organization (such as a food bank) charges a nominal fee to another organization in connection with the transfer of contributed property to that organization. The fee is not in exchange for the property, and is not based on the value of the property but is charged to cover administrative, warehousing, and other similar costs. The language of section 170(e)(3) would appear to permit the collection of such a fee. Thus, the final regulations provide, subject to certain requirements, that a contribution may qualify under this section if a fee is charged to cover administrative, warehousing, or other similar costs. The fee may only be charged by one organization to another organization. No fee, for administration costs or otherwise, may be charged in connection with a transfer of contributed property directly from an organization to ill or needy individuals or infants.

The proposed regulations provided, in § 1.170A–4A(b)(4), that adequate books and records must be kept to show the identity of the donor and transferring organization, the use of the property, and the nature of any disposition of the property. Several comments stated that this requirement necessitated burdensome recordkeeping. Since these recordkeeping requirements should not be unnecessarily burdensome, the rule in the final regulations has been modified to reduce required recordkeeping. The final rules make it clear that the books and records need not reflect a tracing of the receipt and disposition of specific items of donated property. It is sufficient if the books and records disclose compliance with the requirements of section 170(e)(3) by reference to aggregate quantities of donated property. The books and records are adequate if they reflect the total amount of property received and distributed (or used), and outline the procedure used for determining that the

ultimate recipient of the property is an ill or needy individual, or infant. However, the books and records need not reflect the names of the ultimate individual recipients or the property distributed to (or used by) each one.

Drafting Information

The principal author of this regulation is Eileen Murphy of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

Amendments to the Regulations

The amendments to 26 CFR Part 1 are as follows:

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Paragraph 1. Section 1.170A–1 is amended by revising the seventh sentence of paragraph (a)(1) and by revising paragraph (c)(1). These revised provisions read as follows:

§ 1.170A–1 Charitable, etc., contributions and gifts; allowance of deduction.

(a) *In general*—(1) *Allowance of deduction.* * * * For special rules relating to computation of the amount of the deduction with respect to a charitable contribution of certain ordinary income or capital gain property, see section 170(e) and §§ 1.170A–4 and 1.170A–4A.* * *

* * * * *

(c) *Value of a contribution in property.*

(1) If a charitable contribution is made in property other than money, the amount of the contribution is the fair market value of the property at the time of the contribution reduced as provided in section 170(e)(1) and paragraph (a) of § 1.170A–4, or section 170(e)(3) and paragraph (c) of § 1.170A–4A.

§ 1.170A–4 [Amended]

Par. 2. Section 1.170A–4 is amended by deleting from paragraph (b)(4) of the phrase "or 1252(a)" and inserting in lieu thereof "1252(a), or 1254(a)".

Par. 3. There is added immediately after § 1.170A–4 the following new section:

§ 1.170A–4A Special rule for the deduction of certain charitable contributions of inventory and other property.

(a) *Introduction.* Section 170(e)(3) provides a special rule for the deduction of certain qualified contributions of inventory and certain other property. To be treated as a "qualified contribution", a contribution must meet the restrictions and requirements of section 170(e)(3) (A) and paragraph (b) of this section. Paragraph (b)(1) of this section describes the corporations whose contributions may be subject to this section, the exempt organizations to which these contributions may be made, and the kinds of property which may be contributed. Under paragraph (b)(2) of this section, the use of the property must be related to the purpose or function constituting the ground for the exemption of the organization to which the contribution is made. Also, the property must be used for the care of the ill, needy, or infants. Under paragraph (b)(3) of this section, the recipient organization may not, except as there provided, require or receive in exchange money, property, or services for the transfer or use of property contributed under section 170(e)(3). Under paragraph (b)(4) of this section, the recipient organization must provide the contributing taxpayer with a written statement representing that the organization intends to comply with the restrictions set forth in paragraph (b) (2) and (3) of this section on the use and transfer of the property. Under paragraph (b)(5) of this section, the contributed property must conform to any applicable provisions of the Federal Food, Drug, and Cosmetic Act (as amended), and the regulations thereunder, at the date of contribution and for the immediately preceding 180 days. Paragraph (c) of this section provides the rules for determining the amount of reduction of the charitable contribution under section 170(e)(3). In general, the amount of the reduction is equal to one-half of the amount of gain (other than gain described in paragraph (d) of this section) which would not have been long-term capital gain if the property had been sold by the donor-taxpayer at fair market value at the date of contribution. If, after this reduction, the amount of the deduction would be more than twice the basis of the contributed property, the amount of the deduction is accordingly further reduced under paragraph (c)(1) of this section. The basis of contributed property which is inventory is determined under paragraph (c)(2) of this section, and the donor's cost of goods sold for the year of contribution must be adjusted under paragraph (c)(3) of this section. Under paragraph (d) of this section, a deduction is not allowed for any amount which, if the property had been sold by the donor-taxpayer, would have been gain to which the recapture provisions of section 617, 1245, 1250, 1251, or 1252 would have applied. For purposes of section 170(e)(3) the rules of § 1.170A–4 apply where not inconsistent with the rules of this section.

(b) *Qualified contributions*—(1) *In general.* A contribution of property qualifies under section 170(e)(3) of this section only if it is a charitable contribution—

(i) By a corporation, other than a corporation which is an electing small business corporation within the meaning of section 1371(b);

(ii) To an organization described in section 501(c)(3) and exempt under section 501(a), other than a private foundation, as defined in section 509(a), which is not an operating foundation, as defined in section 4942(j)(e);

(iii) Of property described in section 1221 (1) or (2);

(iv) Which contribution meets the restrictions and requirements of paragraph (b) (2) through (5) of this section.

(2) *Restrictions on use of contributed property.* In order for the contribution to qualify under this section, the contributed property is subject to the following restrictions in use. If the transferred property is used or transferred by the donee organization (or by any subsequent transferee that furnished to the donee organization the written statement described in paragraph (b)(4)(ii) of this section) in a manner inconsistent with the requirements of subdivision (i) or (ii) of this paragraph (b)(2) or the requirements of paragraph (b)(3) of this section, the donor's deduction is reduced to the amount allowable under section 170 of the regulations thereunder, determined without regard to section 170(e)(3) of this section. If, however, the donor establishes that, at the time of the contribution, the donor reasonably anticipated that the property would be used in a manner consistent with those requirements, then the donor's deduction is not reduced.

(i) *Requirement of use for exempt purpose.* The use of the property must be related to the purpose or function constituting the ground for exemption under section 501(c)(3) of the organization to which the contribution is made. The property may not be used in connection with any activity which gives rise to unrelated trade or business income, as defined in sections 512 and 513 and the regulations thereunder.

(ii) *Requirement of use for care of the ill, needy, or infants*—(A) *In general.* The property must be used for the care of the ill, needy, or infants, as defined in this subdivision (ii). The property itself must ultimately either be transferred to (or for the use of) the ill, needy, or

infants for their care or be retained for their care. No other person may use the contributed property except as incidental to primary use in the care of the ill, needy, or infants. The organization may satisfy the requirement of this subdivision by transferring the property to a relative, custodian, parent or guardian of the ill or needy individual or infant, or to any other individual if it makes a reasonable effort to ascertain that the property will ultimately be used primarily for the care of the ill or needy individual, or infant, and not for the primary benefit of any other person. The recipient organization may transfer the property to another exempt organization within the jurisdiction of the United States which meets the description contained in paragraph (b)(1)(ii) of this section, or to an organization not within the jurisdiction of the United States that, but for the fact that it is not within the jurisdiction of the United States, would be described in paragraph (b)(1)(ii) of this section. If an organization transfers the property to another organization, the transferring organization must obtain a written statement from the transferee organization as set forth in paragraph (b)(4) of this section. If the property is ultimately transferred to, or used for the benefit of, ill or needy persons, or infants, not within the jurisdiction of the United States, the organization which so transfers the property outside the jurisdiction of the United States must necessarily be a corporation. See section 170(c)(2) and § 1.170A–11(a). For purposes of this subdivision, if the donee-organization charges for its transfer of contributed property (other than a fee allowed by paragraph (b)(3)(ii) of this section), the requirement of this subdivision is not met. See paragraph (b)(3) of this section.

(B) *Definition of the ill.* An ill person is a person who requires medical care within the meaning of § 1.213–1(e). Examples of ill persons include a person suffering from physical injury, a person with a significant impairment of a bodily organ, a person with an existing handicap, whether from birth or later injury, a person suffering from malnutrition, a person with a disease, sickness, or infection which significantly impairs physical health, a person partially or totally incapable of self-care (including incapacity due to old age). A person suffering from mental illness is included if the person is hospitalized or institutionalized for the mental disorder, or, although the person is nonhospitalized or noninstitutionalized, if the person's mental illness constitutes a significant health impairment.

(C) *Definition of care of the ill.* Care of the ill means alleviation or cure of an existing illness and includes care of the physical, mental, or emotional needs of the ill.

(D) *Definition of the needy.* A needy person is a person who lacks the necessities of life, involving physical, mental, or emotional well-being, as a result of poverty or temporary distress. Examples of needy persons include a person who is financially impoverished as a result of low income and lack of financial resources, a person who temporarily lacks food or shelter (and the means to provide for it), a person who is the victim of a natural disaster (such as fire or flood), a person who is the victim of a civil disaster (such as a civil disturbance), a person who is temporarily not self-sufficient as a result of a sudden and severe personal or family crisis (such as a person who is the victim of a crime of violence or who has been physically abused), a person who is a refugee or immigrant and who is experiencing language, cultural, or financial difficulties, a minor child who is not self-sufficient and who is not cared for by a parent or guardian, and a person who is not self-sufficient as a result of previous institutionalization (such as a former prisoner or a former patient in a mental institution).

(E) *Definition of care of the needy.* Care of the needy means alleviation or satisfaction of an existing need. Since a person may be needy in some respects and not needy in other respects, care of the needy must relate to the particular need which causes the person to be needy. For example, a person whose temporary need arises from a natural disaster may need temporary shelter and food but not recreational facilities.

(F) *Definition of infant.* An infant is a minor child (as determined under the laws of the jurisdiction in which the child resides).

(G) *Definition of care of an infant.* Care of an infant means performance of parental functions and provision for the physical, mental, and emotional needs of the infant.

(3) *Restrictions on Transfer of contributed property*—(i) *In general.* Except as otherwise provided in subdivision (ii) of this paragraph (b)(3), a contribution will not qualify under this section, if the donee-organization or any transferee of the donee-organization requires or receives any money, property, or services for the transfer or use of property contributed under section 170(e)(3). For example, if an organization provides temporary shelter for a fee, and also provides free meals to ill or needy individuals, or infants using food contributed under this section the contribution of food is subject to this section (if the other requirements of this section are met). However, the fee charged by the organization for the shelter may not be increased merely because meals are served to the ill or needy individuals or infants.

(ii) *Exception.* A contribution may qualify under this section if the donee-organization charges a fee to another organization in connection with its transfer of the donated property, if—

(A) The fee is small or nominal in relation to the value of the transferred property and is not determined by this value; and

(B) The fee is designed to reimburse the donee-organization for its administrative, warehousing, or other similar costs.

For example, if a charitable organization (such as a food bank) accepts surplus food to distribute to other charities which give the food to needy persons, a small fee may be charged to cover administrative, warehousing, and other similar costs. This fee may be charged on the basis of the total number of pounds of food distributed to the transferee charity but not on the basis of the value of the food distributed. The provisions of this subdivision (ii) do not apply to a transfer of donated property directly from an organization to ill or needy individuals, or infants.

(4) *Requirement of a written statement*—(i) *Furnished to taxpayer.* In the case of any contribution made on or after [Date which is 30 days after the issuance of these regulations by Treasury decision], the donee-organization must furnish to the taxpayer a written statement which—

(A) Describes the contributed property, stating the date of its receipt;

(B) Represents that the property will be used in compliance with section 170(e)(3) and paragraphs (b) (2) and (3) of this section;

(C) Represents that the donee-organization meets the requirements of paragraph (b)(1)(ii) of this section; and

(D) Represents that adequate books and records will be maintained, and made available to the Internal Revenue Service upon request.

The written statement must be furnished within a reasonable period after the contribution, but not later than the date (including extensions) by which the donor is required to file a United States corporate income tax return for the year in which the contribution was made. The books and records described in (D) of this subdivision (i) need not trace the receipt and disposition of specific items of donated property if

they disclose compliance with the requirements by reference to aggregate quantities of donated property. The books and records are adequate if they reflect total amounts received and distributed (or used), and outline the procedure used for determining that the ultimate recipient of the property is an ill or needy individual, or infant. However, the books and records need not reflect the names of the ultimate individual recipients or the property distributed to (or used by) each one.

(ii) *Furnished to transferring organization.* If an organization that received a contribution under this section transfers the contributed property to another organization on or after [Date which is 30 days after the issuance of these regulations by Treasury decision], the transferee organization must furnish to the transferring organization a written statement which contains the information required in paragraph (b)(4)(i) (A), (B) and (D) of this section. The statement must also represent that the transferee organization meets the requirements of paragraph (b)(1)(ii) of this section (or, in the case of a transferee organization which is a foreign organization not within the jurisdiction of the United States, that, but for such fact, the organization would meet the requirements of paragraph (b)(1)(ii) of this section). The written statement must be furnished within a reasonable period after the transfer.

(5) *Requirement of compliance with the Federal Food, Drug, and Cosmetic Act*—(i) *In general.* With respect to property contributed under this section which is subject to the Federal Food, Drug, and Cosmetic Act (as amended), and regulations thereunder, the contributed property must comply with the applicable provisions of that Act and regulations thereunder at the date of the contribution and for the immediately preceding 180 days. In the case of specific items of contributed property not in existence for the entire period of 180 days immediately preceding the date of contribution, the requirement of this paragraph (b)(5) is considered met if the contributed property complied with that Act and the regulations thereunder during the period of its existence and at the date of contribution and if, for the 180 day period prior to contribution other property (if any) held by the taxpayer at any time during that period, which property was fungible with the contributed property, complied with that Act and the regulations thereunder during the period held by the taxpayer.

(ii) *Example.* The rule of this paragraph (b)(5) may be illustrated by the following example.

Example. Corporation X a grocery store, contributes 12 crates of navel oranges. The oranges were picked and placed in the grocery store's stock two weeks prior to the date of contribution. The contribution satisfies the requirements of this paragraph (b)(5) if X complied with the Act and regulations thereunder for 180 days prior to the date of contribution with respect to all navel oranges in stock during that period.

(c) *Amount of reduction*—(1) *In general.* Section 170(e)(3)(B) requires that the amount of the charitable contribution subject to this section which would be taken into account under section 170(a), without regard to section 170(e), must be reduced before applying the percentage limitations under section 170(b). The amount of the first reduction is equal to one-half of the amount of gain which would not have been long-term capital gain if the property had been sold by the donor-taxpayer at its fair market value on the date of its contribution, excluding, however, any amount described in paragraph (d) of this section. If the amount of the charitable contribution which remains after this reduction exceeds twice the basis of the contributed property, then the amount of the charitable contribution is reduced a second time to an amount which is equal to twice the amount of the basis of the property.

(2) *Basis of contributed property which is inventory.* For the purposes of this section, notwithstanding the rules of § 1.170A–1(c)(4), the basis of contributed property which is inventory must be determined under the donor's method of accounting for inventory for purposes of United States income tax. The donor must use as the basis of the contributed item the inventoriable carrying cost assigned to any similar item not included in closing inventory. For example, under the LIFO dollar value method of accounting for inventory, where there has been an invasion of a prior year's layer, the donor may choose to treat the item contributed as having a basis of the unit's cost with reference to the layer(s) of prior year(s) cost or with reference to the current year cost.

(3) *Adjustment to cost of goods sold.* The donor of property which is inventory contributed under this section must make a corresponding adjustment to cost of goods sold by decreasing the cost of goods sold by the amount of basis determined under paragraph (c)(2) of this section.

(4) *Examples.* The rules of this paragraph (c) may be illustrated by the following examples:

Example (1). During 1978 corporation X, a calendar year taxpayer, makes a qualified contribution of women's coats which were section 1221(1) property. The fair market value of the property at the date of contribution is $1,000, and the basis of the property is $200. The amount of the charitable contribution which would be taken into account under section 170(a) is the fair market value ($1,000). The amount of gain which would not have been long-term capital gain if the property had been sold is $800 ($1,000−$200). The amount of the contribution is reduced by one-half the amount which would not have been capital gain if the property had been sold ($800/2=$400).

After this reduction, the amount of the contribution which may be taken into account is $600 ($1,000−$400). A second reduction is made in the amount of the charitable contribution because this amount (as first reduced to $600) is more than $400 which is an amount equal to twice the basis of the property. The amount of the further reduction is $200 [$600−(2×$200)], and the amount of the contribution as finally reduced is $400 [$1,00−($400+$200)]. X would also have to decrease its cost of goods sold for the year of contribution by $200.

Example (2). Assume the same facts as set forth in example (1) except that the basis of the property is $600. The amount of the first reduction is $200 [($1,000−$600)/2].

As reduced, the amount of the contribution which may be taken into account is $800 ($1,000−$200). There is no second reduction because $800 is less than $1,200 which is twice the basis of the property. However, X would have to decrease its cost of goods sold for the year of contribution by $600.

(d) *Recapture excluded.* A deduction is not allowed under section 170(a)(3) or this section for any amount which, if the property had been sold by the donor-taxpayer on the date of its contribution for an amount equal to its fair market value, would have been treated as ordinary income under section 617, 1245, 1250, 1251, or 1252. Thus, before making either reduction required by section 170(e)(3)(B) and paragraph (c) of this section, the fair market value of the contributed property must be reduced by the amount of gain that would have been recognized (if the property had been sold) as ordinary income under section 617, 1245, 1250, 1251, or 1252.

(e) *Effective date.* This section applies to qualified contributions made after October 4, 1976.

§ 1.170A–11 [Amended]

Par 4. Section 1.170A–11 is amended by adding the word ", and" to the end of paragraph (a)(3), by deleting paragraph (a)(4), and by redesignating paragraph (a)(5) as paragraph (a)(4).

This Treasury decision is issued under the authority contained in section 7805

of the Internal Revenue Code of 1954 (68A Stat. 917, 26 U.S.C. 7805).

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: January 13, 1982.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 82-2531 Filed 1-29-82; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Part 0

[Order No. 967-82]

Authority to Provide Laboratory Assistance to Foreign Law Enforcement Agencies and Courts

AGENCY: Office of the Attorney General, Justice.

ACTION: Final rule

SUMMARY: This orde delegates to the Director of the Federal Bureau of Investigation the authority to make available the services of the Federal Bureau of Investigation Laboratory to foreign law enforcement agencies and courts

EFFECTIVE DATE: January 19, 1982.

FOR FURTHER INFORMATION CONTACT: John A. Mintz, Assistant Director, Legal Counsel Division, Federal Bureau of Investigation, J. Edgar Hoover Building, Tenth and Pennsylvania Avenue, NW., Washington, D.C. 20535 (202-324-5018).

SUPPLEMENTARY INFORMATION: The statutory basis for the delegated authority is 28 U.S.C. 553(3) which provides that the Attorney General may appoint officials "* * * to conduct such other investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General." The delegation therefore provides that the authority is to be exercised according to procedures agreed upon by the Secretary of State and the Attorney General.

This order is not a rule within the meaning of either Executive Order No. 12291, § 1(a) or the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Accordingly, by virtue of the authority vested in me as Attorney General by 28 U.S.C. 509, 510 and 533 and 5 U.S.C. 301, § 0.85(g) of Title 28, Code of Federal Regulations is revised to read as follows:

§ 0.85 General functions.

* * * * *

(g) Operate the Federal Bureau of Investigation Laboratory to serve not only the Federal Bureau of Investigation, but also to provide, without cost, technical and scientific assistance, including expert testimony in Federal or local courts, for all duly constituted law enforcement agencies, other organizational units of the Department of Justice, and other Federal agencies, which may desire to avail themselves of the service. As provided for in procedures agreed upon between the Secretary of State and the Attorney General, the services of the Federal Bureau of Investigation Laboratory may also be made available to foreign law enforcement agencies and courts.

* * * * *

Dated: January 19, 1982.

William French Smith,

Attorney General

[FR Doc. 82-2469 Filed 1-29-82; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 916

Approval of the Abandoned Mine Land Reclamation Plan for the State of Kansas Under the Surface Mining Control and Reclamation Act of 1977

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

ACTION: Final rule.

SUMMARY: On October 1, 1981, the State of Kansas submitted to OSM its proposed Abandoned Mine Land Reclamation Plan (Plan) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The purpose of this submission is to demonstrate the State's intent and capability to assume responsibility for administering and conducting the Abandoned Mine Land Reclamation Program established by Title IV of SMCRA and regulations adopted by OSM (30 CFR Chapter VII, Subchapter R., 43 FR 49932-49952, October 25, 1978). After opportunity for public comment and review of the plan submission, the Assistant Secretary for Energy and Minerals of the Department of the Interior has determined that the Kansas Abandoned Mine Land Reclamation Plan meets the requirements of SMCRA and the Secretary's regulations. Accordingly, the Assistant Secretary has approved the Kansas Plan. Kansas will be eligible for reclamation grants when certain legislative provisions have been adopted by the State Legislature.

EFFECTIVE DATE: This rule is effective February 1, 1982.

ADDRESSES: Copies of the full text of the Kansas Plan are available for review during regular business hours at the following locations:

State Corporation Commission, Mined-Land Conservation Board, 107 West Eleventh Street, Pittsburg, Kansas 66762

Office of Surface Mining Reclamation and Enforcement, Missouri State Office, 818 Grand Avenue, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Don Willen, Chief, Division of Abandoned Mine Land Reclamation, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 1951 Constitution Avenue, N.W., Washington, D.C. 20240 Telephone (202) 343-7951.

SUPPLEMENTARY INFORMATION:

General Background of the Abandoned Mine Land Reclamation Program

Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), Pub. L. 95-87, 30 U.S.C. 1201 *et seq.*, establishes an abandoned mine land reclamation program for the purposes of reclaiming and restoring lands and water resources adversely affected by past mining. This program is funded by a reclamation fee imposed upon the production of coal. Lands and water eligible for reclamation under the program are those that were mined or affected by mining and abandoned or left in an inadequate reclamation status prior to August 3, 1977, and for which there is no continuing responsibility under State or Federal law. Each State, having within its borders coal mined lands eligible for reclamation under Title IV of SMCRA, may submit to the Department a State reclamation plan demonstrating its capability for administering an abandoned mine land reclamation program. Title IV provides that the Secretary may approve the plan once the State has an approved Regulatory program under Title V of SMCRA. If the Secretary determines that a State has developed and submitted a program for reclamation and has the necessary State legislation to implement the provisions of Title IV, the Secretary shall grant the State exclusive responsibility and authority to implement the provisions of the

approved plan. Section 405 of SMCRA (30 U.S.C. 1235) contains the requirements for State reclamation plans.

The Secretary has adopted regulations that specify the content requirements of a State reclamation plan and the criteria for plan approval (30 CFR Part 884, 43 FR 49932, 48847, October 25, 1978). Under those regulations, the Director of the Office of Surface Mining is required to review the plan, and solicit and consider comments of other Federal agencies and the public. If the State plan is disapproved, the State may resubmit a revised reclamation plan at any time.

Upon approval of the State reclamation plan, the State may submit to the Director on an annual basis an application for funds to be expended in such State on specific reclamation projects which are necessary to implement the State reclamation plan as approved. Such annual requests are reviewed and approved by OSM in compliance with the requirements of 30 CFR Part 886.

To codify information applicable to individual States under SMCRA, including decisions on State reclamation plans, OSM has established a new subchapter T to 30 CFR Chapter VII. Subchapter T consists of Parts 900 through 950. Provisions relating to Kansas are found in 30 CFR Part 916.

Background on the Kansas Abandoned Mine Land Reclamation Plan Submission

On January 28, 1980, a cooperative agreement between the Kansas State Corporation Commission, Mined-Land Conservation Board and SMREO was approved. The purpose of this agreement was to assure that information required for the preparation of the Kansas Abandoned Mine Land Reclamation Plan would be assembled.

On July 30 and 31, 1981, the Mined-Land Conservation Board held public hearings in Pittsburg, Kansas to hear comments on the plan.

On October 1, 1981, the State of Kansas submitted its proposed Abandoned Mine Land Reclamation Plan to SMREO.

Notice of receipt of the submission initiating the Plan review was published November 23, 1981 (46 FR 57327–57329). The announcement requested public comments. On December 30, 1981 OSM's Missouri State Director and on January 13, 1982 the Assistant Director for Program Operations and Inspection recommended to the Director that the Assistant Secretary approve the Kansas Plan.

The administrative record on the Kansas Plan is available for review during regular business hours at the SMREO listed above in "Addresses".

Assistant Secretary's Findings

1. In accordance with Section 405 of SMCRA, the Assistant Secretary finds that Kansas has submitted a Plan for reclamation of abandoned mines and has the ability to implement the provisions of Title IV of SMCRA. Although the Plan conforms to statutory requirements, the Kansas State legislature must still amend the Kansas State Act of 1980 (supplement 49–428) to facilitate State use of reclamation funds before they may be received by the State. At this time the State Act differs from Federal law in the following ways: (1) Kansas does not permit Federal reclamation funds to be deposited in the State treasury; (2) Liens on abandoned mine lands are for the benefit of the United States instead of the State; (3) The Mined-Land Conservation and Reclamation Board has no authority for the condemnation of land for reclamation purposes. These were restrictions imposed by Article II, Section 9 of the Kansas State Constitution before it was amended in 1980.

When the appropriate legislation is passed, Kansas will be eligible to receive reclamation construction grant funds.

2. The Assistant Secretary has determined, pursuant to 30 CFR 884.14, that:

(a) The Kansas State Corporation Commission, Mined-Land Reclamation Board has the legal authority, policies and administrative structure necessary to carry out the Plan;

(b) The Plan meets all the requirements of 30 CFR Chapter VII, Subchapter R;

(c) The State has an approved regulatory program; and

(d) The Plan is in compliance with all applicable State and Federal laws and regulations.

(3) The Assistant Secretary has solicited and considered the views of the Federal agencies having an interest in the Plan as required by 30 CFR 884.13(a)(2). Agencies that commented include: The U.S. Department of Agriculture, Soil Conservation Service (SCS); the U.S. Department of the Interior, Fish and Wildlife Service (FWS), and the U.S. Department of Interior, Bureau of Mines (BOM).

Disposition of Comments

The following comments received on the Kansas Plan during the public comment period were considered in the Assistant Secretary's evaluation of the Kansas Plan as indicated.

(1) The SCS commented that a section should be added to the Plan that discusses the treatment of abandoned mine land (AML) reclamation areas—particularly as the Plan applies to revegetation and cattle grazing. OSM's agrees with this comment. The State has agreed to modify the Plan by including a discussion of treatment of AML areas following the guidelines presented in 45 FR 14810–14819.

(2) The SCS commented that in Volume II, page 183 of the Plan, the Summit-Lulu-Woodson soil descriptions should be changed to correspond to the Parson-Dennis association format used on page 181. OSM's response is that a clarification of this technical question would be beneficial. The State has agreed to modify the Plan by reformating the description given on page II, 183.

(3) The FWS commented that in § 884.13(f)(2) of the Plan which discusses revegetation problems, consideration should be given to interspersing trees and shrub species with native grasses and forbs. OSM's response is that the Plan adequately covers the subject of revegetation. No modifications are required.

(4) The BOM commented that the checklist on page I–17 should be amended to include a list of mineral resources known to occur on the site being evaluated. OSM agrees with BOM's comment. The State will comply with this comment by incorporating such a list in Figure 2 on page I–22.

(5) The BOM commented that in the Project Evaluation Matrix three response ratings (high, intermediate, and low) should be used to evaluate the "probability that a project site would be affected by future mining" instead of two (high and low). It further suggested that selection of an appropriate response occur only after a site's potential for mineral resources recovery is evaluated. OSM agrees with BOM's comment. The State has agreed to incorporate "Reclamation Project Evaluation" information in appendix I–B in Figure 2, the Project Evaluation Matrix.

Additional Findings

The Office of Surface Mining has examined this rulemaking under Section 1(b) of Executive Order No. 12291 (February 17, 1981), and has determined that, based on available quantitative data, it does not constitute a major rule. The reasons underlying this determination are as follows:

1. Approval will not have an effect on costs or prices for consumers, individual industries, Federal, State, or local

government agencies or geographic regions; and

2. Approval will not have 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.

This rulemaking has been examined pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, and the Office of Surface Mining has determined that the rule will not have a significant economic effect on a substantial number of small entities. The reason for this determination is that approval will not have demographic effects, direct costs, information collection and recordkeeping requirements, indirect costs, nonquantifiable costs, competitive effects, enforcement costs or aggregate effects on small entities.

The Assistant Secretary has determined that the Kansas Abandoned Mine Land Reclamation Plan will not have a significant effect on the quality of the human environment because the decision relates only to policies, procedures and organization of the State's Abandoned Mine Land Reclamation Program. Therefore, under the Department of Interior Manual (DM) 516.2.3(A)(1), the Assistant Secretary's decision on the Kansas Plan is categorically excluded from the National Environmental Policy Act requirements. As a result, no environmental assessment or environmental impact statement (EIS) has been prepared on this action. It should be noted that a programmatic EIS was prepared by OSM in conjunction with the implementation of Title IV. Also, an environmental analysis or an EIS will be prepared for the approval of grants for the abandoned mine land reclamation projects under 30 CFR Part 886.

This rule is effective upon February 1, 1982. The good cause for making this rule effective upon date of publication is: (1) The Office of Surface Mining wants to minimize the time between the approval of Title V regulatory programs and the Title IV State reclamation program plans; and (2) grants are pending approval of the Title IV plan and OSM wishes to expedite grant assistance to States to initiate needed reclamation work as required by the Act.

Dated: January 20, 1982.

J. S. Griles,

Acting Director, Office of Surface Mining.

Dated: January 25, 1982.

Daniel N. Miller, Jr.,

Assistant Secretary—Energy and Minerals.

PART 916—KANSAS

Therefore Part 916 is amended by adding § 916.20 to read as follows:

§ 916.20 Approval of Kansas Abandoned Mine Land Reclamation Plan.

The Kansas Abandoned Mine Land Reclamation Plan, as submitted on October 1, 1981, is approved. Copies of the approved plan are available at:

Office of Surface Mining Reclamation and Enforcement; Missouri State Office, 818 Grand Avenue, Kansas City, Missouri 64106

State Corporation Commission, Mined-Land Conservation Board, 107 West Eleventh Street, Pittsburg, Kansas 66762.

[FR Doc. 82-2510 Filed 1-29-82; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 100 and 165

[CGD 82-008]

Safety and Security Zones

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary rules issued.

SUMMARY: Periodically the Coast Guard must issue safety and security zones for limited periods of time in limited areas. These zones are established, for example, around areas where there has been a marine casualty or when a vessel carrying a particularly hazardous cargo is transiting a restricted or congested area. The local Captain of the Port (COTP) has been delegated authority to issue these zones. The affected public is informed by means of local notices to mariners, press releases, or other means. Actual notification is frequently provided by Coast Guard patrol vessels enforcing the restrictions imposed in the zone to keep the public informed of the regulatory activity.

The local COTP must be immediately responsive to the safety needs of the area. Since these events usually take place without advance notice, this precludes timely publication of notice in the **Federal Register.** Because most mariners are notified by the local notice to mariners and Coast Guard officials on scene, **Federal Register** notice is not required to place the security zone or safety zone in effect. However, the Coast Guard, by law, must publish in the **Federal Register** notice of substantive rules adopted. To discharge this legal obligation without imposing undue expense on the public, the Coast Guard publishes a periodic list of temporary security and safety zones which have been established throughout the United States. Permanent safety zones are not included in this list. Permanent zones are published in their entirety in the **Federal Register** just as any other rulemaking. Non-major safety zones, security zones, and regatta regulations have been exempted from the OMB review requirements because of their emergency nature and temporary effectiveness.

DATES: The following list includes zones that were established between August 12, 1981 and December 15, 1981.

ADDRESS: The complete text may be examined at, and is available upon request from Executive Secretary, Marine Safety Council (G-CMC), U.S. Coast Guard Headquarters, 2100 Second St. S.W., Washington, D.C. 20593.

FOR FURTHER INFORMATION CONTACT: Ensign John C. Williams, (202) 426-1477.

SUPPLEMENTARY INFORMATION:

Docket No.	Location	Type	Date
1. CGD 5-81-12R	James River at Newport News, Virginia	Safety Zone	Oct. 31, 1981.
2. CGD 5-81-14R	Chesapeake Bay at Hampton Roads, Virginia	Safety Zone	Nov. 20, 1981.
3. CGD 8-81-11	Vicinity of Mile 118.5 to Mile 119.0 on the Atchafalaya River, one half mile below the Morgan City-Louisiana Railroad Bridge.	Safety Zone	Aug. 12, 1981.
4. CGD 8-81-12	Vicinity of the Gretna-Jackson Avenue Ferry, Mile 97 LMR, AHOP.	Safety Zone	Sept. 5, 1981.
5. CGD 8-81-13	Vicinity of L&N Railroad Bridge and the Turning Basin on the Inner Harbor Navigation Canal New Orleans, Louisiana.	Safety Zone	Sept. 19, 1981, through Sept. 21, 1981.
6. CGD 8-81-14	Vicinity of Algiers Ferry Landing	Safety Zone	Oct. 12, 1981.
7. CGD 11-81-07	Around Structure Being Constructed on the Outer Continental Shelf (OCS).	Safety Zone	Oct. 7, 1981, through Oct. 17, 1981.
8. CGD 11-81-08	Long Beach Harbor, California	Safety Zone	Nov. 23, 1981, through Nov. 26, 1981.
9. CGD 17-81-05	Gastineau Channel, Juneau, Alaska	Safety Zone	Dec. 15, 1981.

A. D. Utara,

Commander, U.S. Coast Guard Regulations Officer.

[FR Doc. 82-2486 Filed 1-29-82; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 117

[CCGD-80-106]

Drawbridge Operation Regulations; Taylor Creek, Florida

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the citizens of Okeechobee City, the Coast Guard is amending the regulations governing the bridge across Taylor Creek, mile 0.23, on U.S. Highway 441 (SR15), Okeechobee, Florida, to change the advance notice requirement from 24 hours to two hours. This action will accommodate the increase in navigation and water oriented development and still provide for the needs of vehicular traffic.

EFFECTIVE DATE: This amendment is effective on March 3, 1982.

FOR FURTHER INFORMATION CONTACT: James R. Kretschmer, Bridge Administrator, Seventh Coast Guard District, Federal Building, Room 1012, 51 S.W., First Avenue, Miami, Florida 33130, at telephone (305) 350-4108.

SUPPLEMENTARY INFORMATION: On 28 November 1980, the Coast Guard published a proposed rule (45 FR 79101) concerning this amendment. The Commander, Seventh Coast Guard District, also published this proposal as a Public Notice dated 1 December 1980. Interested persons were given until 2 January 1981 to submit comments.

Drafting Information

The principal persons involved in drafting this rule are: Mr. James Davis, Bridge Administration Specialist, Office of Aids to Navigation and Lieutenant John M. Griesbaum, Office of Commander, Seventh Coast Guard District, Legal Office.

Discussion of Comments

A total of eleven comments were received; eight in support and three in opposition. Those opposed stated that the regulation proposed would be unduly restrictive to marine traffic and the draw should open on signal. The Florida Department of Transportation, owner of the bridge, felt that the present regulation is adequate and should not be changed and that compliance with the proposed amendment to the regulations is not within their capabilities.

The proposed regulation will be much less restrictive than the existing regulation to navigation. During a period of temporary regulations, 1 May to 15 June 1979, the draw was opened a total of 101 times in May for the passage of 106 vessels and 63 times in June for the passage of 63 vessels for an average of 3.6 openings per day. The existing 24-hour advance notice requirement requires a long distance call to Fort Pierce and is a deterrent to all desiring use of the waterway. Using the capabilities of the Florida Department of Transportation Substation Maintenance Yard at Okeechobee City for advance notice is not considered unreasonable to meet the needs of navigation upon the waterway.

These regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). An economic evaluation has not been conducted since its impact is expected to be minimal because these regulations only affect the Florida Department of Transportation economically. The economic impact for waterway users will improve because of less fuel consumption while waiting for the draw to open.

In accordance with section 605(d) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that these rules will not have a significant economic impact on a substantial number of small entities.

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.245(h)(29) to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets, bridges where constant attendance of drawtenders is not required.

* * * * *

(h) * * *

(29) Taylor Creek, U.S. Highway 441, Okeechobee, Florida. The draw shall open on signal if at least two hours notice is given to the Florida Department of Transportation Substation Maintenance Yard at Okeechobee.

* * * * *

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

Dated: January 27, 1982.

R. A. Bauman,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation.

[FR Doc. 82-2475 1-29-82; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 117

[CGD 81-025]

Drawbridge Operation Regulations; Kennebec River, Maine

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of employees at the Bath Iron Works, Bath, Maine, the Coast Guard is amending the regulations governing the U.S. Route #1 Highway Bridge, mile 14.0, between Bath and Woolwich, to provide that the drawspan need not open during rush hours. The change is being made because it will provide more uniform vehicular movement along Route #1 and through Bath during these peak traffic periods and still provide for the reasonable needs of navigation.

EFFECTIVE DATE: This amendment is effective on March 3, 1982.

FOR FURTHER INFORMATION CONTACT: William J. Naulty, Chief, Bridge Branch, First Coast Guard District, 150 Causeway Street, Boston, Massachusetts 02114 (617-223-0645).

SUPPLEMENTARY INFORMATION: On 11 June 1981, the Coast Guard published a proposed rule (46 FR 3084) concerning this amendment. The Commander, First Coast Guard District, also published this proposal as a Public Notice dated 22 June 1981. Interested persons were given until 21 July 1981 to submit comments. In addition, the proposal was described in four issues of the First District Local Notice to Mariners.

Drafting Information

The principal persons involved in drafting this rule are: William J. Naulty, Chief, Bridge Branch, First Coast Guard District, and Lieutenant William B. O'Leary, Project Attorney, Assistant Legal Officer, First Coast Guard District.

Discussion of Comments

The **Federal Register** notification, the Public Notice and an item in Local Notice to Mariners generated 35 responses. Thirty-one letters expressed support for the proposal. Three letters expressed opposition to the proposal. The U.S. Fish and Wildlife Service had no objection to the proposed change. The Stinson Canning Company, a fish processor located above the bridge indicated concern about the effect of the proposal on its operation. The work day at the plant commences at 7 a.m. and

fish catches must be unloaded before that time. The Stinson Company has instructed the operators of its fishing boats to schedule passage through the bridge before 6:30 a.m. to avoid the morning rush hour. Occasionally an incoming vessel is delayed and must unload its catch as soon as possible. The departure of the boats for the fishing grounds is scheduled to avoid the afternoon rush period. The Assistant Director of Apprenticeshop, a training program of the Maine Maritime Museum, feels that the proposed amendment would jeopardize the sailing programs provided by Apprenticeshop. The sailing vessels used for the training programs have no auxiliary power other than oars and departures and arrivals are dependent on proper stages of the tide; scheduled passages normally do not conflict with rush hours. The fact that the employees of the Stinson Company and the Maritime Museum seldom request rush hour openings has been confirmed. A citizen of Bath opposes the proposed amendment because it will adversely effect the Stinson Company operation.

Morning closures of the drawspan could delay the daily delivery of fresh fish which the canning company above the bridge requires for its normal operation. A delay in the start of the company's regular routine could limit the amount of the fish processed during the average workday and require overtime work to complete the processing of the remainder. A closure of the drawspan morning or afternoon also could interfere with Coast Guard operations on the Kennebec River. The navigable channel in the river is marked by buoys which must be serviced, in the winter months ice must be broken, and search and rescue efforts might be necessary at any hour. On occasion, it may be necessary to pass vessels of the National Oceanic and Atmospheric Administration. The proposed rule would allow the drawspan to be closed to navigation on legal holidays, a time when normal business activity is absent. Holiday closures would be an unreasonable obstruction to navigation. It has been concluded that the proposal should be modified to provide unlimited passage for loaded fishing vessels and U.S. Government vessels, and to provide for passage of navigation on holidays. The passage of the training ships can be scheduled when tides do not conflict with rush hours.

Subparts 117.8 (a), (1), (2), and (3) contain advance notice requirements for an opening of the bridge during certain months. The information in these subparts has been condensed, for brevity, into a single subpart. The information has not been altered.

These regulations have been reviewed under the provisions of Executive Order 12291, and have been determined not to be a major rule. In addition, these regulations are considered to be nonsignificant in accordance with the guidelines set out in the Policies Procedures for Simplification Analysis and Review of Regulations (DOT Order 2100.5 of 5/22/80). An economic evaluation has not been conducted since, for the reasons discussed above, their impact is expected to be minimal. In accordance with § 605(6) of the Regulatory Flexiblity Act (94 Stat. 1164), it is also certified that these rules, if promulgated, will not have a significant economic impact on a substantial number of small entities.

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising (a) and adding (b) of § 117.8 to read as follows:

§ 117.8 Kennebec River, highway and railway bridge, between Bath and Woolwich.

(a) The draw shall open on signal, except that the draw need not open from 6:30 a.m. to 7:30 a.m. and from 3:45 p.m. to 4:45 p.m., Monday through Friday, except on legal holidays observed in the locality. However, the draw shall open at any time for loaded commercial fishing vessels going to the fish processing plant, vessels of the United States Coast Guard and other U.S. Government vessels.

(b) Advance notice for an opening of the drawspan is required from October 1 through June 15. Within this period at least 24 hours notice is required from December 16 through February 14 and at least 4 hours notice is required through the remainder of the period. The advance notice required from April 15 through June 15 and from October 1 through November 15 shall be given between the hours 7 p.m. and 3 a.m.

* * * * *

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

January 27, 1982.

C. E. Robbins,

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

[FR Doc. 82-2477 Filed 1-29-82; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 117

[CGD5 81-11R]

Drawbridge Operation Regulations; North Landing River (AIWW), Va., U.S. Government Bridge at Chesapeake

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Corps of Engineers, the Coast Guard is establishing new regulations governing operation of the drawbridge across the Atlantic Intracoastal Waterway, mile 20.2 at Chesapeake, Virginia, to permit the draw to remain closed to pleasure craft during certain periods. This change is being made in order to reduce the number of draw openings and improve the flow of vehicular traffic across the bridge. This action will reduce the number of draw openings, improve the flow of vehicular traffic across the bridge and still provide for the reasonable needs of navigation.

EFFECTIVE DATE: This amendment becomes effective on March 3, 1982.

FOR FURTHER INFORMATION CONTACT: Wayne J. Creed, Bridge Administrator, Aids to Navigation Branch, Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Virginia 23705, (804) 398-6222.

SUPPLEMENTARY INFORMATION: On October 8, 1981, the Coast Guard published a proposed rule (46 FR 49913) concerning this amendment. The Commander, Fifth Coast Guard District, also published this proposal in Public Notice (5-493) dated October 8, 1981, which was included in Local Notice to Mariners No. 41 dated October 10, 1981. Interested persons were requested to submit comments, but no comments were received.

Discussion of Rule

These regulations will restrict draw openings to the hour and half-hour for the passage of pleasure craft from 6 a.m. to 7 p.m. every day throughout the year. At all other times the bridge would open on signal for the passage of pleasure craft. Commercial vessels and government owned vessels will not be affected by these regulations. The regulations will reduce the number of draw openings, improve the flow of vehicular traffic across the bridge and still provide for the reasonable needs of navigation. Since the regulations only affect pleasure craft, the only costs will be those of minor time delays and fuel used by these entities. This cost is considered insignificant because the time delays will be one-half hour or less.

Evaluation

This regulation has been reviewed under the provisions of Executive Order 12291 and has been determined not to be a major rule. In addition, this regulation is considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5–22–80). An economic evaluation has not been conducted since, for the reasons discussed above, its impact will be minimal. In accordance with Section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is certified that this rule will not have a significant economic impact on a substantial number of small entities.

Final Regulation

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

By adding a new § 117.351 to read as follows:

§ 117.351 North Landing River (AIWW), Va.; U.S. Government Bridge at Chesapeake.

(a) From 6 a.m. to 7 p.m. the draw will open on the hour and half-hour for the passage of pleasure craft.

(b) From 7 p.m. to 6 a.m. the draw will open on signal for the passage of pleasure craft.

(c) The drawbridge shall open on signal at any time for vessels owned by the United States, commercial vessels and any vessel in an emergency involving danger to life or property. The signal to request an emergency opening is five or more short blasts of a whistle or horn.

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

Dated: January 13, 1982.

John D. Costello,

Rear Admiral, U.S. Coast Guard Commander, Fifth Coast Guard District.

[FR Doc. 82-2476 Filed 1-29-82; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 403

[WEN-FRL-2032-6]

General Pretreatment Regulations for Existing and New Sources; Postponement of Effective Date

AGENCY: Environmental Protection Agency.

ACTION: Final rule; postponement of effective date.

SUMMARY: On January 28, 1981, the Environmental Protection Agency promulgated amendments to the General Pretreatment Regulations for Existing and New Sources under the Clear Water Act (46 FR 9404–9460). On March 27, 1981, the effective date of these amendments was indefinitely postponed to enable the Agency to conduct a Regulatory Impact Analysis under Executive Order 12291 (46 FR 19936, April 2, 1981).

On October 13, 1981 (46 FR 50502), EPA announced its decision to terminate the indefinite suspension of the pretreatment amendments, making them effective January 31, 1982. In a separate action also taken on October 13, the Agency initiated a rulemaking and invited public comment on the issue of whether all of specific portions of the amendments should be further postponed (46 FR 50503).

EPA has decided that a number of the general pretreatment amendments will become effective on January 31, 1982. The effective date of other parts of the amendments will be further postponed pending continued analysis.

DATES: The effective date of the sections of the January 28, 1981 amendments to the General Pretreatment Regulations (46 FR 9404) listed below is deferred until further notice:

§ 403.3(i)—Definition of Interference
§ 403.3(n)—Definition of Pass through
§ 403.6(e)—Combined Wastestream Formula
§ 403.7—Revision of Categorical Pretreatment Standards to Reflect POTW Removal of Pollutants

FOR FURTHER INFORMATION CONTACT: Bill Diamond, Environmental Protection Agency, Permits Division (EN–336), 401 M Street, SW., Washington, D.C. 20460 (202) 426–4793.

SUPPLEMENTARY INFORMATION:

Background

On June 26, 1978, the Environmental Protection Agency (EPA) promulgated the General Pretreatment Regulations (GPR) establishing mechanisms and procedures for controlling the introduction of wastes from industry and other non-domestic sources into publicly-owned treatment works (POTWs) (43 FR 27736–27773). Following promulgation, several parties brought actions in Federal court challenging these regulations. On January 28, 1981, pursuant to the terms of a settlement agreement entered into by some of the parties, EPA promulgated amendments to the 1978 regulations (46 FR 9404–9460). These amendments were originally scheduled to take effect on March 13, 1981. Their effective date was temporarily deferred until March 30, 1981 under the President's Memorandum of January 29, 1981 (46 FR 11972, February 12, 1981). On March 27, 1981, EPA indefinitely postponed the amendments' effective date to enable it to conduct a Regulatory Impact Analysis of the general pretreatment program under Executive Order 12291. EPA published a notice in the Federal Register to this effect on April 2, 1981 (46 FR 19936). As a result of the deferral of the January 1981 amendments, the June 1978 general pretreatment regulations remained in effect.

Subsequent to EPA's indefinite deferral of the effective date of the general pretreatment amendments, a suit was brought by the Natural Resources Defense Council in the United States Court of Appeals for the Third Circuit challenging EPA's deferral of the general pretreatment amendments without notice and comment (*NRDC Inc. v. EPA*, No. 81–2068). Additionally, two groups who are directly and substantially affected by the general pretreatment program recommended that portions of the general pretreatment amendments go into effect. Accordingly, in order to address public suggestions that the amendments be put into effect and to allow public comment on the deferral, EPA took two actions. First, EPA established January 31, 1982 as the effective date of the amendments to the General Pretreatment Regulations (46 FR 50502, October 13, 1981). Second, EPA initiated a rulemaking to determine whether all or portions of the amendments to the General Pretreatment Regulations should be deferred beyond the January 31, 1982 effective date (46 FR 50503, October 13, 1981).

Today's final rule reflects an Agency determination, after consideration of all the comments received, to allow certain portions of the amendments to the General Pretreatment Regulations to go into effect, while continuing to postpone the effective date of others. Among others, EPA will allow to go into effect the amendments pertaining to the general pretreatment prohibitions (403.5), the amendments governing local and State pretreatment programs (403.8–403.11), and certain of the amendments governing the implementation of the categorical pretreatment standards, including the provisions for monitoring (403.12), fundamentally different factors variances (403.13), net/gross calculations (403.15) and upsets (403.16). The effective date of four provisions, however, will be postponed indefinitely. These are the definitions of "interference" and "pass through" (403.3 (i) and (n)), the combined wastestream

formula (403.6(e)), and the removal credits provision (403.7). As a consequence, the definition of "interference" (403.3(h)) and old removal credits section (403.7) contained in the 1978 regulations will remain in effect.

Public Comment

EPA received 67 comments in response to its proposal to further postpone the effective date of the amendments. The comments generally fell into three groups. One group of commenters, primarily comprised of industry representatives, recommended that all the amendments to the GPR be suspended. A recurring argument was that the amendments should not go into effect before the ongoing RIA is complete. These comments suggested that since the RIA may result in a major alteration in the Federal approach to pretreatment, putting the amendments into effect would only create more confusion in an already murky situation. Others took issue with the amendments themselves, stating that the amended regulations are too complex to achieve their intended goals, and place an unreasonable economic burden on those groups affected by the regulations. Often these criticisms were accompanied by suggestions on how the pretreatment program should be revised.

A second group of commenters, comprised of representatives from industry and State and local governments, specifically requested that portions of the pretreatment amendments become effective on January 31, while other parts of the amendments be deferred until the RIA is complete. The sections most often recommended for continued postponement were the combined wastestream formula (403.6(e)), the removal credits provision (403.7), and the definitions of "interference" and "pass through" (403.3 (i) and (n) respectively). The combined wastestream formula, it was argued, was a calculation that made unrealistic assumptions about treatment of wastewater, and could not be applied in a large, complex industrial facility. Commenters stated that instead of regulating a combined stream, the formula would force segregation of wastestreams and separate treatment of process wastewaters. Similarly, commenters labeled the removal credit provision as being too burdensome and complex, thereby discouraging many POTWs from applying for authorization to grant removal credits. Commenters criticized the definitions of "pass through" and "interference" as being in conflict with the industry—EPA Settlement Agreement, or for being overbroad in that an industrial user, even though in compliance with Federal, State, or local prohibitions or standards applicable to it, could still be held liable for a POTW violation of its NPDES permit.

Despite these concerns, the commenters in this group recommended that most of the other sections of the amendments should become effective, especially the local program requirements. Some of the commenters, most of them POTWs, noted that local program development was continuing, and that the amendments dealing with the local program removed the uncertainty surrounding the content and form of the programs. These commenters asserted that the amendments improve the existing regulations, as they add greater flexibility to program development and, if implemented, would not disrupt this ongoing process. Several commenters noted that it is in a POTW's best interest to develop general prohibitive discharge standards since these standards protect the treatment works and its processes, and help ensure that the quality of final effluent and sludge complies with the appropriate regulations.

A few commenters who recommended putting into effect the local program sections favored a continued stay of §§ 403.9 (POTW pretreatment programs and/or authorization to revise pretreatment standards; submission for approval) and 403.11 (Approval procedures for POTW pretreatment programs and POTW revision of categorical pretreatment standards). Their concern was focused on the relationship of these sections to the new removal credits provisions.

Several commenters also strongly urged that EPA put into effect § 403.8(f)(2)(vii), concerning the publication of the names of violating industries. These commenters noted that the 1978 version of the provision was too broad, and unduly stigmatized and industry for noncompliance with a pretreatment standard where the violation was minor and was quickly remedied. They added that the 1978 language could result in the opposite of the provision's intended purpose, masking from public scrutiny the truly significant violators while needlessly damaging the reputation of an industry that is making a good faith effort to comply with pretreatment standards.

The third group of commenters, primarily comprised of public interest groups, recommended that all of the amendments to the GPR become effective on January 31. This group emphasized the role of the National Pretreatment Program as an important element in the effort to clean up the nation's waters and municipal sludge. Several commenters claimed that significant adverse environmental consequences will result from a continued suspension. They also stated that protection of municipal treatment works, in which there is a substantial Federal and municipal investment, will be hindered unless the entire amended regulatory scheme is immediately implemented. The comments generally stressed the improvements found in the amendments as compared to the existing 1978 regulations. They also stated that the amendments, published after a lengthy public comment and rulemaking process, represent a fair and just compromise of the interests of the parties to the industry—EPA Settlement Agreement. In addition, the amendments would reduce the cost of pretreatment program development and implementation for municipalities and industries. Several commenters noted that a further delay in the effective date of the amendments not only thwarts the efforts to regulate indirect industrial discharges and control toxic pollutants, but also contravenes the Congressional mandate of the Clean Water Act of 1977 to expeditiously implement a National Pretreatment Program. In fact, they stated that any further suspension would be illegal. One commenter stated that EPA cannot use Executive Order 12291, requiring a RIA, to justify a delay for purposes of conducting a cost-benefit analysis, because Congress did not intend for EPA to consider such factors in establishing pretreatment standards.

Discussion

EPA disagrees with the positions that all of the amendments to the GPR should be deferred beyond January 31, or that they should all become effective on that date. As noted above, EPA has decided to put into effect a majority of the amendments. Today's action is guided by the recognition that the amendments to the general pretreatment regulations represent an improvement over the 1978 pretreatment regulations. They are the result of a lengthy and intensive development process. They clarify ambiguous provisions in the 1978 regulations, resolve inconsistencies in those requirements, and generally inject added flexibility into the pretreatment program.

When EPA indefinitely postponed the amendments to the General Pretreatment Regulations on March 27, 1981, it was with the implicit assumption that such postponement was necessary

to a re-evaluation of the general pretreatment program. One result of the postponement was that it caused the 1978 regulations to remain in effect, even though the amendments significantly improved upon certain sections of the original regulations. During the course of the regulatory impact analysis, regulated entities and the public have consequently been deprived of the beneficial changes made by those amendments. With the exception of a few provisions which will be further postponed, EPA believes that letting the amendments go into effect will enhance the operation of the pretreatment program pending completion of the regulatory analysis. Although EPA is currently considering changes to the National Pretreatment Program, this will be a complex and lengthy procedure. In the interim, these amendments fulfill Congressional mandates for national requirements while allowing POTWs sufficient flexibility to adapt to individual situations.

A number of groups will benefit from the amendments which will go into effect. One significant class of beneficiaries are the localities and States who are presently in the process of developing local and State pretreatment programs under §§ 403.8–403.11. The 1981 amendments liberalized provisions of these sections. When these amendments take effect States and localities can enjoy added flexibility. In addition, these amendments will eliminate the substantial confusion which reigns in the regulated community over which provisions govern the program approval process.

Another group of beneficiaries will be industries, like the timber industry and the non-integrated segment of the electroplating industry, which are currently subject to categorical pretreatment standards. At present, there is no fundamentally different factors variance provision (403.13) which permits these industrial users to seek a variance from the pretreatment standards. (The variance provision contained in the 1978 regulations was suspended on June 19, 1980.) Nor is there a net/gross provision (403.16) which allows industrial users to relax their categorical limitations to account for pollutants in their intake water or an upset provision (403.16) which creates a waiver of the categorical limitations in the event of an exceptional incident resulting in unintentional and temporary noncompliance beyond the reasonable control of the industrial user. Putting the amendments into effect will remedy these deficiencies. In addition, industrial users subject to categorical standards stand to benefit from the amendments governing monitoring requirements (403.12) and category determinations (403.6(a)). Both these provisions are more liberal than their 1978 counterparts.

Several of these variance provisions are worded in the same language as similar provisions for direct dischargers currently found in the Consolidated Permit Regulations (40 CFR Part 125). The consolidated regulations provisions are the subject of a legal challenge that may result in their being changed. If, or when, such a change is made in the consolidated regulations, a cooresponding change will be made in the pretreatment regulations, if appropriate.

Most of the amendments which will go into effect are noncontroversial. The POTW-set general discharge standards (§ 403.5) and the provisions relating to local and State pretreatment programs (§§ 403.8–403.11) impose certain minimum requirements on indirect dischargers and represent activities POTWs and States should undertake in the interest of protecting treatment works, receiving waters, and POTW sludge. These include such fundamental activities as identifying which industries contribute what pollutants to the POTW, and reviewing legal authority and upgrading it where necessary. These basic program development requirements and activities are good management practices one would expect to find at any well-operated POTW. They represent a minimal and practical approach to identifying and controlling environmental problems caused by indirect dischargers. Development of these basic aspects of a pretreatment program also should not be costly for most POTWs. Many POTWs already have implemented certain aspects of the program and can build on the foundation of these previous efforts.

The same cannot be said of the four provisions which EPA has decided to continue to defer. The combined waste stream formula (403.6(e))—which provides industrial users who combine wastestreams with a means of calculating their discharge limitation—has proved to be a highly controversial provision. Commenters have charged that the formula forces segregation of wastestreams and, ultimately, more costly and inefficient treatment. EPA believes that this provision should continue to be deferred while the Agency studies the implications of the present formula further.

Similarly, the removal credits provision, even in the simplified form developed in the EPA—Industry Settlement Agreement and promulgated in the amendments, remains controversial. To address these continuing concerns, EPA is in the process of developing a new removal credits provision, which it hopes to propose shortly. In view of this development, implementation of the amended removal credits provision could create confusion in the regulated public, even though it is more workable than the 1978 version. Deferral of the removal credits provision will incidentally take care of the concerns of those who had suggested that §§ 403.9 and 403.11 should contiue to be deferred because of the relationship between those sections and the removal credits provision.

Also, the definitions of "interference" (§ 403.3(i)) and "passthrough" (§ 403.3(n)) have been criticized as being too vague and as subjecting the industrial user to excessive liability. EPA believes that these definitions could benefit from further examination and therefore has decided to continue to defer them.

The Agency would like to make it clear that it does not consider today's action to be inconsistent with the regulatory analysis it is presently conducting on the pretreatment program. Nor does it consider today's action to constitute a prior endorsement of any particular aspects of that program. It simply believes that while this analysis is being completed, the regulated community and the public would be best served by the improved provisions of the 1981 amendments. EPA is actively considering alternatives to the current pretreatment program, including a move in the direction of greater local control and responsibility for pretreatment requirements. We are also considering a decreased emphasis on mandatory, national technology-based categorical standards. Any such major change in program direction must await completion of the RIA and any necessary statutory or regulatory amendments.

Since today's action does not close the door on the potential for other changes to the national pretreatment program, the Agency is not addressing those portions of the comments which explicitly suggested changes in the shape of the pretreatment program or the Clean Water Act. These concerns will be considered and addressed in the RIA process. Similarly, the Agency is not addressing those portions of the comments which made detailed criticisms of specific amendments. Those comments were either already

responded to in the rulemaking which concluded January 28, 1981, or, in the case of the four provisions which will continue to be deferred, will be considered as the Agency evaluates the RIA.

In accordance with the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, the reporting and recordkeeping provisions of the General Pretreatment Regulations have been submitted for clearance to the Office of Management and Budget (OMB). The regulation's information collection requirements will be re-evaluated in conjunction with the RIA and the Agency's decision on pretreatment policy. OMB must formally approve information collection before it is effective.

OMB has conditionally approved the following information collection requirements through February 1982. The Agency will decide on further action on these requirements subsequent to its pretreatment policy decision.

Citation	Title	OMB No. 2000-
40 CFR 403.6	Category Determination Report.	0324
40 CFR 403.7	Removal Credit Approval Request.	0333
40 CFR 403.9	POTW Pretreatment Program Approval Request.	0325
40 CFR 403.10	State Pretreatment Program Approval Request.	0328
40 CFR 403.12	POTW-Compliance Schedule Work Plan.	0319
40 CFR 403.12	Industrial Pretreaters Compliance Schedule Reports.	0320
40 CFR 403.12	Industrial Pretreaters Slug Load Notification.	0334
40 CFR 403.12	POTW Maintenance of Monitoring Records.	0332
40 CFR 403.12	Industrial Pretreaters Compliance Attainment Report.	0322
40 CFR 403.13	Fundamentally Different Factors Variance Requests.	0326
40 CFR 403.15	Net/Gross Request: Credit for Intake Water Pollution.	0327

OMB has disapproved the following information-collection requirements. EPA is resubmitting the baseline monitoring report. The Agency will decide on further action on these requirements subsequent to its pretreatment policy decision.

Citation	Title
40 CFR 403.7.	Removal Credit Self-Monitoring Report.
40 CFR 403.12.	Industrial Self-Monitoring Report.
40 CFR 403.12.	Baseline Monitoring Report.

Regulatory Impact Analysis

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This notice is not major because it imposes no new obligations.

This notice was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments will be made available for public inspection through contacting the person listed in the front of this notice.

Under the Regulatory Flexibility Act 5 U.S.C. 601, *et seq.*, EPA must prepare a Regulatory Flexibility Analysis for all regulations that have a significant impact on a substantial number of small entities. EPA determined, for the reasons stated above, that this notice does not have a significant adverse impact on small entities.

Dated: January 27, 1982.

Anne M. Gorsuch,

Administrator.

PART 403—GENERAL PRETREATMENT REGULATIONS FOR EXISTING AND NEW SOURCES OF POLLUTION

The effective date for the following amendments to the General Pretreatment Regulations for Existing and New Sources, 40 CFR Part 403 published at 46 FR 9404, January 28, 1981, and codified in the volume entitled 40 CFR Parts 400–424, 1981 edition, pp 60–99.

Section 403.3(i) (Definition of interference);

Section 403.3(n) (Definition of pass through);

Section 403.6(e) (Combined wastestream formula);

Section 403.7 (Revision of categorical pretreatment standards to reflect POTW removal of pollutants).

[FR Doc. 82–2637 Filed 1–29–82; 8:45 am]

BILLING CODE 6560–33–M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101–47

[FPMR Amendment H–131]

Utilization and Disposal of Real Property; Geographical Location of Real Property

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: The General Services Administration (GSA) is amending portions of 41 CFR Part 101–47 which sets forth GSA's regulations covering the utilization and disposal of real property. These amendments concern the geographical locations of real property which is subject to Title II of the Federal Property and Administrative Services Act of 1949, as amended (property management), in order to implement Pub. L. 93–594. Approved January 2, 1975, Pub. L. 93–594 includes the territories of American Samoa, Guam, and the Trust Territory of the Pacific Islands in the same status as the 50 States, District of Columbia, Puerto Rico, and the Virgin Islands with respect to the excess and surplus property program of the Federal Government.

EFFECTIVE DATE: February 1, 1982.

FOR FURTHER INFORMATION CONTACT: James H. Pitts, Office of Real Property (202) 535–7067.

SUPPLEMENTARY INFORMATION: GSA has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of this rule; has determined that the potential benefit to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

Accordingly, 41 CFR Part 101 is revised to read as follows:

PART 101–47—UTILIZATION AND DISPOSAL OF REAL PROPERTY

1. Section 101–47.000 is revised to read as follows:

§ 101–47.000 Scope of part.

This part prescribes the policies and methods governing the utilization and disposal of excess and surplus real property and related personal property within the States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Trust Territory of the Pacific Islands, and the Virgin Islands.

Subpart 101–47.2—Utilization of Excess Real Property

2. Section 101–47.200 is revised to read as follows:

§ 101–47.200 Scope of subpart.

This subpart prescribes the policies and methods governing the reporting by executive agencies and utilization by Federal agencies of excess real property, including related personal property

within the States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Trust Territory of the Pacific Islands, and the Virgin Islands. This subpart does not apply to the abandonment, destruction, or donation to public bodies, under section 202(h) of the Act (covered by Subpart 101–47.5).

Subpart 101–47.3—Surplus Real Property Disposal

3. Section 101–47.300 is revised to read as follows:

§ 101–47.300 Scope of subpart.

This subpart prescribes the policies and methods governing the disposal of surplus real property and related personal property within the States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Trust Territory of the Pacific Islands, and the Virgin Islands. This subpart does not apply to the abandonment, destruction, or donation to public bodies, under section 202(h) of the Act (covered by Subpart 101–47.5).

Subpart 101–47.4—Management of Excess and Surplus Real Property

4. Section 101–47.400 is revised to read as follows:

§ 101–47.400 Scope of subpart.

This subpart prescribes the policies and methods governing the physical care, handling, protection, and maintenance of excess real property and surplus real property, including related personal property, within the States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Trust Territory of the Pacific Islands, and the Virgin Islands.

Subpart 101–47.5—Abandonment, Destruction, or Donation of Public Bodies

5. Section 101–47.500(a) is revised to read as follows:

§ 101–47.500 Scope of subpart.

(a) This subpart prescribes the policies and methods governing the abandonment, destruction, or donation to the public bodies by Federal agencies of real property located within the States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Trust Territory of the Pacific Islands, and the Virgin Islands.

* * * * *

Subpart 101–47.8—Identification of Unneeded Federal Real Property

6. Section 101–47.800 is revised to read as follows:

§ 101–47.800 Scope of subpart.

This subpart is designed to implement Executive Order 11954 of January 7, 1977, as amended by Executive Order 12030 of December 15, 1977, which provides, in part, that the Administrator of General Services shall (a) issue standards and procedures, conduct surveys, and cause surveys to be conducted of real property holdings of executive agencies on a continuing basis and in such a manner as to identify properties which are not utilized, are underutilized, or are not being put to their optimum use and (b) report to the Director of the Office of Management and Budget regarding any property or portion thereof which has not been reported excess to the requirements of the holding agency and which, in the judgment of the Administrator, is not utilized, is underutilized, or is not being put to optimum use, and which he recommends should be reported as excess property. The provisions of this subpart are presently limited to fee-owned properties and supporting leaseholds and lesser interests located within the States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Trust Territory of the Pacific Islands, and the Virgin Islands.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: December 29, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 82–2458 Filed 1–29–82; 8:45 am]

BILLING CODE 6820–96–M

Proposed Rules

Federal Register
Vol. 47, No. 21
Monday, February 1, 1982

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administrator

14 CFR Ch. I

[Summary Notice No. PR-82-1]

Petitions for Rulemaking; Summary of Petitions Received and Dispositions of Petitions Denied or Withdrawn

Correction

In FR Doc. 82-1527 appearing on page 3369 in the issue of Monday, January 25, 1982, make the following correction:

On page 3370, the "Note" at the end of the table for "Petitions for Rulemaking" should have appeared in the third column ("Description of the rule requested") with the entry for Docket No. 20312, "Hawk Industries Petition dated 10/19/80".

BILLING CODE: 1505-01-M

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-NM-96-AD]

Airworthiness Directives; Fokker B. V. Model F-28 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes a new Airworthiness Directive (AD), which requires inspections, replacements, and modifications of certain airframe components on Fokker Model F-28 airplanes as necessary to detect and prevent unsafe conditions. These unsafe conditions were found earlier by the Netherlands Civil Aviation Department (RLD); however, no AD action was taken by the FAA at that time because there was only one Fokker Model F-28 airplane on the U.S. Civil Aircraft Register, and corrections of the unsafe conditions were established on an individual airplane basis. The anticipated entry of additional Fokker Model F-28 aircraft onto the U.S. Register necessitates AD action at this time to ensure that such aircraft maintain an acceptable level of safety. This notice pertains to unsafe conditions related only to airframe components. Other unsafe conditions were the subject of separate notices pertaining to Fokker Model F-28 airplanes.

DATE: Comments must be received on or before March 8, 1982. Compliance schedule—as prescribed in the body of the AD.

ADDRESSES: Federal Aviation Administration, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108. The applicable service bulletins may be obtained from: Service Manager, Fokker B. V. 7600, Schiphol Oost, The Netherlands.

FOR FURTHER INFORMATION CONTACT: Mr. H. N. Wantiez, Foreign Aircraft Certification Branch, ANM-150S, FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108, (206) 767-2530.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 81-NW-96-AD, 9010 East Marginal Way South, Seattle, Washington 98108.

Discussion

The Netherlands Civil Aviation Department (RLD) has, in the past and in accordance with existing provisions of a bilateral agreement, notified the FAA of a number of inspections, replacements, and modifications which they have imposed to correct unsafe conditions on Fokker Model F-28 airplanes manufactured in the Netherlands and operated under registry of the Netherlands. Previously, only one Fokker Model F-28 was on the U.S. Civil Aircraft Register. Corrections of the unsafe conditions were accomplished by the operator of this sole airplane and verified by the FAA, thereby obviating the need for AD action. There have recently been a number of additional Fokker Model F-28 airplanes entered on the U.S. Register. Although those entered thus far were new airplanes, it appears that used airplanes on which the mandatory RLD service bulletins have not been accomplished and unsafe conditions exist may be entered on the U.S. Register in the future. It is therefore necessary to consider the issuance of an AD at this time to preclude the entry of any additional aircraft without correction of the unsafe condition.

The requirements presented in this proposed AD are based on the notifications of the RLD in accordance with the bilateral agreement and are related to the following unsafe conditions:

A. Possible fatigue damage on stabilizer, speedbrakes, and fuselage tail section caused by engine jet efflux which could lead to an inflight structural failure. (Reference Fokker Service Bulletin (SB) F-28/51-2, Revision 1, dated January 27, 1971.)

B. Improper centering of the passenger door overcentering mechanism when closing the door caused by a misadjusted microswitch which could result in a decompression. (Reference Fokker Service Bulletin (SB) F-28/52-30, Revision 1, dated July 10, 1972.)

C. Modification of passenger door locking mechanism and the introduction of new switch brackets to improve accessibility to the locking mechanism housing and to prevent bending of the latch limit switches which could lead to an incorrect door indication warning.

(Reference Fokker Service Bulletin (SB) F–28/52–43 dated April 16, 1974.)

D. Installation of new sliding pins in upper backup pin assemblies to improve the disengagement time during the passenger door opening/closing cycle. (Reference Fokker Service Bulletin (SB) F–28/52–44 dated April 9, 1974.)

E. To avoid false warnings that the rear cargo door is improperly closed which could lead to a decompression. (Reference Fokker Service Bulletin (SB) F–28/52–49, Revision 1, dated March 1, 1976.)

F. To ensure that the cargo operating handle always remains in the "fall in" position when the door is closed and locked. (Reference Fokker Service Bulletin (SB) F–28/52–51 dated September 3, 1974.)

G. To ensure that the cargo door locking mechanism reaches and maintains the overcenter position and remains locked and to add a temporary additional safety device. (Reference Fokker Service Bulletin (SB) F–28/52–53 dated May 10, 1974.)

H. To inspect the cargo door lock warning and locking mechanism for correct adjustment to ensure that the door is properly closed and to add a temporary safety pin. (Reference Fokker Service Bulletin (SB) F–28/52–54 dated July 1, 1974.)

I. To check for the presence of correctly adjusted parts in the door latching mechanisms to ensure that the door is properly closed (Reference Fokker Service Bulletin (SB) F–28/52–56 dated July 26, 1974.)

J. To install a safety catch on the rear cargo door. (Reference Fokker Service Bulletin (SB) F–28/52–61 dated May 21, 1975.)

K. To prevent jamming of the service/emergency door after operation of the emergency release mechanism. (Reference Fokker Service Bulletin (SB) F–28/52–66 dated April 12, 1976.)

L. To ensure correct operation of the cargo door warning system. (Reference Fokker Service Bulletin (SB) F–28/52–80, Revision 1, dated October 23, 1978.)

M. To ensure the door locking handle access panel cannot be closed when the safety catch is not engaged. (Reference Fokker Service Bulletin (SB) F–28/52–81 dated October 1, 1977.)

N. To reinforce speedbrake accumulator brackets so as to prevent cracking which could result in inflight failures. (Reference Fokker Service Bulletin (SB) F–28/53–4 dated May 19, 1970.)

O. To inspect and reinforce speedbrake supporting structure at frame station 22293 to prevent inflight failures. (Reference Fokker Service Bulletin (SB) F–28/53–19 dated July 27, 1971.)

P. To inspect speedbrake lower hinge arms to detect cracks. (Fokker Service Bulletin (SB) F–28/53–20, Revision 1, dated November 1, 1971.)

Q. To install a plastic separation screen between the lower part of the main junction box and cupboard in the right-hand cockpit ride wall where the crew oxygen bottle is stowed to prevent a possible fire hazard. (Reference Fokker Service Bulletin (SB) F–28/53–21 dated October 11, 1971.)

R. To inspect and rework speedbrake hinge fittings resulting from internal stresses and rough finish of the flash line to prevent fatigue failures. (Reference Fokker Service Bulletin (SB) F–28/53–26 dated March 20, 1972.)

S. To reinforce speedbrake supporting structure at frame station 22293 to prevent loss of the speedbrake. (Reference Fokker Service Bulletin (SB) F–28/53–27 dated November 6, 1972.)

T. To inspect and/or replace PLI or dural washers in cargo door latch fittings to ensure proper tightening of the door latch fittings. (Reference Fokker Service Bulletin (SB) F–28/53–54, Revision 3, dated October 11, 1976.)

U. To inspect, replace, or repair windshield parts for cracks in structure between fixed windshield and sliding window. (Reference Fokker Service Bulletin (SB) F–28/53–67, Revision 1, dated May 15, 1978.)

V. To replace PLI and dural washers with MS 2002 washers to ensure proper tightening of MS 21250 bolts in cargo door latch fitting assemblies. (Reference Fokker Service Bulletin (SB) F–28/51–10, Revision 1, dated July 11, 1975.)

W. To install connection angles in the torsion box at rib station 3800. (Reference Fokker Service Bulletin (SB) F–28/55–8, Revision 1, dated October 16, 1972.)

X. To inspect and modify the horizontal stabilizer hinge bearing mounting so that the bearings rotate properly and do not damage the attachment fittings. (Reference Fokker Service Bulletin (SB) F–28/55–14, Revision 1, dated March 15, 1974.)

Y. To install a low interference fit bronze hinge bushing in the horizontal stabilizer hinge brackets to prevent stress corrosion cracks from forming. (Reference Fokker Service Bulletin (SB) F–28/55–17 dated October 27, 1975.)

Z. To inspect the horizontal stabilizer hinge bolts for correct locking. If not properly locked, the nuts could back off, and the attachment bolts holding the stabilizer to the fin could migrate. (Reference Fokker Service Bulletin (SB) F–28/55–20 dated September 27, 1979.)

AA. To install an additional retaining device for the horizontal stabilizer hinge bolts to prevent bolt migration. (Reference Fokker Service Bulletin (SB) F–28/55–21 dated May 19, 1980.)

BB. To install a reinforcement on the rear spar in the collector tank area so that the life limit on the rear spar fittings can be removed. (Reference Fokker Service Bulletin (SB) F–28/57–3 dated January 7, 1971.)

CC. To inspect the inboard end rib at the aft support spigot of the inner flaps to detect cracks which could result in the loss of a flap. (Reference Fokker Service Bulletin (SB) F–28/57–19 dated March 10, 1971.)

DD. To inspect and rework the main landing gear support structure to prevent the loss of the gear. (Reference Fokker Service Bulletin (SB) F–28/57–24, Revision 1, dated November 1, 1971.)

EE. To install a strengthened upper flap rail at wing station 1700 so that the life limit on the rail can be removed. (Reference Fokker Service Bulletin (SB) F–28/57–29, Revision 3, dated October 6, 1975.)

FF. To balance the aileron servo tabs to prevent tab flutter if the extension rod fails. (Reference Fokker Service Bulletin (SB) F–28/57–33, Revision 1, dated February 24, 1972.)

GG. To inspect the main landing gear side stay bracket attach fittings for cracks to prevent the loss of the gear. (Reference Fokker Service Bulletin (SB) F–28/57–49, Revision 5, dated August 12, 1980.)

HH. To inspect the wing rear spar attach fittings for cracks and to repair the wing rear spar brackets. (Reference Fokker Service Bulletin (SB) F–28/57–58, Revision 3, dated October 9, 1979.)

II. To install chromium plated bolts and bronze bushings in the wing attach fittings to prevent stress corrosion cracks and to inspect the rear spar bracket lugs. (Reference Fokker Service Bulletin (SB) F–28/57–59 dated July 25, 1979.)

JJ. To reseal butt straps and boundary layer fences on the wing leading edge to prevent performance losses. (Reference Fokker Service Bulletin (SB) F–28/57–61 dated April 14, 1980.)

Other unsafe conditions are the subject of separate notices pertaining to Fokker Model F–28 airplanes.

Since these conditions are likely to exist or develop in other airplanes of the same type design, the proposed AD would require inspections, replacements, and modifications, as necessary, on certain Fokker Model F–28 airplanes. Each lettered paragraph of this proposed AD identifies the serial numbers of the airplanes affected, the

specific condition to which it is directed, and the related corrective action that would be required for resolution of this unsafe condition.

It is estimated that no airplane will be directly affected by this AD inasmuch as there is only one airplane of the specified serial numbers currently on the U.S. Register, and the operator of that airplane has previously performed the inspections, replacements, and modifications. Any other airplane of the specified serial numbers will be affected only if it is later entered on the U.S. Register, and if the inspections, replacements, and modifications have not been accomplished under the cognizance of the airworthiness authority of the country from which it is imported. For this reason, the proposed rule is not considered to be a major rule under the criteria of Executive Order 12291.

The Proposed Amendment

PART 39—AIRWORTHINESS DIRECTIVES

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

Fokker B.V.: Applies to Fokker Model F-28 Series 1000 and 4000 airplanes, certificated in all categories, serial numbers as indicated below.

Note.—Some serial numbers listed below may actually be Series 2000, 3000, 5000, or 6000 airplanes that are not presently eligible for U.S. certification. If so, those serial numbers may be disregarded insofar as this AD is concerned.

1. Unless already accomplished, accomplish the following within the time specified in each paragraph below after the effective date of this AD.

A. (1) Applies to all F-28 airplanes upon the accumulation of 2000, 4000, and 5000 hours time in service (three separate inspections) or within 250 hours after the effective date of this AD, whichever occurs later. To detect fatigue damage, visually inspect the horizontal stabilizer, elevator, vertical stabilizer, rudder, speedbrakes, and fuselage tail section per Part I of the accomplishment instructions of Fokker Service Bulletin F-28/51-2, Revision 1, dated January 27, 1971. Repair damage per the service bulletin.

(2) Applies to all F-28 airplanes upon the accumulation of 5000 hours time in service or within 500 hours after the effective date of this AD, whichever occurs later. To detect fatique damage, perform a one-time visual inspection of the horizontal stabilizer, elevators, vertical stabilizer, rudder, and speed brakes per Part II of the accomplishment instructions of the service bulletin Repair damage per the service bulletin.

B. Applies to all F-28 airplanes. Compliance required within 50 hours after the effective date of this AD and every 1000 flight hours thereafter. Check and, if necessary, adjust the passenger door latch limit switches per Fokker Service Bulletin F-28/52-30, Revision 1, dated May 5, 1972.

C. Applies to F-28 airplanes S/N 11003-11064 and 11991-11993 inclusive. Compliance required within six months after the effective date of this AD. Install an inspection window in the passenger door per Fokker Service Bulletin F-28/52-43, Part IV, dated April 16, 1974.

D. Applies to F-28 airplanes S/N 11003-11070, 11072-11074, and 11991-11993 inclusive. Compliance required within six months after the effective date of this AD. Replace sliding pins in the passenger door per Fokker Service Bulletin F-28/52-44 dated April 9, 1974.

E. Applies to F-28 airplanes S/N 11021-11062 and 11991-11993 inclusive. Compliance required within six months after the effective date of this AD. Install the improved switch operating mechanism in the rear, forward, and center cargo door rabbets per Parts I & II of Fokker Service Bulletin F-28/52-49, Revision 1, dated March 1, 1976.

F. (1) Applies to F-28 airplanes S/N 11003-11081 and 11991-11993 inclusive. Compliance required within six months after the effective date of this AD. Install a reinforced safety catch and stop assembly on the front cargo door and the center cargo door, if installed, per Part I of Fokker Service Bulletin F-28/52-51 dated September 3, 1974.

(2) Applies to F-28 airplanes S/N 11021-11052, 11054-11061 and 11063-11076 inclusive, and S/N 11078, 11079, and 11191-11193 inclusive. Compliance required with six months after the effective date of this AD. Install a new safety catch and stop assembly on the rear cargo door per Part II of the service bulletin.

(3) Applies to F-28 airplanes S/N 11053, 11062, 11077, 11080, and 11081. Compliance required within six months after the effective date of this AD. Install a new safety catch and stop assembly on the rear cargo door per Part III of the service bulletin.

G. Applies to F-28 airplanes S/N 11003-11081 and 11991-11993 inclusive. Compliance required within 500 flight hours time in service after the effective date of this AD. Inspect the cargo door locking mechanism per Fokker Service Bulletin F-28/52-53 dated May 10, 1974.

H. Applies to F-28 airplanes S/N 11003-11020 inclusive. Compliance required within 500 flight hours time in service after the effective date of this AD. Inspect and adjust the cargo door lock warning and locking mechanism for correct functioning per Fokker Service Bulletin F-28/52-54 dated July 1, 1974. Install the temporary safety pin per the service bulletin.

I. Applies to F-28 airplanes S/N 11003-11081 and 11991-11993 inclusive. Compliance required within the next 500 flight hours time in service after the effective date of this AD. Inspect the cargo door latching mechanism and adjust, if necessary, per Fokker Service Bulletin F-28/52-56 dated July 26, 1974.

J. Applies to F-28 airplanes S/N 11003-11020 inclusive. Compliance required within the next 500 flight hours time in service after the effective date of this AD. Install a safety catch on the rear cargo door per Fokker Service Bulletin F-28/52-61 dated May 21, 1975.

K. Applies to F-28 airplanes S/N 11003-11076 inclusive if Fokker Service Bulletin F-28/52-55, Part I, has been incorporated. Compliance required within the next 500 flight hours time in service after the effective date of this AD. Modify the shape of the service emergency door secondary guide rails at fuselage STA 3870 per Fokker Service Bulletin F-28/52-66 dated April 12, 1976.

L. Applies to F-28 airplanes S/N 11003-11110 and 11991-11993 inclusive. Compliance required within the next 500 flight hours time in service after the effective date of this AD. Modify the shape of the secondary guide rails at fuselage STA 4610 per Fokker Service Bulletin F-28/52-80, Revision 1, dated October 23, 1978.

M. Applies to F-28 airplanes forward and center cargo doors—S/N 11003-11081, 11991-11993, and 11082-11101 inclusive if S/B F-28/52-51 has been incorporated; rear cargo door—S/N 11053, 11062, 11077, 11080 and 11081 if S/B F-28/52-51 has been incorporated and S/N 11090-11093, 11108-11112, and 11114-11116 inclusive, and S/N 11118, 11120-11124, and 11126-11128 inclusive, S/N 11130, 11133, 11135, and 11138-11141 inclusive. Compliance required within the next 500 flight hours time in service after the effective date of this AD. Reinforce the cargo door locking handle access panels per Fokker Service Bulletin F-28/52-81 dated October 1, 1977.

N. Applies to F-28 airplanes S/N 11003-11016 inclusive. Compliance required within 500 flight hours time in service after the effective date of this AD. Reinforce the speed brake accumulator brackets per Fokker Service Bulletin F-28/53-4 dated May 19, 1970.

O. Applies to F-28 airplanes S/N 11003-11051 and 11991-11994 inclusive. Compliance required upon the accumulation of 2000 flight hours or within 250 flight hours after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 250 flight hours, inspect the speed brake supporting structure at fuselage station 22293 for cracks per Part I of Fokker Service Bulletin F-28/58-19, dated July 27, 1971. If cracks are found, or upon the accumulation of 3000 hours time in service, or within 250 flight hours after the effective date of this AD, whichever occurs later, modify the speed brake supporting structure per Part II of the service bulletin.

P. Applies to F-28 airplanes S/N 11003-11029 and S/N 11991-11994 inclusive, and S/N 11031 if equipped with hinge arms with rivet holes for plastic form parts attachment. Compliance required within 150 flight hours after the effective date of this AD or upon accumulation of 1000 flight hours on the speedbrake assembly, whichever occurs later, and at intervals of 150 hours thereafter. Inspect the speedbrake lower hinge arms for cracks in accordance with Fokker Service Bulletin F-28/53-20, Revision 2, dated November 1, 1971. Repair damage per the service bulletin.

Q. Applies to F-28 airplanes S/N 11003-11020 inclusive and S/N 11991. Compliance required within 500 flight hours time in service after the effective date of this AD. Install a plastic separation screen and add ventilation provisions per Fokker Service Bulletin F-28/53-21 dated October 11, 1971.

R. Applies to F-28 airplanes S/N 1103-11071 and 11991-11994 inclusive. Compliance required within 500 hours time in service after the effective date of this AD and at intervals of 500 hours time in service thereafter. Inspect for cracks and rework, if necessary, the speed brake attach hinge fitting per Part I of Fokker Service Bulletin F-28/53-26, dated March 20, 1972. After Part II and III of the service bulletin have been accomplished, the 500 hour reinspecting interval can be increased to 1000 hours time in service.

S. Applies to F-28 airplanes S/N 11003-11051 and 11991-11994 inclusive. Compliance required within 500 flight hours time in service after the effective date of this AD. Reinforce the speedbrake support structure at frame station 22293 per Fokker Service Bulletin F-28/53-27 dated November 6, 1972.

T. (1) Applies to F-28 airplanes S/N 11020-11055, 11057-11061, and 11063-11071 inclusive, and S/N 11073, 11075, 11078, and 11991-11993 inclusive. Compliance required within 500 hours time in service after the effective date of this AD and at intervals of 250 flight hours thereafter until the modification in paragraph 2 has been carried out. Inspect the PLI washers in the rear cargo compartment latch brackets for correct installation per Part I of Fokker Service Bulletin F-28/53-54, Revision 3, dated October 11, 1976. If one or more washers per latch fitting are incorrectly installed, proceed with paragraph 2 of this AD within the next ten hours time in service.

(2) Applies to F-28 S/N 11020-11090 inclusive, 11092, and 11991-11993 inclusive. Compliance required within the next 1000 hours time in service after the effective date of this AD or within ten hours time in service if required by paragraph T.(1) above. Install MS washers and bolts in the cargo door latch fittings per the service bulletin.

(3) Applies to F-28 airplanes S/N 11033-11055, 11057-11061, and 11063-11071 inclusive, and S/N 11073, 11075, 11078, and 11991-11993 inclusive. Compliance required within the next 500 hours time in service after the effective date of this AD. Install MS washers and shorter bolts in the forward and center cargo door latch fittings per the service bulletin.

U. Applies to all F-28 airplanes. Compliance required upon the accumulation of 10,000 landings or within 500 hours after the effective date of this AD, whichever occurs later, and at intervals not to exceed 2500 landings thereafter. Inspect each windshield post for cracks per Part I of Fokker Service Bulletin F-28/53-67, Revision 1, dated May 15, 1978. If cracks are found, repair and reinspect per Parts II, III, IV, and V of the service bulletin. Installation of unlimited life windshield posts constitutes terminating action for this AD.

V. Applies to F-28 airplanes S/N 11003-11091 and 11991-11993 inclusive. Compliance required within 500 hours time in service after the effective date of this AD. To ensure the proper torquing of the MS 21250 bolts in the main entry door latch fittings, replace the dural washers with MS 20002 washers per Part V of Fokker Service Bulletin F-28/51-10, Revision 1, dated July 11, 1975.

W. Applies to F-28 airplanes S/N 11003-11025 inclusive and S/N 11991, 11992, and 11994. Compliance required within 500 flight hours after the effective date of this AD. To prevent stringer cracks, install connecting angles in the stabilizer torsion box at rib station 3800 per Fokker Service Bulletin F-28/55-8, Revision 1, dated October 16, 1972.

X. Applies to F-28 airplanes S/N 11003-11064 and 11991-11993 inclusive. Compliance required within six months after the effective date of this AD. To ensure proper functioning of the horizontal stabilizer hinge bearings, inspect the bearings per Part I of Fokker Service Bulletin F-28/55-14, Revision 1, dated March 15, 1974. If relative rotation does not occur between the bearings ball and the outer ring, modify the hinge bearing installation per Part II of the service bulletin within nine months of the inspection. If relative rotation does occur between the ball and the outer ring, the Part II modification must be accomplished within two years after the effective date of this AD.

Y. Applies to F-28 airplanes S/N 11003-11020, 11022-11025, and 11991-11993 inclusive. Compliance required within six months after the effective date of this AD. To prevent stress corrosion cracks, install bronze bushings in the stabilizer hinge brackets per Fokker Service Bulletin F-28/55-17 dated October 27, 1975.

Z. Applies to F-28 airplanes S/N 11003-11064 inclusive, 11991, and 11992. Compliance required within two months after the effective date of this AD. To ensure the stabilizer hinge bolts are correctly installed, inspect for correct locking per Fokker Service Bulletin F-28/55-20 dated September 27, 1979.

AA. Applies to F-28 airplanes as follows: S/N 11003-11145 inclusive and S/N 11147, 11150, 11151, 11991, and 11992. Compliance required within six months after the effective date of this AD. To prevent the loss of the stabilizer hinge bolts if the nut has backed off, install an additional retaining device per Fokker Service Bulletin F-28/55-21 dated May 19, 1980.

BB. Applies to F-28 airplanes S/N 11003-11016 inclusive. Compliance required upon the accumulation of 8000 landings or within 500 hours after the effective date of this AD, whichever occurs later. To prevent fatigue cracks in the wing rear spar fitting in the area of the collector tank, modify the structure per Fokker Service Bulletin F-28/57-3 dated January 7, 1971.

CC. Applies to F-28 airplanes S/N 11003-11020 inclusive. Compliance required upon the accumulation of 2000 landings or within 500 landings after the effective date of this AD, whichever occurs later, and at intervals of 1000 landings thereafter. To detect fatigue cracks in the inner flap inboard end rib, inspect per Fokker Service Bulletin F-28/57-19 dated March 10, 1971.

DD. Applies to F-28 airplanes S/N 11003-11041 and 11991-11994 inclusive equipped with pre S/B F-28/57-28 side stay brackets. Compliance required within the next 250 landings after the effective date of this AD or as follows, whichever occurs later: for airplanes operating at MTOW of 63,000 lbs., upon the accumulation of 3500 landings and thereafter at intervals not to exceed 3000 landings; for airplanes operating at MTOW of 65,000 lbs., upon the accumulation of 2500 landings and thereafter at intervals not to exceed 2000 landings. To detect fatigue cracks in the main landing gear support structure, inspect in accordance with Fokker Service Bulletin F-28/57-24, Revision 1, dated November 1, 1981. Repair cracks per the service bulletin.

EE. Applies to F-28 airplanes S/N 11011-11031 and 11991-11993 inclusive. Compliance required within the next 250 landings after the effective date of this AD or upon the accumulation of 4500 landings, whichever occurs later. Install the strengthened upper flap rail per Fokker Service Bulletin F-28/57-29, Revision 3, dated October 6, 1975.

FF. Applies to F-28 airplanes S/N 11003-11038 and 11991-11994 inclusive. Compliance required within six weeks after the effective date of this AD. Balance the aileron servo tabs per Fokker Service Bulletin F-28/57-33, Revision 1, dated December 2, 1972.

GG. Applies to F-28 airplanes S/N 11003-11123, and 11991-11993 inclusive, and S/N 11126 unless SB F-28/57-33 has been accomplished. Compliance required within six weeks after the effective date of this AD and thereafter at intervals not to exceed 1000 landings. Visually inspect the main landing side stay bracket for cracks per Part I of Fokker Service Bulletin F-28/57-49, Revision 5, dated August 12, 1980.

HH. Applies to F-28 airplanes S/N 11003-11123 inclusive, 11126, 11991, and 11992 which have accumulated 15,000 landings. Compliance required within two months after the effective date of this AD. To detect cracks in wing rear spar brackets, inspect per Fokker Service Bulletin F-28/57-58, Revision 3, dated October 9, 1979. Repair cracks in accordance with the service bulletin.

II. Applies to F-28 airplanes S/N 11003-11123 inclusive and S/N 11126, 11991, and 11992. Compliance required within six months after the effective date of this AD. To minimize the chance of cracking bracket lugs, install chromium plated bolts and bronze bushings and inspect left-hand and right-hand rear spar bracket lugs per Fokker Service Bulletin F-28/57-59 dated July 25, 1979. Repair cracked lugs in accordance with the service bulletin.

JJ. Applies to F-28 airplanes S/N 11111-11145 inclusive and S/N 11147, 11148, 11150, and 11151. Compliance required within three months after the effective date of this AD. To prevent performance deterioration, reseal the butt straps and boundary layer fences on the wing leading edge sections per Fokker Service Bulletin F-28/57-61 dated April 14, 1980.

2. Alternative means of compliance with this AD, which provides an equivalent level of safety, may be used when approved by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region.

3. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the

accomplishment of inspections and/or modifications required by this AD.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

Note.—The FAA has determined that this document involves a proposed regulation that is not major under the provisions of Executive Order 12291, because of its minimal economic impact, as summarized earlier in this document. It has been further determined that this proposed regulation is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft regulatory evaulation for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT." In addition, it has been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities, since it involves few, if any, small entities.

Issued in Seattle, Washington, on January 20, 1982.

Robert O. Brown,

Acting Director, Northwest Mountain Region.

[FR Doc. 82-2279 Filed 1-29-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-ASW-1]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Proposed Alteration of Transition Area: Kingsville, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Aviation Administration proposes to alter the transition area at Kingsville, TX. The intended effect of the proposed action is to provide adequate controlled airspace for aircraft executing instrument approach procedures to the NAS Kingsville and Kleberg County Airports. This action is necessary to properly describe the necessary airspace required for protection of aircraft arriving/departing these airports.

DATE: Comments must be received on or before March 3, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8 a.m. and 4:30 p.m. The FAA Rules Docket is located in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch, ASW-535, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101; telephone: (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart G 71.181 as republished in the **Federal Register** on January 2, 1981 (46 FR 540), contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity . Alteration of the transition area at Kingsville, TX, will necessitate an amendment to this subpart. This amendment will be required at Kingsville, TX, since the required airspace is improperly described and inadequate for the protection of aircraft operating on IFR flights.

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. (Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals.) Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 82-ASW-1." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, or by calling (817) 624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the office listed above.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Kingsville, TX

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of NAS Kingsville (latitude 27°30'11" N., longitude 97°48'25" W.); within 3.5 miles each side of the Kingsville UHF radio beacon 199°bearing, extending from the 8.5-mile radius area to 22 miles south of the airport; and within a 6.5-mile radius of Kleberg County Airport (latitude 27°33'09" N., longitude 98°01'40" W.).

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

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulation for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, TX, on January 21, 1982.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 82-2418 Filed 1-29-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 82-ASW-2]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Proposed Designation of Transition Area: Alice, TX; Proposed Revocation of Transition Area: Orange Grove, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Aviation Administration proposes to designate a transition area at Alice, TX. The intended effect of the proposed action is to provide controlled airspace for aircraft executing instrument approach procedures to the Alice International Airport and NALF Orange Grove. This action is necessary since there is no transition area designated for the Alice International Airport and revision to the NALF Orange Grove is necessary for the protection of aircraft arriving/departing these airports on instrument flight rules (IFR) flights.

DATE: Comments must be received on or before March 3, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8 a.m. and 4:30 p.m. The FAA Rules Docket is located in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch, ASW-535, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101; telephone: (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart G 71.181 as republished in the **Federal Register** on January 2, 1981 (46 FR 540), contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Designation of the transition area at Alice, TX, and revocation of the transition area at Orange Grove, TX, will necessitate an amendment to this subpart. This amendment will be required at Alice, TX, since there is no 700-foot transition area designated at Alice and an amendment to the transition area at the NALF Orange Grove is necessary for the protection of aircraft operating on IFR flights.

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. (Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals.) Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 82-ASW-2." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, or by calling (817) 624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the office listed above.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by revoking Orange Grove, TX, and adding the following:

Alice, TX

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Alice International Airport (latitude 27°44'26" N., longitude 98°01'42" W.) and a 6.5-mile radius of the NALF Orange Grove (latitude 27°54'03" N. longitude 98°03'05" W.).

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

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) as promulgation, will not have significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, TX, on January 21, 1982.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 82-2419 Filed 1-29-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-AWA-13]

Proposed Renumbering of Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to renumber certain alternate VOR Federal Airways in the central part of the U.S. This action would eliminate the assignment of alternate airway segments for the affected airways. It is in accordance with International Civil Aviation Organization (ICAO) agreement to phase out alternate airways from the National Airspace System.

DATE: Comments must be received on or before March 3, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Central Region, Attention: Chief, Air Traffic Division, Docket No. 81-AWA-13, Federal Aviation Administration, 601 E. 12th Street, Kansas City, MO 64106.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is

located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

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

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-AWA-13." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to renumber V-4S, V-4N, and V-6S. There would be no change in the amount of designated controlled airspace as a result of this action. The alternate airway segments are renumbered to eliminate the use of alternate airway assignments. This action would be in accordance with ICAO agreement to phase out alternate airways from the National Airspace System. Section 71.123 of Part 71 was republished on January 2, 1981 (46 FR 409).

Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409) as follows:

1. V-4 [Amended]

By deleting the words ", including a south alternate via Hayes," and ", including a N alternate from the INT of Salina 080° and Manhattan, KS, 213° radials to Topeka via Manhattan and the INT of Manhattan 078° and Topeka 293° radials" and ", including a S alternate via INT Topeka 099° and Kansas City 231° radials"

2. V-116 [Amended]

By deleting the words "From INT Kansas City, MO, 076° and Nepoleon, MO, 005° radials via Macon, MO;" and substituting for them the words "From Hill City, KS; Hays, KS; Salina, KS; INT Salina 080° and Manhattan, KS, 213° radials; Manhattan; INT Manhattan 078° and Topeka, KS, 293° radials; Topeka; INT Topeka 099° and Kansas City 076° and Nepoleon, MO, 005° radials; Macon, MO;"

3. V-6 [Amended]

By deleting the words "; Des Moines, IA; Iowa City, IA, including a S alternate via INT Des Moines 112° and Iowa City 252° radials;" and substituting for them the words "; Des Moines, IA; Iowa City, IA;"

4. V-498 [New]

By adding "V-498 From Des Moines, IA, via INT Des Moines 112° and Iowa City, IA, 252° radials; to Iowa City."

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

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

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

B. Keith Potts,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 82-2437 Filed 1-29-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 73

[Airspace Docket No. 81-AWP-29]

Proposed Alteration of Restricted Areas, R-2531A and R-2531B—Tracy, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the time of use of Restricted Areas R-2531A and R-2531B, Tracy, CA. An extension of the daily hours of use and a provision for use of the areas on Saturday and Sunday by notice to airmen (NOTAM) is needed to meet operational priorities. This action will result in more efficient and economic use of the airspace by reducing the burden caused by technical delays and restrictive atmospheric conditions.

DATE: Comments must be received on or before March 3, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Western/Pacific Region, Attention: Chief, Air Traffic Division, Docket No. 81-AWP-29, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, CA 90009.

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

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

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written date, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particulary helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-AWP-29." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed on the docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C., 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 73.25 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) to amend the time of designation of Restricted Areas R-2531A and R-2531B, Tracy, CA, by changing the hours of use to read "1000 to 2050 local time, Monday through Friday, and occasionally on Saturday and Sunday when activated by NOTAM at least 24 hours in advance." Present use restrictions create an undue economic burden when program requirements are delayed due to technical problems or unfavorable atmospheric conditions. Essential test requirements of the Department of Energy are impaired and operational costs are significantly increased when scheduled testing is not completed. This action will provide increased flexibility to reschedule around unfavorable atmospheric conditions, reduce program delays, and assure more economic and efficient use of the airspace. Section 73.25 of Part 73 was republished on January 2, 1981, (46 FR 787).

Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 73.25 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (46 FR 787) as follows:

R-2531A Tracy, CA [Amended]

Under time of designation by deleting the words "1000 to 1800 local time, Monday through Friday." and substituting for them the words "1000 to 2050 local time, Monday through Friday and occasionally on Saturday and Sunday when activated by NOTAM at least 24 hours in advance."

R-2531B Tracy, CA [Amended]

Under time of designation by deleting the words "1000 to 1800 local time, Monday through Friday." and substituting for them the words "1000 to 2050 local time, Monday through Friday and occasionally on Saturday and Sunday when activated by NOTAM at least 24 hours in advance."

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

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

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

B. Keith Potts,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 82-2470 Filed 1-29-82; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

15 CFR Part 806

Solicitation of Written Comments on Proposed Rule Changes

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Proposed rule.

SUMMARY: Written public comments are solicited on the following proposed rule changes:

(1) Eliminate Forms BE-578, Transactions of U.S. Reporter with Unincorporated Foreign Affiliate, Except a Bank, and BE-578B, Transactions of U.S. Reporter with Unincorporated Foreign Banking Affiliate; instead, unincorporated foreign affiliates—bank and nonbank—will report on Form BE-577. The title, instructions, and data sections of Form BE-577 will be changed to accommodate use of that form by unincorporated affiliates.

(2) Raise the exemption level for Form BE-577 (as revised) from $5,000,000 to $10,000,000.

(3) Introduce special exemption criteria to reduce the number of BE-577 reports required to be filed by U.S. Reporters to report direct transactions with foreign affiliates in which they do not hold a direct equity interest.

(4) Modify the BE-13, Report on a Foreign Person's Establishment, Acquisition, or Purchase of the Operating Assets of a U.S. Business Enterprise, Including Real Estate, to eliminate the reporting of much of the statistical data presently contained in Forms BE-13A and BE-13B. As a result, Forms BE-13A and BE-13B will be combined into one report—Form BE-13, Initial Report on a Foreign Person's Direct or Indirect Acquisition, Establishment, or Purchase of the Operating Assets, of a U.S. Business Enterprise, Including Real Estate.

(5) Change the title of Form BE–15 from "Interim Survey of Foreign Direct Investment in the U.S." to "Annual Survey of Foreign Direct Investment in the U.S." and eliminate from the regulations the specific reference that 1977 was the first year of coverage.

EFFECTIVE DATE: Written comments must be received by BEA no later than March 3, 1982.

ADDRESS: Written comments should be addressed to the U.S. Department of Commerce, Bureau of Economic Analysis, International Investment Division (BE–50–OC), Washington, D.C. 20230. All comments in response to this notice will be available for public inspection from 8:00 a.m. to 4:00 p.m. in room 608, 1401 K Street, N.W., Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: George R. Kruer, Chief, International Investment Division, Bureau of Economic Analysis, U.S. Department of Commerce, Washington, D.C. 20230, (202) 523–0657.

SUPPLEMENTARY INFORMATION: The changes relating to Forms BE–577, BE–578, and BE–578B will be effected commencing on January 1, 1982 for reports covering reporting periods occurring in 1982. The changes relating to the BE–13 report will be effected commencing on January 1, 1982 for reports covering transactions occurring in 1982. The overall effect of these changes is a reduction in reporting burden.

The title of Form BE–15 will be changed on the annual report for 1981.

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), the revised forms will be submitted to OMB for approval. OMB will put a notice in the Federal Register that they have received the forms for clearance and give the public a period of time in which to comment. Copies of revised Forms BE–577, BE–13, and BE–15 are not included with this notice.

The Bureau of Economic Analysis has determined that these proposed rule changes are not "major" under Executive Order 12291. The public use burden will be undertaken within the Department of Commerce allocated FY 1982 Information Collection Budget ceiling.

Regulatory Flexibility Act—The provisions of the Regulatory Flexibility Act relating to preparation of an initial regulatory flexibility analysis are not applicable to these proposed rule changes because they will not have a significant economic impact on a substantial number of small entities. In fact, the opposite is true, the burden is being reduced, either by increasing the exemption level or reducing the amount of data collected on existing report forms.

Accordingly, the General Counsel, Department of Commerce, has certified under provisions of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that these proposed rule changes will not have a significant economic impact on a substantial number of small entities.

Part 806 is therefore modified as set forth below.

George Jaszi,

Director, Bureau of Economic Analysis.

PART 806—DIRECT INVESTMENT SURVEYS

1. In § 806.14, the present paragraph (e) is revised to read as follows:

§ 806.14 U.S. direct investment abroad.

* * * * *

(e) *Quarterly report form.* (1) BE–577—Transactions of U.S. Reporter with Foreign Affiliate: One report is required for each foreign affiliate exceeding an exemption level of $10,000,000, except that a report need not be filed by a U.S. Reporter to report direct transactions with one of its foreign affiliates in which it does not hold a direct equity interest unless an intercompany balance or fee and royalty receipts or payments for the quarter exceed $1,000,000.

2. In § 806.15, present paragraphs (i) and (j)(3) are revised to read as follows:

§ 806.15 Foreign direct investment in the United States.

* * * * *

(i) *Annual report form.* BE–15—Annual Survey of Foreign Direct Investment in the United States: One report is required for each consolidated U.S. affiliate, except a bank, exceeding an exemption level of $5,000,000, except that a U.S. affiliate which owns 200 acres or more of U.S. land must report regardless of the value of the items on which the exemption level is based, i.e., total assets; sales or gross operating revenues, excluding sales taxes; and net income after income taxes, whether positive or negative. U.S. affiliates that are banks are exempt from the reporting requirements of this survey.

(j) *Other report forms.*

* * * * *

(3) BE–13—Initial Report on a Foreign Person's Direct or Indirect Acquisition, Establishment, or Purchase of the Operating Assets, of a U.S. Business Enterprise, Including Real Estate. This report is to be filed either:

(i) By a U.S. business enterprise when a foreign person establishes or acquires directly, or indirectly through an existing U.S. affiliate, a 10 percent or more voting interest in that enterprise, including an enterprise that results from the direct or indirect acquisition by a foreign person of a business segment or operating unit of an existing U.S. business enterprise that is then organized as a separate legal entity; or

(ii) By the existing U.S. affiliate of a foreign person when it acquires a U.S. business enterprise, or a business segment or operating unit of a U.S. business enterprise, that the existing U.S. affiliate merges into its own operations rather than continuing or organizing as a separate legal entity.

A separate report must be filed for each foreign parent or existing U.S. affiliate that is a party to the transaction.

Exclusions and Exemptions

(a) Residential real estate held exclusively for personal use and not for profitmaking purposes is not subject to the reporting requirements. A residence which is an owner's primary residence that is then leased by the owner while outside the United States but which the owner intends to reoccupy, is considered real estate held for personal use. Ownership of residential real estate by a corporation whose sole purpose is to hold the real estate and where the real estate is for the personal use of the individual owner(s) of the corporation, is considered real estate held for personal use.

(b) An existing U.S. affiliate is exempt from reporting the acquisition of either a U.S. business enterprise, or a business segment or operating unit of a U.S. business enterprise, that it then merges into its own operations, if the total cost of the acquisition was $1,000,000 or less and does not involve the purchase of 200 acres or more of U.S. Land. (If the acquisition involves the purchase of 200 acres or more of U.S. land, it must be reported regardless of the total cost of the acquisition.)

(c) An established or acquired U.S. business enterprise, as consolidated, is exempt if its total assets (not the foreign parent's or existing U.S. affiliate's share) at the time of acquisition or immediately after being established were $1,000,000 or less and it does not own 200 acres or more of U.S. land. (If it owns 200 acres or more of U.S. land, it must report regardless of the value of total assets.)

If exempt under (b) or (c), the existing U.S. affiliate or the established or acquired U.S. business enterprise must, nevertheless, file an "Exemption Claim, Form BE–13" to validate the exemption.

3. In § 806.15(j)(4), paragraphs (A) and (B) are redesignated (i) and (ii) and in § 806.15(j)(4), the second undesignated paragraph, which presently reads: "If a U.S. person required to file a Form BE–14 files either Form BE–13A or Form BE–13B relating to the acquisition of the U.S. business enterprise by a foreign person, then Form BE–14 is not required."; should be changed to read as follows and should be made a part of the preceding paragraph.

"If a U.S. person required to file a Form BE–14 files Form BE–13 relating to the acquisition of the U.S. business enterprise by a foreign person, then Form BE–14 is not required."

[FR Doc. 82–2473 Filed 1–29–82; 8:45 am]
BILLING CODE 3510–06–M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File Nos. 802 3049 and 802 3226]

Mastic Corporation and Vinyl Improvement Products Co.; Proposed Consent Agreements with Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, these consent orders, accepted subject to final Commission approval, would require, among other things, Mastic Corporation and Vinyl Improvement Products Company (VIPCO), manufacturers and sellers of residential vinyl siding products, to cease paying for or disseminating any advertisement for vinyl siding that contains an energy related claim. The orders would require both firms to distribute a copy of the order to all personnel engaged in the promotion of vinyl siding. Further, VIPCO would be required to mail to each business entity which has sold or distributed its products during the previous year, a letter which advises that vinyl siding by itself does not save energy. Mastic Corporation would be required to provide its distributors and retailers with a copy of the order, together with a letter explaining its provisions.

DATE: Comments must be received on or before April 2, 1982.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: FTC/PE, Michael Dershowitz, Washington, D.C. 20580. (202) 724–0726.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's rules of practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principl office in accordance with § 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9(b)(14)).

In the matter of Mastic Corporation, File No. 802–3049; agreement containing consent order to cease and desist.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Mastic Corporation, a corporation, hereinafter sometimes referred to as proposed respondent, and it now appearing that the proposed respondent is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated,

It is hereby agreed by and between Mastic Corporation, by its duly authorized officer, and its attorney, and counsel for the Federal Trade Commission that:

1. Mastic Corporation is a corporation organized, existing and doing business under and by virtue of the laws of the State of Indiana, with its principal office and place of business located at 131 South Taylor Street, South Bend, Indiana 46624.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of the complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

For purposes of this order, the following definitions shall apply:

"Advertisement" means any illustration, depiction, written or oral statement, or other representation, whether the same appears in a television or radio broadcast, newspaper or label, brochure, leaflet, circular, mailer, book insert, journal, catalog, sales promotion material, other periodical literature, billboard, public transit card, point of purchase display, or in any other media.

"Energy related claim" means any general or specific representation that,

directly or by implication, describes or refers to energy savings, efficiency or conservation, fuel savings, insulating value, air infiltration, conductance of heat, or heat gain or loss.

"Vinyl siding product" means any vinyl siding product made from vinyl and used for residential purposes, and includes siding which is directly backed with material such as backerboard or drop-in panels. For purposes of this order, "vinyl siding product" does not include "siding systems," which are a combination of vinyl siding and any other product(s) which contain "insulation" as that word is defined by the Commission's Trade Regulation Rule Concerning the Labeling and Advertising of Home Insulation, 16 CFR Part 460 (1980).

Part I

It is ordered that respondent Mastic Corporation, a corporation, its successors and assigns, and its officers, agents, representatives and employees directly of through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale of distribution of any vinyl siding product in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from disseminating, causing to be disseminated, or paying in whole or in part for any advertisement which contains an energy related claim.

Part II

It is further ordered that for a period of five years following the date of service of this Order, respondent deliver a copy of this Order to all present and future employees, personnel, or agents and representatives of respondent engaged in the creation, design, printing or dessemination of any advertisement promoting respondent's vinyl siding products; and that respondent obtain a signed statement acknowledging receipt of the order from each said person or entity.

Part III

It is further ordered that respondent shall:

1. Within thirty (30) days after the date of service of this order, send the following material via first class mail to every person or firm that has been a distributor of respondent's vinyl siding products during the year prior to the date of service of this order, and to every person or firm that has been a retailer of respondent's vinyl siding products that respondent can identify from the warranty registration cards which, between July 1980, and the date of service of this order, were both issued by and returned to respondent.

a. A copy of this order, and

b. A cover letter which informs the recipient in plain and readily understood language that Mastic has agreed with the Federal Trade Commission not to make energy related claims for its vinyl siding products, that the recipent should make no energy related claims for Mastic's vinyl siding products in the future, and that the recipient should stop using any Mastic promotional material which contains any energy related claims.

2. Supply to the Federal Trade Commission upon request the names and addresses of those parties to whom respondent distributed the material required by Paragraph 1 of Part III of this order.

Part IV

It is further ordered, that respondent notify the Commission at least thirty (30) days prior to any proposed change such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries of any other change in the corporation which may affect compliance obligations arising out of this order.

Part V

It is further ordered, that the respondent shall within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

In the Matter of Vinyl Improvement Products Company, a corporation, File No. 802–3226; agreement containing consent order to cease and desist.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Vinyl Improvement Products Company, a corporation, hereinafter sometimes referred to as proposed respondent, and it now appearing that the proposed respondent is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated,

It is hereby agreed by and between Vinyl Improvement Products Company by its duly authorized officer, and its attorney, and counsel for the Federal Trade Commission that:

1. Vinyl Improvement Products Company is a corporation organized, existing and doing business under and by virtue of the laws of the State of Ohio, with its principal office and place of business located at 1441 Universal Drive, Columbus, Ohio 43207.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of the complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in

construing the terms of the order, and no agreement, understanding, representation, of interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

For purposes of this order, the following definitions shall apply:

"Advertisement" means any illustration, depiction, written or oral statement, or other representation, whether the same appears in a television or radio broadcast, newspaper or label, brochure, leaflet, circular, mailer, book insert, journal, catalog, sales promotion material, other periodical literature, billboard, public transit card, point of purchase display, or in any other media.

"Energy related claim" means any general or specific representation that, directly or by implication, describes or refers to energy savings, efficiency or conservation, fuel savings, insulating value, air infiltration, conductance of heat, or heat gain or loss.

"Vinyl siding product" means any vinyl siding product made from vinyl and used for residential purposes, and includes siding which is directly backed with material such as backerboard or drop-in panels. For purposes of this order, "vinyl siding product" does not include "siding systems," which are a combination of vinyl siding and any other product(s) which contain "insulation" as that word is defined by the Commission's Trade Regulation Rule Concerning the Labeling and Advertising of Home Insulation, 16 CFR Part 460 (1980).

Part I

It is ordered that respondent Vinyl Improvement Products Company, a corporation, its successors and assigns, and its officers, agents, representatives and employees directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale or distribution of any vinyl siding product in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act do forthwith cease and desist from disseminating, causing to be disseminated, or paying in whole or in part for any advertisement which contains an energy related claim.

Part II

It is further ordered that respondent forthwith deliver a copy of this order to all present and future employees, personnel, or agents and representatives of respondent engaged in the creation, design, printing or dissemination of any advertisement promoting respondent's vinyl siding products; and that respondent obtain a signed statement acknowledging receipt of the order from each said person or entity.

Part III

It is further ordered that respondent shall:

1. Within thirty (30) days from the date of service of this order, send on Vinyl Improvement Products Company stationery, via first class mail, the letter attached hereto as Exhibit A, to each business entity which respondent's records show has been engaged in the offering for sale, sale or distribution of respondent's vinyl siding products directly or indirectly to the consuming public within one year prior to the date of service of this order; and

2. Supply to the Federal Trade Commission upon request the names and addresses of those parties to whom respondent distributed the material required by Paragraph 1 of Part III of this order.

Part IV

It is further ordered, that respondent notify the Commission at least thirty (30) days prior to any proposed change such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

Part V

It is further ordered, that the respondent shall within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Exhibit A—On VIPCO Stationery

Dear Distributor or Retailer:

Some of the promotional materials which have been used for vinyl siding have contained claims that vinyl siding can produce energy savings. Because vinyl siding, by itself, does not save energy, we no longer make such claims. This is to advise you that you should stop representing that vinyl siding, itself, is an energy savings material.

You should note, however, that this applies only to energy savings claims made for vinyl siding alone, and not to advertising for insulation products such as Barrier Board. The labeling and advertising of insulation is covered by the FTC Home Insulation Rule. Please remember that the Rule requires that the Fact Sheets we have distributed for Barrier Board must be given to the ultimate consumer whenever this product is sold. If you have any questions about the materials we have provided, or advertisements that you have developed, we would be pleased to advise you on such matters.

Sincerely, Vinyl Improvement Products Company (VIPCO).

Analysis of Proposed Consent Orders To Aid Public Comment

The Federal Trade Commission has accepted agreements to proposed consent orders from Mastic Corporation and the Vinyl Improvement Products Co. (VIPCO).

The proposed consent orders have been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreements and the comments received and will decide whether it should withdraw from the agreements or make final the agreement's proposed orders.

The complaints in this matter concern advertising and promotional claims about energy savings made by Mastic and VIPCO for their residential vinyl siding products. Vinyl siding is used as an exterior siding material, most often for residing applications, rather than for new home construction. The complaints, which were placed on the public record by the Commission along with the proposed consent orders, allege that Mastic and VIPCO have distributed advertisements and promotional materials which contain false, unfair, and deceptive claims about their vinyl siding products. The proposed consent orders are designed to prohibit these violations in the future.

The complaints allege that Mastic and VIPCO advertised, falsely and without a reasonable basis, that their vinyl siding products would save energy, cut fuel bills, and be a better insulator, than aluminum or steel siding. The proposed consent orders prohibit Mastic and VIPCO from making any energy savings claims in the future for their vinyl siding products unless those products actually are used with insulation. If insulation is used, the Commission's Trade Regulation Rule concerning the Advertising and Labeling of Home

Insulation (16 CFR Part 460) requires that any energy savings claim be fully substantiated and that certain disclosures be made.

The complaints also allege that the energy savings claims used by Mastic and VIPCO have also been used by their distributors, and retailers, in promoting Mastic's and VIPCO's products. In the orders, both companies have agreed to notify their distribution networks about the proposed orders and their contents. This requirement should help ensure that the distribution networks do not continue to make energy savings claims for Mastic's and VIPCO's vinyl siding products.

Both Mastic and VIPCO remain free under the proposed consent orders to represent accurately other features of their vinyl siding products.

The purpose of this analysis is to facilitate public comment on the proposed orders. It is not intended to constitute an official interpretation of the agreements and proposed orders or to modify in any way their terms.

Carol M. Thomas,

Secretary.

[FR Doc. 82-2459 Filed 1-29-82; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 271, 273 and 274

[Docket No. RM 82-8]

High Cost Natural Gas Produced From Intermediate Deep Drilling; Extension of Time for Comments

AGENCY: Federal Energy Regulatory Commission, DOE.

SUMMARY: Notice of proposed rulemaking; extension of comment period.

SUMMARY: On December 30, 1981, the Commission issued a Notice of Proposed Rulemaking involving high cost natural gas produced from intermediate deep drilling (47 FR 638, January 6, 1982). The comment period is being extended at the request of Tenneco Oil Company and interested natural gas producers.

DATE: Comments must be submitted on or before March 15, 1982.

ADDRESS: Submit comments to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Kenneth F. Plumb, Secretary (202) 357-8400.

SUPPLEMENTARY INFORMATION: January 22, 1982.

On January 15, 1982, a motion was filed with the Commission by Tenneco Oil Company on behalf of interested natural gas producers (Producers) for an extension of time to file comments in response to the Commission's Notice of Proposed Rulemaking issued December 30, 1981, in the above-docketed proceeding. The motion states that the Producers require additional time in order to evaluate relevant cost data and supporting evidentiary material and to incorporate this information into their comments.

Upon consideration, notice is hereby given that an extension of time for the filing of comments is granted to and including March 15, 1982.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 82-2478 Filed 1-29-82; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 4

Vessels in Foreign and Domestic Trades; Proposed Alternative Evidentiary Requirements

Correction

In FR Doc. 82-1712, at page 3374 in the issue of Monday, January 25, 1982, make the following corrections:

(1) On page 3374, in the last column, under the "Background" heading, the fourth paragraph, designated (iii), correct "additioin" to read "addition".

(2) On page 3375, the last column, correct the section number in the regulatory text now reading "**§ 4.19 [Amended]**" to read "**§ 4.14 [Amended]**".

BILLING CODE 1505-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

22 CFR Part 203

Registration of Agencies for Voluntary Foreign Aid

AGENCY: Agency for International Development, IDCA.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Agency for International Development ("AID") is extending the comment period to provide for comments on the effect of the proposed rule of section 309 of the International Security and Development Cooperation Act of 1981, Pub. L. 97-113 regarding registration of Agencies for voluntary foreign aid.

DATE: Comments must be submitted on or before March 3, 1982.

ADDRESS: Comments should be submitted to: Robert S. McClusky, Agency for International Development, FVA/PVC/PLD, Room 227, SA-8, Washington, D.C. 20523.

FOR FURTHER INFORMATION CONTACT: Robert S. McClusky, (703) 235-1844.

SUPLEMENTARY INFORMATION: On December 8, 1981, the Agency published in the **Federal Register** (46 FR 60009-13) a proposed revision of Part 203. Comments were to be received on or before January 7, 1982.

However, on December 29, 1981, the International Security and Development Cooperation Act of 1981 became law. Section 309 of that Act amended Section 123 of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2151u, by adding, *intere alia* a new subsection (g) as follows:

(g) After December 31, 1984, funds made available to carry out section 103(a), 104(b), 104(c), 105, 106, 121, or 491 of this Act may not be made available for programs of any United States private and voluntary organization which does not obtain at least 20 percent of its total annual financial support for its international activities from sources other than the United States Government, except that this restriction does not apply with respect to programs which, as of that date, are receiving financial support from the agency primarily responsible for administering this part. The Administrator of the agency primarily responsible for administering this part may, on a case-by-case basis, waive the restriction established by this subsection, after taking into account the effectiveness of the overseas development activities of the organization, its level of volunteer support, its financial viability and stability, and the degree of its dependence for its financial support on the agency primarily responsible for adminstering this part.

The legislative history of section 309 indicates that the term "financial support" does not include the value of in-kind support, services of volunteers or commodities made available to the organization for overseas distribution. *Conference Report on S. 1196, International Security and Development*

Cooperation Act of 1981, 127 Cong. Rec. H. 9662 (daily ed. December 15, 1981). The legislative history also indicates that the term "programs of U.S. PVO's" refers only to those PVO-initiated activities, funded or partially funded by the Agency for International Development, for which AID requires the private voluntary organization to be registered and excludes subventions, such as ocean freight, and grants in support of specific AID programs. *Id.*

The 20 percent requirement of section 123(g) is similar to Condition 2 of the proposed rule (see § 203.2(b)). The principal difference is that under section 123(g) of the FAA at least 20 percent must be from sources "other than the U.S. Government" while § 203.2(b) requires the 20 percent to be from "private U.S. sources." Therefore, section 123(g) of the FAA would allow contributions from foreign institutions or governments and public international organizations. We would welcome public comment on the desirability of AID's following the legislative standard in the final rule. In addition, the effective dates of the 20 percent requirements are different. The 20 percent requirement of section 123(g) would not become effective until after December 21, 1984. Under the proposed rule, an organization seeking registration for the first time would have to comply with the 20 percent requirement immediately and organizations registered as of the effective date of the final rule would have three years to comply with the 20 percent requirement. Comment is invited on AID's following the legislative standard in the final rule and not imposing the 20 percent requirement of section 123(g) until January 1, 1985.

Another difference is that the proposed rule would require organizations seeking subventions to comply with all of the conditions of registration, including the 20 percent requirement. The legislative history of section 123(g) indicates that the 20 percent requirement of section 123(g) should not apply to subventions. We would invite public comment on AID's following the legislative history in the final rule, and thereby applying the 20 percent requirement of section 123(g) only to "registered PVO grants." (See § 203.1(b) of the proposed rule.)

Charles L. Gladson,

Acting Assistant Administrator for Food for Peace and Voluntary Assistance.

[FR Doc. 82-2467 Filed 1-29-82; 8:45 am]

BILLING CODE 6116-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 230

[FHWA Docket No. 81-9]

Equal Employment Opportunity on Federal and Federal-Aid Construction Contracts (Including Supportive Services)

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The current regulations include provisions for supportive services which are intended to improve the effectiveness of on-the-job training by Federal-aid highway construction contracts. The FHWA is seeking comments on these supportive services provisions in an attempt to determine whether they should be eliminated or whether and how they should be modified.

DATE: Comments must be received on or before April 2, 1982.

ADDRESS: Submit written comments, preferably in triplicate, to FHWA Docket No. 81-9, Federal Highway Administration, Room 4205, HCC-10, 400 Seventh Street, SW., Washington, D.C. 20590. All comments and suggestions received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m., e.s.t., Monday through Friday. Those persons desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth L. Ziems, Office of Highway Operations, 202-426-4847 or Mr. Hugh T. O'Reilly, Office of the Chief Counsel, 202-426-0780, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. e.s.t., Monday through Friday.

SUPPLEMENTARY INFORMATION: Supportive services include, but are not limited to: (1) Services related to recruiting, counseling, transportation, physical examinations, remedial training; (2) services in connection with the administration of on-the-job training programs; (3) services designed to develop the capabilities of prospective trainees to undertake on-the-job training; (4) services in connection with providing a continuation of training during seasonal shutdowns; and (5) services to determine the outcome of training being provided. The supportive services are normally provided by contractors under contracts awarded by the State highway agencies. Since 1972, the FHWA has allocated in annual increments, approximately $45.5 million to the State highway agencies for supportive services.

The FHWA has been concerned with the need to conclusively determine whether the supportive services are achieving their intended purpose on a nationwide basis. Accordingly, it recently asked the Office of the Inspector General, U.S. Department of Transportation, to make a review and determination on the matter. That office granted the request, carried out the review, and concluded that the value of supportive services toward increasing the effectiveness of highway construction training programs is questionable. It, therefore, recommended that the FHWA consider (1) eliminating the supportive services program; (2) restructuring the program; or (3) seeking an interagency agreement to obtain supportive services through the Department of Labor's Targeted Outreach Program. Subsequently, the FHWA Office of Civil Rights prepared an analysis of the FHWA skills training and supportive services programs indicating that the program has beneficial aspects. Copies of both reports are available at the FHWA Docket No. 81-9.

In consideration of the foregoing, the FHWA solicits comments on its supportive services provisions. In particular, it requests comments on: (1) The effectiveness or lack of effectiveness of the provisions; (2) whether they should be eliminated; (3) whether and how they should be restructured; and (4) whether an interagency agreement should be sought to obtain supportive services through the Department of Labor's Targeted Outreach Program.

The Federal Highway Administration has determined that this document contains neither a major rule under Executive Order 12291 nor a significant regulation under the regulatory policies and procedures of the Department of Transportation. The FHWA has further determined that it does not have adequate information at this time to prepare a regulatory evaluation and, therefore, specifically solicits information which will assist in the analysis of alternatives available to it as indicated in the four points referred to immediately above. The FHWA further requests information upon which to determine whether such action would have a significant economic impact on a substantial number of small entities.

(23 U.S.C. 140, 315; 49 CFR 1.48(b))

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The provisions of OMB Circular A-95, regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued on January 21, 1982.

R. A. Barnhart,

Federal Highway Administrator.

[FR Doc. 82-2420 Filed 1-29-82; 8:45 am]

BILLING CODE 4910-22-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-818; RM-3960, 4033, 4034]

FM Broadcast Station in Naples, Marco and Key West, Fla.; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule and order to show cause; extension of comment/reply comment period.

SUMMARY: Action taken herein extends the time for filing comments and reply comments and for responding to an Order to Show Cause in a proceeding involving a proposed channel substitution in Naples, Florida, in response to a request from Sterling Communications Corporation.

DATES: Response to the Order to Show Cause and comments must be filed on or before January 28, 1982, and reply comments must be filed on or before February 11, 1982.

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

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Naples, Marco [1] and Key West [1], Florida); BC Docket No. 81-818, RM-3960, RM-4033 [2], RM-4034 [3].

[1] This community has been added to the caption.

[2] A counterproposal was filed in response to the Notice by Number 1 Broadcasting, Inc. on January 18, 1982, seeking assignment of Channel 276A to Naples, Florida, as an additional channel rather than as a substitute for Channel 249A at Naples.

[3] A counterproposal was received from Sunshine Broadcasting, Inc. to assign Channel 276A to Marco, Florida, instead of to Naples, Florida, or to assign Channel 224A Marco and substitute Channel 222 for Channel 223 at Key West, Florida.

Order Extending Time for Filing Comments and Reply Comments

Adopted: January 21, 1982.

Released: January 26, 1982.

1. On November 19, 1981, the Commission adopted a Notice of Proposed Rule Making and Order to Show Cause, 46 FR 59557, published December 7, 1981, in the above-captioned proceeding. Comments were due January 18, 1982, and reply comments are currently due February 1, 1982.

2. We now have before us for consideration a motion filed on January 18, 1982, by Sterling Communications Corporation (SCC), licensee of FM Station WSGL, Naples, Florida, for an extension of time in which to respond to the Order to Show Cause issued to it herein, as well as to file initial comments, to and including January 28, 1982. Counsel for SCC states that additional time is needed since recent unfavorable weather conditions have delayed meetings in which matters concerning the Order to Show Cause are to be resolved. Counsel further indicates that counsel for the other parties to this proceeding have been contacted and indicated they will interpose no objection to the instant request.

3. Section 1.46(b) of the Rules states that extension requests must be filed seven days in advance of the deadline. Although this request was not received within the required time period, the Commission believes that it would be in the public interest to have this material available to it in arriving at a decision herein. Additionally, such extension will provide the parties an opportunity to respond to the two counterproposals filed herein, by the date set forth below for filing reply comments. Therefore, we will grant the request.

4. Accordingly, it is ordered, that the time for responding to the Order to Show Cause herein, and to file comments and reply comments in BC Docket No. 81-818 (RM-3960, RM-4033, RM-4034) is extended to and including January 28, 1982, and February 11, 1982, respectively.

5. This action is taken pursuant to authority contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

Federal Communications Commission.

Martin Blumenthal,

Assistant Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-2490 Filed 1-29-82; 8:45 am]

BILLING CODE 6712-01-M

47 CFR PART 73

[BC Docket No. 81-168; RM-3561; RM-3608; RM-3899]

FM Broadcast Stations in Boothbay Harbor, Maine et al; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule and order to show cause; extension of comment/reply comment period.

SUMMARY: Action taken herein extends the time for filing comments and reply comments and for responding to an Order to Show Cause in a proceeding involving a proposed FM Channel assignment and various substitutions in certain specified communities located in Maine, in response to a request from Dudman Communications Corporation.

DATES: Response to the Order to Show Cause and comments must be filed on or before February 12, 1982, and reply comments must be filed on or before March 1, 1982.

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

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Boothbay Harbor, *Ellsworth, Farmington, Lewiston, Skowhegan,* and *Belfast, Maine*); BC Docket No. 81-168, RM-3561, RM-3608 and RM-3899.

Order Extending Time for Filing Comments and Reply Comments

Adopted: January 25, 1982.

Released: January 26, 1982.

1. On December 14, 1981, the Commission adopted a Further Notice of Proposed Rule Making and Order to Show Cause, 46 FR 62871, published December 29, 1981, in the above-captioned proceeding. Comments and reply comments are presently due January 29, 1982, and February 16, 1982, respectively.

2. On January 21, 1982, counsel for Dudman Communications Corporation ("Dudman"), licensee of FM Station WDEA, Ellsworth, Maine, filed a motion for extension of time in which to respond to the Order to Show Cause issued to it herein, as well as to file initial comments, to and including February 12, 1982. Counsel states that additional time is needed since recent travel schedules and the press of other

matters all concerned has delayed a detailed review of the technical aspects of the Order to Show Cause. Counsel further states that counsel for the petitioner herein, WRXV, Inc., has been contacted and advises that it will interpose no objection to the instant request.

3. We find that the extension request should be granted to permit the filing of information which is needed to form a complete record in this proceeding.

4. Accordingly, it is ordered, that the time for responding to the Order to Show Cause herein, and to file comments and reply comments in BC Docket No. 81–168 (RMs–3561, 3608, and 3899), is extended to and including February 12, 1982, and March 1, 1982, respectively.

5. This action is taken pursuant to the authority contained in Sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82–2489 Filed 1–29–82; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[BC Docket No. 81–726; RM–3820; RM–3890; RM–3891; RM–3892; RM–4026]

FM Broadcast Stations in Celina, Tenn., et al; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of reply comment period.

SUMMARY: Action taken herein extends the time for filing reply comments in a proceeding involving a proposal for an FM channel assignment and various substitutions in certain specified communities located in Kentucky, Tennessee and Indiana. Petitioner states that the additional time is needed to respond to technical matters raised in the comments.

DATE: Reply comments were to be filed on or before January 18, 1982.

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

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Celina, Clinton, Knoxville, LaFollette and Sweetwater, Tennessee; Louisville, Oneida, Radcliff, Somerset and Stanford Kentucky; Hanover,[1] Madison and New Albany, Indiana), BC Docket No. 81–726, RM–3820, RM–3890, RM–3891, RM–3892, and RM–4026 [1].

Order Extending Time for Filing Reply Comments

Adopted: January 20, 1982.

Released: January 25, 1982.

1. On October 9, 1981, the commission adopted a Notice of Proposed Rule Making, 46 FR 52145, published October 26, 1981, in the above-entitled proceeding. Comments have been filed and reply comments were to be due on January 4, 1982.

2. On December 23, 1981,[2] counsel for J. Bazzel Mull and Millard V. Oakley ("Mull and Oakley"), the initial proponent herein, filed a motion for extension of time to and including January 18, 1982, in which to file reply comments. Counsel states that due to the number of questions raised in the numerous comments which have been filed in this proceeding, an extension of time is necessary to enable petitioner to confer with a consulting engineer regarding the technical aspects thereof, and to evaluate and prepare a proper response thereto.

3. We are of the view that, under the circumstances recited, an extension of time is warranted, *nunc pro tunc*. It appears that no other party to the proceeding would be prejudiced by a grant of the instant request, and such extension will assure development of a sound and comprehensive record on which to base a decision herein.

4. Accordingly, it is ordered, that the request for extension of time filed on behalf of Mull and Oakley, is granted, and the time for filing reply comments is extended to and including January 18, 1982.

5. This action is taken pursuant to Sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

[1] This community and petition have been added to the caption.

[2] We were unable to act on this motion before expiration of the date for filing reply comments since, through administrative oversight, the request was not brought to our attention until January 18, 1982.

Federal Communications Commission.

Martin Blumenthal,

Assistant Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82–2491 Filed 1–29–82; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171, 172 and 173

[Docket No. HM–166L; Notice No. 82–1]

Regulation of Consumer Commodities; Paint and Paint Related Material Adhesive, n.o.s.

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Materials Transportation Bureau (MTB) is proposing to reduce the flash point limitation from 73° F to 20° F. for flammable liquids in inside containers, each having a rated capacity of one gallon or less, that may be shipped as consumer commodities, including paint and paint related material. Also proposed is a uniform description for paint products so that they may be described in a consistent manner by shippers. This action will reduce burdens on shippers and carriers of these materials, clarify the proper shipping name and identification number for Adhesive, n.o.s., and reduce NTB's backlog of rulemaking petitions.

DATE: Comments must be received by April 2, 1982.

ADDRESS: Address comments to: Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Comments should identify the docket and be submitted in five copies. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 Seventh Street, SW., Washington, D.C. Public dockets may be reviewed between the hours of 8:30 a.m. and 5:00 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Darrell L. Raines, Chief, Exemptions and Regulations Termination Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Washington, D.C. 20590 (202–472–2726).

SUPPLEMENTARY INFORMATION: This document is the thirteenth in a series of notices and amendments designed to reduce regulatory burdens by

incorporating changes in the Hazardous Materials Regulations based on either petitions for rulemaking submitted in accordance with 49 CFR 106.31 or on MTB's own initiative. The MTB published its first notice of proposed rulemaking under Docket HM–166 on November 30, 1978 (43 FR 56070).

This Notice is based on a petition from the National Paint and Coatings Association, Inc. (NPCA) and upon MTB's own initiative. The changes proposed herein would authorize (1) the use of the work "Paint" or the words "Paint related material" as proper shipping names because several of the descriptions used currently for shipping names in § 172.101 are obsolete or are seldom used to describe today's paint products; and (2) expand the coverage of the consumer commodity category for flammable liquids by lowering the flash point limitation for one gallon inside containers specified in § 172.1200(a)(1)(iii) from 73° F. to 20° F. ("Flash point" means the minimum temperature at which a substance gives off flammable vapors which in contact with spark or flame will ignite.). This latter provision will apply to all consumer commodities, although MTB believes the greatest benefit will be derived by the paint industry.

The NPCA has stated that approximately 400 million cans of paint shipped in 1980 were subject to the Department's Hazardous Materials Regulations and that more than 300 million cans were of the one-gallon size. Approximately 100 million one-gallon cans shipped in 1980 had a flash point between 20° F. and 73° F. Therefore, if the proposal is adopted, labels will not be required on approximately 25 million cases of paint for transportation by highway, rail and vessel, resulting in a savings to shippers of .5 million dollars. Also it is estimated that adoption of this proposed rulemaking will eliminate the need for shipping papers on approximately one-half million individual shipments moving by highway, rail and vessel and will result in annual savings of approximately one million dollars to shippers and carriers of paint and paint related material alone.

As indicated in Docket No. HM–36A; Notice No. 80–5 (45 FR 40628) June 16, 1980, the consequences of incidents involving paint and paint related material shipped in small packagings have been minor, involving only a few minor injuries and no deaths. In view of the limited risk presented by these materials in packagings of one gallon or less, the MTB is proposing to lower the specified flash point from 73° f. to 20° F. in § 173.1200 for materials which are flammable and are eligible to be reclassed as ORM–D and offered for shipment as consumer commodities. This proposed change does not apply to carriage aboard aircraft because these flammable materials, at the increased volume proposed by this Notice, should continue to be subject to inspection as required by § 175.30(b) and (c) before they are loaded aboard passenger carrying aircraft (if authorized) and cargo-only aircraft. Due to the fire hazard should there be any leakage from packages, MTB believes this distinction between carriage aboard aircraft and surface transportation is necessary.

The MTB is proposing to delete the entry "Adhesive, n.o.s. *See* Cement, liquid, n.o.s. " in § 172.101 and add "Adhesive, n.o.s. " classed as Flammable liquid and Combustible liquid. Several inquiries have been received concerning the identification number assigned to the proper shipping name "Cement, liquid, n.o.s." and the alternate names "Adhesive, n.o.s.," and "Cement, adhesive, n.o.s." which reference the primary entry. The identification number assigned is NA1133. The "NA" prefix was assigned because "Cement, liquid, n.o.s." does not match the description listed in the United Nations Recommendations for the Transport of Dangerous Goods. Identification numbers with the "NA" prefix are associated with descriptions that are not recognized for international shipments, except to Canada. This has caused problems because a single description cannot be used for both domestic and international shipments of hazardous materials. Assigning the identification number UN1133 to the proper shipping name and class, "Adhesive, n.o.s., Flammable liquid" and "Adhesive, n.o.s., Combustible liquid," should alleviate the problem.

This proposed rulemaking will result in a substantial savings of time and money to all shippers of paint, paint related material, and other flammable liquids, that may be described as "Consumer commodities" because of the reduction in labeling and related paperwork.

In consideration of the foregoing, Parts 171, 172, and 173 of 49 CFR would be amended to read as follows:

PART 171—GENERAL INFORMATION, REGULATIONS AND DEFINITIONS

1. In § 171.16, paragraph (c)(3) would be revised to read as follows:

§ 171.16 Detailed hazardous materials incident reports.

* * * * *

(c) * * *

(3) Paint and paint related material when shipped in packagings of five gallons or less.

* * * * *

PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

2. In § 171.101 the Hazardous Materials Table would be amended by adding, removing, or revising the following named entries to read as follows:

§ 172.101 Hazardous Materials Table.

(1)	(2)	(3)	(3A)	(4)	(5) Packaging		(6) Maximum net quantity in one package		(7) Water shipments		
+/E/A/W	Hazardous materials descriptions and proper shipping names	Hazard class	Identification number	Label(s) required (if not excepted)	Exceptions	Specific requirements	Passenger carrying aircraft or railcar	Cargo only aircraft	Cargo Vessel	Passenger vessel	Other requirements
					(a)	(b)	(a)	(b)	(a)	(b)	(c)
	Remove										
	* * *	*	*	*	*		*	*			
	Adhesive, n.o.s. *See* Cement, liquid, n.o.s.										
	Aluminum, liquid. *See* Paint, Enamel, Lacquer, Stain, Shellac, Varnish, *etc.*										
	Compound, enamel	Flammable liquid.	NA1263	Flammable liquid.	173.118	173.128	1 quart	55 gallons	1, 2	1	
	Compound, lacquer, paint, *or* varnish, removing, reducing, *or* thinning, liquid.	Combustible liquid.	NA1142	None	173.118a				1, 2	1, 2	

(1)	(2)	(3)	(3A)	(4)	(5)		(6)		(7)		
					Packaging		Maximum net quantity in one package		Water shipments		
+/E/A/W	Hazardous materials descriptions and proper shipping names	Hazard class	Identification number	Label(s) required (if not excepted)	Exceptions	Specific requirements	Passenger carrying aircraft or railcar	Cargo only aircraft	Cargo Vessel	Passenger vessel	Other requirements
					(a)	(b)	(a)	(b)	(a)	(b)	(c)
	Compound, lacquer, paint, *or* varnish, removing, liquid	Corrosive material.	NA1760	Corrosive	173.244	173.245	1 quart	1 gallon	1, 2	1, 2	
	Compound, lacquer, paint, *or* varnish, removing, reducing, *or* thinning, liquid.	Flammable liquid.	NA1142	Flammable liquid.	173.118	173.128	1 quart	55 gallons	1, 2	1	
	Drier. See Paint drier, liquid										
	Enamel. *See* Paint, Enamel, Lacquer, *etc*										
	Lacquer. *See* Paint, Enamel, Lacquer, Stain, *etc*										
	Lacquer base, liquid. *See* Paint, Enamel, Lacquer, Stain, *etc.*										
	Lacquer removing, reducing, *or* thinning, compound. *See* Compound, lacquer, paint, *or* varnish, removing, reducing *or* thinning liquid.										
	Mortar stain, liquid	Combustible liquid.	UN1263	None	173.118a	None	No limit	No limit	1, 2	1, 2	
	Mortar stain, liquid	Flammable liquid.	UN1263	Flammable liquid.	173.118	173.128	1 quart	55 gallons	1, 2	1	
	Paint drier, liquid	Combustible liquid.	UN1168	None	173.118a	None	No limit	No limit	1, 2	1, 2	
	Paint drier, liquid	Flammable liquid.	UN1168	Flammable liquid.	173.118	173.128	1 quart	55 gallons	1, 2	1	
	Paint, Enamel, Lacquer, Stain, Shellac, *or* Varnish, Aluminum, Bronze, Gold, Wood filler, liquid *or* Lacquer base, liquid.	Combustible liquid.	UN1263	None	173.118a	None	No limit	No limit	1, 2	1, 2	
	Paint, Enamel, Lacquer, Stain, Shellac, *or* Varnish; Aluminum, Bronze, Gold, Wood filler, liquid *or* Lacquer base, liquid.	Flammable liquid.	UN1263	Flammable liquid.	173.118	173.128	1 quart	55 gallons	1, 2	1	
	Paint, reducing or thinning compound. See Compound, lacquer, paint, *or* varnish, removing, reducing *or* thinning, liquid.										
	Reducing compound, paint, varnish, lacquer, etc. See Compound, lacquer, paint *or* varnish, removing, reducing, *or* thinning liquid.										
	Removing compound, paint, varnish, lacquer, etc. See Compound, lacquer, paint *or,* varnish, removing, reducing, *or* thinning, liquid.										
	Shellac. *See* Paint, Enamel, Lacquer, Stain, Shellac, Varnish; *etc.*										
	Stain. *See* Paint, Enamel, Lacquer, Stain, Shellac, Varnish; *etc.*										
	Thinning compound, paint, varnish, lacquer, etc. See Compound, lacquer, paint *or* varnish, removing, reducing *or* thinning, liquid.										
	Varnish. *See* Paint, Enamel, Lacquer, Stain, Shellac, Varnish, *etc.*										
	Varnish drier. See Paint drier, liquid										
	Varnish remover or reducer. See Compound, lacquer, paint *or* varnish, removing, reducing, *or* thinning, liquid.										
	Varnish thinning compound. See Compound, lacquer, paint *or* varnish, removing, reducing, *or* thinning, liquid.										
	Wood filler, liquid. *See* Paint, Enamel, Lacquer, Stain, Shellac, Varnish; *etc.*										
	* *	*	*	*	*		*	*			
	(Add)										
	Adhesive, n.o.s.	Combustible liquid.	UN1133	None	173.118a	None	No limit	No limit	1, 2	1, 2	
	Adhesive, n.o.s.	Flammable liquid.	UN1133	Flammable liquid.	173.118	173.132	1 quart	10 gallons	1, 2	1	
	Paint	Combustible liquid.	UN1263	None	173.118a	None	No limit	No limit	1, 2	1, 2	
	Paint related material	Combustible liquid.	NA1263	None	173.118a	None	No limit	No limit			
	Paint	Flammable liquid.	UN1263	Flammable liquid.	173.118	173.128	1 quart	55 gallons	1, 2	1	
	Paint related material	Flammable liquid.	NA1263	Flammable liquid.	173.118	173.128	1 quart	55 gallons			
	Paint *or* Paint related material	Corrosive material.	NA1760	Corrosive	173.244	173.245	1 quart	1 gallon	1, 2	1, 2	

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

3. In § 173.128, the heading and the introductory text of paragraph (a) would be revised to read as follows:

§ 173.128 Paint and paint related material (flammable liquids).

(a) Except as otherwise provided in this part, the description "Paint" is the proper shipping name for paint, lacquer, enamel, stain, shellac, varnish, liquid aluminum, liquid bronze, liquid gold, liquid wood filler, and liquid lacquer base. The description "Paint related material" is the proper shipping name for a paint thinning, reducing or removing compound or a liquid paint drier. However, if a more specific description is listed in § 172.101, that description must be used. Special exceptions for shipment of paint and paint related material in the ORM–D class are provided in subpart N of this Part. Paint and paint related material must be packaged as follows:

* * * * *

4. In § 173.132, the heading, introductory text of paragraph (a), and paragraph (b) would be revised to read as follows:

§ 173.132 Adhesive, n.o.s.; cement, liquid, n.o.s.; container cement; linoleum cement; pyroxylin cement; rubber cement; tile cement; wallboard cement, and coating solution.

(a) Except as otherwise provided in this Part, a flammable liquid which is an adhesive, n.o.s.; cement, liquid, n.o.s.; container cement; linoleum cement; pyproxylin cement; rubber cement; tile cement; wallboard cement, or coating solution must be packaged as follows: * * *

* * * * *

(b) The adhesive and cements identified in paragraph (a) of this section, except any adhesive or cement containing carbon bisulfide (carbon disulfide), in glass or leakproof packagings consisting of a fiberboard body and metal tops and bottoms of not over 1 quart capacity each, or metal packagings of not over 5 gallons capacity each, further overpackaged in a strong outside packaging are expected from the specification packagings requirements of this Part.

5. In § 173.1200, paragraph (a)(1)(iii) would be revised to read as follows:

§ 173.1200 Consumer commodity.

(a) * * *

(1) * * *

(iii) In inside containers, each having a rated capacity of one gallon or less, packed in strong outside packagings. The provisions of this exception apply only if the flash point of the material is 20°F. or higher and transportation is by motor vehicle, rail freight or vessel. For transportation by aircraft, the flash point of the material must be 73°F. or higher.

* * * * *

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1, and paragraph (a)(3) of Appendix A to Part 106)

Note.—The Materials Transportation Bureau has determined that this document will not result in a "major rule" under the terms of Executive Order 12291 and DOT implementing procedures (44 FR 11034), nor require an environmental impact statement under the National Enviromental Policy Act (49 U.S.C. 4321 et seq.). Based on information available concerning size and nature of entities likely to be affected by this proposal, I certify that this proposal will not, if promulgated, have a significant economic impact on a substantial number of small entities. A regulatory evaluation and environmental assessment are available for review in the docket.

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

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 82-2537 1-29-82; 8:45 am]

BILLING CODE 4910-60-M

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 1-18; Notice 21 and Docket No. 74-14; Notice 26]

Federal Motor Vehicle Safety Standards; Controls and Displays; Occupant Crash Protection

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes three changes to Standard No. 101-80, *Controls and Displays*, and conforming changes to Standard No. 208, *Occupant Crash Protection*. First, as a result of a petition for rulemaking from General Motors that was granted earlier this year, Standard No. 101-80's light intensity requirements for telltales would be amended to permit the use of informational readout displays. Second, Standard No. 101-80 and Standard No. 208 would be amended to permit the use of words as an alternative to the seat belt warning symbol in informational readout displays. Third, for purposes of clarity, a minor change would be made in the definition of "informational readout display."

DATE: Comments must be submitted by March 18, 1982. The proposed effective date is 35 days after the date of publication of a final rule in the **Federal Register**.

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

FOR FURTHER INFORMATION CONTACT: Mr. John Carson, Office of Vehicle Safety Standards, National Highway, Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-2720).

SUPPLEMENTARY INFORMATION: On April 6, 1981, the NHTSA published in the **Federal Register** (46 FR 20575) a notice granting a petition for rulemaking submitted by General Motors concerning Safety Standard No. 101-80, *Controls and Displays*. The petition requested a change in the standard's light intensity requirements for telltales in order to permit integration of telltales with other instrument displays in a single electronic display panel. The use of such panels has been made possible by recent advances in the field of electronics. (Telltales are light emitting displays on a vehicle dashboard that indicate either the condition of various vehicle systems or devices such as turn signals and brakes or the supply of such things as fuel.) This notice proposes to adopt the changes suggested by that petition.

In addition, the notice proposes amendments to Safety Standard No. 101-80 and Safety Standard No. 208 to permit the words "Fasten Belts" or "Fasten Seat Belts" to be used as an alternative to the seat belt warning symbol in informational readout displays. The notice also proposes a minor change in the definition of "informational readout display" for purposes of clarity. (An informational readout display is a display using light-emitting diodes, liquid crystals, or other electro illuminating devices to convey an information or message by means of words or symbols. They can potentially be used to indicate such things as a vehicle's speed, its amount of fuel, the time of day, and the existence of conditions such as a seat belt not being buckled or worn brake linings.)

The final rule establishing Safety Standard No. 101-80, *Controls and Displays*, was published in the **Federal Register** on June 26, 1978. It replaced an existing rule on the same subject effective September 1, 1980. The preamble to the final rule explained that one of the major concerns of manufacturers commenting on the NPRM was that the rule would inhibit the design and development of electronic "readout" panels which can effectively present to the driver specific information concerning vehicle and environmental conditions affecting safety. The notice stated that these displays are currently capable of exhibiting information and warnings with word messages but not with symbols. Therefore, the standard allowed optional use of symbols or words for the purpose of permitting the continued development of informational readout displays. The notice stated that NHTSA supports the development of more efficient and effective control and display information systems.

As a result of continued development of informational readout displays since the final rule was issued, NHTSA and the industry are now in a better position to know what forms these informational

readout displays may take. Various amendments may be necessary to Standard No. 101–80, as well as to several other safety standards which include requirements for warning indicators, to permit fuller use of interformational readout displays. The amendments proposed by this notice are a first step in that direction.

The amendment requested by GM's petition for rulemaking concerns Standard No. 101–80's light intensity requirements. Section S5.3.3 of the standard requires that the light intensity of telltales be invariable and must be sufficient to permit drivers to see them under any lighting conditions. The purpose of that requirement is to ensure that telltales are visible to the driver at all times when the vehicle is being operated. The same section requires that informational readout displays have variable light intensity. Specifically, they must have at least two light intensity values, a relatively high one for daytime use and a relatively low one for nighttime use. Thus, even though other parts of the standard were written to encourage the development of informational readout displays, the standard's light intensity requirements prevent informational readout displays from being used for telltales.

Because of its desire to incorporate telltales into informational readout displays, GM petitioned the agency to except telltales which use informational readout displays from the variability prohibition. That company stated that sufficient light intensity would be assured since the telltales would still be subject to the requirement that they be visible under any lighting condition.

GM's petition also noted that section S5.3.3. of Standard No. 101–80 requires light intensities for controls, gauges and their identification to be variable down to a level that is essentially off or dark. GM pointed out that it would be unwise to require light intensity for integrated electronic displays to be variable down to an off or dark level, since to do so would allow drivers to turn off the various telltale warning signals. That company suggested that manufacturers should be free to offer a variable intensity illumination for informational readout displays, but the lowest level should still be governed by the "visible to the driver under all daytime and nighttime conditions" requirement.

The agency tentatively agrees with the suggestions made by GM on the light intensity requirements of Safety Standard No. 101–80. The proposed changes are in keeping with the agency's policy to continue to support the development of more efficient and effective control and display information systems. As GM's petition pointed out, the amendment would alleviate instrument panel design problems caused by reduced space in today's smaller cars and by the need to convey increasing amounts and types of information to the driver. The amendment would also offer potential for weight and cost reduction and facilitate placing telltales adjacent to displays often consulted by the driver, making the telltales more readily noticeable.

In addition to that proposed amendment, the agency is also proposing to amend Safety Standard No. 101–80 and Safety Standard No. 208 to permit the words "Fasten Belts" or "Fasten Seat Belts" to be used as an alternative to the seat belt warning symbol in informational readout displays.

As noted above, Safety Standard No. 101–80 was expressly written to permit words to be used in place of symbols in informational readout displays. Section S5.2.3 of the standard states that informational readout displays may be identified by the symbol designated in column 4 of Table 2 or by the word or abbreviation shown in column 3. While column 4 of Table 2 designates the seat belt warning symbol, column 3 of the table refers to FMVSS 208. That standard only permits the use of the words "Fasten Belts" or "Fasten Seat Belts" for vehicles manufactured before September 1, 1980. This notice proposes a conforming amendment to correct that anomaly and permits those words to be used for the seat belt telltale incorporated in an informational readout display.

This notice also proposes a minor amendment in the definition of "informational readout display" for purposes of increased clarity. Standard No. 101–80 currently defines "informational readout display" as a display using light-emiting diodes, liquid crystals, or other electro illuminating devices where one or more than one type of information or message may be displayed. The amendment would make it clear that the term "informational readout display" only refers to a display that conveys the information or message by means of words or symbols. Thus, a colored light using light-emitting diode technology is not considered to be an informational readout display. Comments are requested on the effects of excluding that use of light-emitting diode technology from the definition of "informational readout display."

The agency has assessed the economic and other impacts of these proposed amendments and determined that the amendments are neither a major rule within the meaning of Executive Order 12291 nor a significant rule under the Department of Transportation's regulatory policies and procedures. Further, the agency concludes that the economic and other consequences of these proposed amendments are so minimal as not to require preparation of a regulatory evaluation. The impact is minimal because the amendments would not impose any new requirements. Rather, they would permit manufacturers an alternative means of compliance. If manufacturers choose to use informational readout displays, they may realize slight cost savings.

The agency has analyzed these proposed amendments for purposes of the Regulatory Flexibility Act. Since they would not impose any new requirements or result in significant cost impacts, the agency concludes that the proposed amendments would not have a significant impact on a substantial number of small businesses. Small organizations and small governmental jurisdictions would be only affected by the amendment to the extent that they purchase vehicles which must comply with the standard. Since the amendments would not impose any new requirements or result in significant cost impacts for manufacturers, the agency concludes that the amendments will not have a significant effect on a substantial number of small organizations or small governmental jurisdictions.

Similarly, the agency has analyzed these proposed amendments for the purposes of the National Environmental Policy Act. The agency has concluded that the amendment will not have a significant effect on the human environment.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

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

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. Any claim of confidentiality must be supported by a statement demonstrating

that the information falls within 5 U.S.C. 552(b)(4), and that disclosure of the information is likely to result in substantial competitive damage; specifying the period during which the information must be withheld to avoid that damage; and showing that earlier disclosure would result in that damage. In addition, the commenter or, in the case of a corporation, a responsible corporate official authorized to speak for the corporation must certify in writing that each item for which confidential treatment is requested is in fact confidential within the meaning of section 552(b)(4) and that a diligent search has been conducted by the commenter or its employees to assure that none of the specified items has previously been disclosed or otherwise become available to the public.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose, in the envelope with their comments, a self addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

In consideration of the foregoing, it is proposed that the following amendments be made in § 571.101–80 and § 571.208, Chapter V of Title 49, Code of Federal Regulations:

§ 571.101–80 [Amended]

1. Section S4 of § 571.101–80 would be amended by revising the definition of "Informational readout display" to read:

"Informational readout display" means a display using light-emitting diodes, liquid crystals, or other electro illúminating devices where one or more than one type of information or message may be displayed in word or symbol form.

2. Section S5.3.3 of § 571.101–80 would be amended by revising it to read:

S5.3.3 Light intensities for controls, gauges, telltales, and their identification shall meet either S5.3.3.1 or S5.3.3.2, as appropriate. Light intensities for telltales and gauges incorporated in informational readout displays shall meet S5.3.3.2.

S5.3.3.1 Light intensities for controls, gauges, and their identification shall be continuously variable from a level at which either there is no light emitted or the light is barely discernible to a driver who has adapted to dark ambient roadway conditions to a level providing illumination sufficient for the driver to identify the control or display readily under conditions of reduced visibility. The intensity of any illumination that is provided in the passenger compartment when and only when the headlights are activated shall also be variable in the same manner. The light intensity of each telltale other than a telltale which is incorporated in an informational readout display shall not be variable and shall be such that, when activated, that telltale and its identification are visible to the driver under all daytime and nighttime conditions.

S5.3.3.2 Telltales and gauges incorporated into informational readout displays—

(a) Shall have not less than two levels of light intensity, a higher one for day and a lower one for nighttime conditions.

(b) In the case of telltales and gauges not equipped with a variable light intensity control, shall have a light intensity at the higher level provided under paragraph (a) of this section whenever the headlamps are not illuminated.

(c) In the case of telltales and gauges equipped with a variable light intensity control, shall be visible to the driver under all daytime and nighttime conditions when the illumination level is set to its lowest level.

§ 571.208 [Amended]

3. Sections S4.5.3.3(b) and S7.3 of § 571.208 would be amended to permit the words "Fasten Belts" or "Fasten Seat Belts" as an alternative to the seat belt warning symbol in informational readout displays.

(Secs. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on January 25, 1982.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 82–2421 Filed 1–29–82; 8:45 am]

BILLING CODE 4910–59–M

Notices

Federal Register
Vol. 47, No. 21
Monday, February 1, 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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Interagency Coordination; Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. No. 92–463), notice is hereby given of two meetings of the Committee on Interagency Coordination of the Administrative Conference of the United States. Each meeting will be held at the office of O'Melveny & Myers, 1800 M Street, NW., Suite 500 South, Washington, D.C.

The Committtee will meet on Friday, February 12, 1982 at 10 a.m. to discuss Professor Richard Merrill's study of regulation or carcinogens. The Committee will also meet on Tuesday, February 16, 1982 at 9:30 a.m. to discuss Philip Harter's study of regulatory negotiation.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman of the Administrative Conference at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this meeting contact David M. Pritzker, Office of the Chairman, Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, D.C. (Telephone: 202–254–7065.) Minutes of the meetings will be available on request.

Richard K. Berg,
General Counsel.
January 26, 1982.

[FR Doc. 82–2460 Filed 1–29–82; 8:45 am]
BILLING CODE 6110–01–M

CIVIL AERONAUTICS BOARD

Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits; Applications Filed

Notice of applications for certificates of public convenience and necessity and foreign air carrier permits filed Under Supart Q of the Board's procedural regulations (See, 14 CFR 302.1701 et seq.); Week ended: January 22, 1982.

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
Jan. 20, 1982	40399	Action Air Cargo Corporation, c/o Stephen A. Alterman, Haffer & Alterman, 1730 Rhode Island Avenue, N.W., Washington, D.C. 20036. Application of Action Air Cargo Corporation pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests a certificate of public convenience and necessity authorizing the scheduled transportation of property or mail between any point in any state of the United States or the District of Columbia or any territory or possession of the United States on the one hand, and points in the Azores, Ghana and South Africa, on the other hand. Conforming Applications, motions to modify scope, and Answers may be filed by February 17, 1982.
Jan. 22, 1982	40410	Toronto Airways Limited, d/b/a Torontair, c/o Thomas W. McLaughlin Hydeman, Mason, Burzio & Lloyd, 1220–19th Street, N.W., Washington, D.C. 20036. Application of Toronto Airways, Ltd. d/b/a Torontair pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations requests a foreign carrier permit authorizing it to provide scheduled foreign air transportation of persons and property between Toronto-Buttonville, Ontario, Canada and White Plains, New York (Westchester County Airport) using small aircraft. Answers may be filed by February 19, 1982.
Do.	40411	Toronto Airways Limited, d/b/a Torontair, c/o Thomas W. McLaughlin Hydeman, Mason, Burzio & Lloyd, 1220–19th Street, N.W., Washington, D.C. 20036. Application of Toronto Airways, Ltd. d/b/a Torontair pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations requests a foreign carrier permit authorizing it to provide scheduled foreign air transportation of persons and property between Toronto-Buttonville, Ontario, Canada and Syracuse, New York using small aircraft. Answers may be filed by February 19, 1982.
Do.	40412	Midwestern Airlines, Inc., c/o Paul S. Quinn, Wilkinson, Cragun & Barker, 1735 New York Avenue, N.W., Washington, D.C. 20006. Application of Midwestern Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests a certificate of public convenience and necessity to provide scheduled air transportation of persons, property and mail in a number of Chicago/Cleveland-Michigan markets. In conjunction with this review, and pursuant to Section 409 of the Act, Midwestern further requests a disclaimer of jurisdiction or, in the alternative, approval of the proposed relationships with Midwestern of Mr. James A. Miller, Mr. Michael E. Miller, and Mr. James F. Smith. Conforming Applications, motions to modify scope, and Answers may be filed by February 19, 1982.
Jan. 15, 1982	32655	Frontier Airlines, Inc., 8250 Smith Road, Denver, Colorado 80207. Petition of Frontier Airlines, Inc. requests that the authority of Continental Air Lines, Inc. over segment 1 of Route 29–F (Albuquerque, New Mexico/El Paso, Texas-Loreto/La Paz/San Jose del Cabo/Puerto Vallarta/Manzanillo/Acapulco, Mexico) be deleted.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 82–2480 Filed 1–29–82; 8:45 am]
BILLING CODE 6320–01–M

COMMISSION ON CIVIL RIGHTS

Alaska and Washington Advisory Committees; 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 Alaska and Washington Advisory Committees will convene at 9:00 a.m., and will end at 5:00 p.m., on February 22, 1982, at the Northwestern Regional Office, Federal Building, 915 Second Avenue, Room 3080, Seattle, Washington, 98174. The purpose of this meeting is to discuss the draft report entitled:

Alaska-Washington Seafood Processing Study

Persons desiring additional information or planning a presentation to the Committees, should contact one of the two Chairpersons, Donald Peter, 108 Stewart Street, Juneau, Alaska, 99504, (907) 333–9449, Katherine Bullitt, 1125 Harvard Avenue East, Seattle, Washington, 98102, (206) 447–9800 or the Northwestern Regional Office, Federal Building, 915 Second Avenue, Room 2852, Seattle, Washington, 98174, (216) 442–1246.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 27, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82–2448 Filed 1–29–82; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

Carbon Steel Plate From Taiwan; Preliminary Results of Administrative Review of Antidumping Findings

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 carbon steel plate from Taiwan. The review covers the only known exporter of the merchandise to the United States, China Steel Corporation, for the period June 1, 1980 through May 31, 1981. There were no known shipments to the U.S. of this merchandise during the period. There are no known unliquidated entries.

As a result of the review, the Department has preliminarily determined to require cash deposits on future entries equal to the calculated margins on the last known shipments. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: February 1, 1982.

FOR FURTHER INFORMATION CONTACT: Susan Crawford or Robert Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–2209/2496).

SUPPLEMENTARY INFORMATION:

Background

On October 1, 1981, the Department of Commerce ("the Department") published in the **Federal Register** (46 FR 48280–1) the final results of its administrative review of the antidumping finding on carbon steel plate from Taiwan (44 FR 33877–8, June 13, 1979). In the October 1981 notice the Department announced its intent to conduct the next administrative review by the end of June 1982. 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

Imports covered by this review are shipments of hot-rolled carbon steel plate, 0.1875 inch or more in thickness, over 8 inches in width, not in coils, not pickled, not coated or plated with metal, not clad and not pressed or stamped to nonrectangular shape. Carbon steel plate is currently classifiable under item 607.6615 of the Tariff Schedules of the United States Annotated (TSUSA).

China Steel Corporation ("CSC") is the only known exporter to the United States of Taiwanese carbon steel plate. This review covers the period June 1, 1980 through May 31, 1981. There were no known shipments to the United States during the review period and there are no known unliquidated entries.

Preliminary Results of the Review

As provided by § 353.48(b) of the Commerce Regulations, we preliminarily determine that a cash deposit of estimated dumping duties of 19.97%, based upon the last known shipments by China Steel, shall be required on any shipment of Taiwanese carbon steel plate entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results on or before March 3, 1982 and may request disclosure and/or a hearing on or before February 16, 1982. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

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 26, 1982.

[FR Doc. 82–2427 Filed 1–29–82; 8:45 am]

BILLING CODE 3510–25–M

Computer Systems Technical Advisory Committee; Partially Closed Meeting

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: The Computer Systems Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 18, 1981, in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer systems or technology, and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls which the United States establishes or in which it participates including proposed revisions of any such controls.

TIME AND PLACE: February 18, 1982 at 1:00 p.m. The meeting will take place at the Main Commerce Building, Room 3708, 14th Street and Constitution Ave., NW., Washington, D.C.

AGENDA:

General Session

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the public.

(3) Report on the current work program of the subcommittees:
(a) Foreign Availability;
(b) Hardware; and
(c) Licensing Procedures.
(4) New business.

Executive Session

(5) Discussion of matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

PUBLIC PARTICIPATION: The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 29, 1981, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government In The Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12065.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, Telephone: 202–377–4217.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT:
Mrs. Margaret A. Cornejo, Committee Control Officer, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202–377–2583.

Dated: January 26, 1982.

Vincent F. DeCain,

Acting Director, Office of Export Administration.

[FR Doc. 82–2548 Filed 1–29–82; 8:45 am]

BILLING CODE 3510–25–M

Electronic Instrumentation Technical Advisory Committee; Partially Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Electronic Instrumentation Technical Advisory Committee was initially established on October 23, 1973, and rechartered on September 18, 1981 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to electronic instrumentation or technology, and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls which the United States establishes or in which it participates including proposed revisions of any such controls.

TIME AND PLACE: February 17, 1982, at 9:30 a.m. The meeting will take place at the Main Commerce Building, Room 5230, 14th Street and Constitution Ave., NW., Washington, D.C.

AGENDA:

General Session

(1) Opening remarks by the Chairman.
(2) Presentation of papers or comments by the public.
(3) Review assignments for the 1982 International List Review.
(4) New Business—Executive Session.
(5) Discussion of matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

PUBLIC PARTICIPATION: The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 29, 1981, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government In The Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12065.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, telephone: 202–377–4217.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT:
Mrs. Margaret Cornejo, Committee Control Officer, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202–377–2583.

Dated: January 26, 1982.

Vincent F. DeCain,

Acting Director, Office of Export Administration.

[FR Doc. 82–2551 Filed 1–29–82; 8:45 am]

BILLING CODE 3510–25–M

Foreign Availability Subcommittee of the Computer Systems Technical Advisory Committee; Open Meeting

AGENCY: International Trade Administration Commerce.

SUMMARY: The Computer Systems Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 18, 1981 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was approved for continuation on October 5, 1981 pursuant to the charter of the Committee. The Foreign Availability Subcommittee was formed to ascertain if certain kinds of equipment are available in non-COCOM and Communist countries, and if such equipment is available, then to ascertain if it is technically the same or similar to that available elsewhere.

TIME AND PLACE: February 17, 1982, at 1:30 p.m. The meeting will take place at the Main Commerce Building, Room 3708, 14th Street and Constitution Ave., NW., Washington, D.C.

AGENDA:

General Session

(1) Opening remarks by the Subcommittee Chairman.
(2) Presentation of papers or comments by the public.
(3) Review of the Foreign Availability Certification Group proposal status.
(4) Discussion of the agenda for 1982.

PUBLIC PARTICIPATION: The meeting will be open for public observation and a

limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written Statements may be submitted at any time before or after the meeting.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT:
Mrs. Margaret A. Cornejo, Committee Control Officer, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202–377–2583.

Dated: January 26, 1982.

Vincent F. DeCain,

Acting Director, Office of Export Administration.

[FR Doc. 82–2550 Filed 1–29–82; 8:45 am]

BILLING CODE 3510–25–M

Hardware Subcommittee of the Computer Systems Technical Advisory Committee; Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Computer Systems Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 29, 1981 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was approved for continuation on October 5, 1981 pursuant to the charter of the Committee.

The Hardware Subcommittee was formed to continue the work of the Performance Characteristics and Performance Measurements Subcommittee, pertaining to (1) maintenance of the processor performance tables and further investigation of total systems performance; and (2) investigation of array processors in terms of establishing the significance of these devices and determining the differences in characteristics of various types of these devices.

TIME AND PLACE: February 18, 1982, at 9:00 a.m. The meeting will take place at the Main Commerce Building, Room 3708, 14th Street and Constitution Avenue, NW., Washington, D.C.

The Subcommittee will meet only in Executive Session to discuss matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 29, 1981, pursuant to section 10(d) of the Federal Advisory Committee Act, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and properly classified under Executive Order 12065. A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, Telephone: 202–377–4217.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT:
Mrs. Margaret A. Cornejo, Committee Control Officer, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202–377–2583.

Dated: January 26, 1982.

Vincent F. DeCain,

Acting Director, Office of Export Administration.

[FR Doc. 82–2547 Filed 1–29–82; 8:45 am]

BILLING CODE 3510–25–M

Importers and Retailers' and Management-Labor Textile Advisory Committees; Public Meetings

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Secretary of Commerce established the Importers and Retailers' Textile Advisory Committee on August 13, 1963 to advise U.S. Government officials of the effects on import markets of cotton, wool and man-made fiber textile agreements.

The Management-Labor Textile Advisory Committee was established by the Secretary of Commerce on October 18, 1961 to advise U.S. Government officials on problems and conditions in the textile and apparel industry and furnish information on world trade in textiles and apparel.

TIME AND PLACE: March 10, 1982, at 10:30 a.m. for the Importers and Retailers' Textile Advisory Committee and 1:30 p.m. for the Management-Labor Textile Advisory Committee. The meetings will take place at the Main Commerce Building, Room 6802, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. (Public entrance to the building is on 14th Street between Constitution Avenue and E Streets, NW.)

AGENDA: (1) Review of import trends, (2) Implementation of textile agreements, (3) Report on conditions in the domestic market, (4) Other business.

PUBLIC PARTICIPATION: The meetings will be open to public participation to the extent time is available. The public may file written statements with the Committee before or after the meetings. Approximately 30 seats will be available for the public on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT:
Helen L. LeGrande, Office of the Deputy Assistant Secretary for Textiles and Apparel, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202/377–3737.

Dated: January 27, 1982.

Paul T. O'Day,

Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 82–2553 Filed 1–29–82; 8:45 am]

BILLING CODE 3510–25–M

Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee; Open Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Computer Systems Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 18, 1981 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was approved for continuation on October 5, 1981 pursuant to the charter of the Committee. The Licensing Procedures Subcommitte was formed to review the procedural aspects of export licensing and recommend areas where improvements can be made.

TIME AND PLACE: February 17, 1982, at 9:30 a.m. The meeting will take place at the Main Commerce Building, Room 3708, 14th Street and Constitution Ave., NW., Washington, D.C.

Agenda:

General Session

1. Opening remarks by the Subcommittee Chairman.

2. Presentation of papers or comments by the public.

3. Continuing business:

a. Consideration of draft letters to the Office Export Administration (OEA) on:

(1) Visitation requirements for USSR installations;

(2) Verification and access for systems parameters;

(3) Software source code control.

b. Swiss Blue import certificate.

c. Committee membership attendance.
d. Procedures for licensing for exhibitions and fairs.
e. Procedures and policy regarding imbedded microprocessor items.
f. Expediting post-COCOM approvals.
g. OEA case backlog.

PUBLIC PARTICIPATION: The meeting will be open for public observation and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to Subcommittee. Written Statements may be submitted at any time before or after the meeting.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT:
Mrs. Margaret A. Cornejo, Committee Control Officer, Office Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202–377–2583.

Dated: January 26, 1982.

Vincent F. DeCain,

Acting Director, Office of Export Administration.

[FR Doc. 82–2552 Filed 1–29–82; 8:45 am]

BILLING CODE 3510–25–M

Numerically Controlled Machine Tool Technical Advisory Committee; Partially Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Numerically Controlled Machine Tool Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 18, 1981, in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to numerically controlled machine tool or technology, and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls which the United States establishes or in which it participates including proposed revisions of any such controls.

TIME AND PLACE: February 25, 1982, at 10:00 a.m. The meeting will take place at the Main Commerce Building, Room 7808, 14th Street and Constitution Ave., NW., Washington, D.C.

AGENDA:

General Session

(1) Opening remarks by the Acting Chairman.
(2) Presentation of papers or comments by the public.
(3) Nomination and election of a new chairman.
(4) Discussion of robots.
(5) Discussion of manufacturing equipment and processes.
(6) New Business.

Executive Session

(7) Discussion of matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

PUBLIC PARTICIPATION: The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 29, 1981, pursuant to section 10(d) of the Federal Advisory Committee Act, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12065. A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, Telephone: 202–377–4217.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT:
Mrs. Margaret A. Cornejo, Committee Control Officer, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202–377–2583.

Dated: January 26, 1982.

Vincent F. DeCain,

Acting Director, Office of Export Administation.

[FR Doc. 82–2549 Filed 1–29–82; 8:45 am]

BILLING CODE 3510–25–M

National Oceanic and Atmospheric Administration

Marine Mammals; Issuance of Permit

On December 14, 1981, Notice was published in the **Federal Register** (46. FR 60870), that an application had been filed with the National Marine Fisheries Service by Manomet Bird Observatory, Manomet, Massachusetts 02345 to take five (5) harbor seals (*Phoca vitulina*) for the purpose of scientific research.

Notice is hereby given that on January 22, 1982, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Scientific Research Permit for the above taking to Manomet Bird Observatory, subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: January 22, 1982.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 82–2533 Filed 1–29–82; 8:45 am]

BILLING CODE 3510–22–M

Marine Mammals; Issuance of Permit

On November 3, 1981, Notice was published in the **Federal Register** (45 FR 54620), that an application had been filed with the National Marine Fisheries Service by Mystic Marinelife Aquarium, Mystic, Connecticut 06355, to take six Atlantic white-sided dolphins, and/or white-beaked dolphins, and/or harbor porpoise, and two long-finned pilot whales for public display.

Notice is hereby given that on January 22, 1982, the National Marine Fisheries Service issued a Public Display Permit, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), to Mystic Marinelife Aquarium subject to certain conditions set forth therein.

The Permit is available for review by interested persons in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: January 22, 1982.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 82-2534 Filed 1-29-82; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Issuance of Permit

On December 4, 1981, Notice was published in the Federal Register (46 FR 59284) that an application had been filed with the National Marine Fisheries Service by Mr. Brent Stewart for a Scientific Research Permit to take harbor seals by capture, tag, and release.

Notice is hereby given that on January 25, 1982, the National Marine Fisheries Service issued a Scientific Research Permit as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), to Mr. Brent Stewart subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

Dated: January 25, 1982.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 82-2535 Filed 1-29-82; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: Mr. Randall S. Wells and Mr. Michael D. Scott (P296)

b. Address: Long Marine Laboratory, University of California, Santa Cruz, California 95064.

2. Type of Permit: Scientific Research.

3. Name and Number of Animals: Atlantic bottlenose dolphins (*Tursiops truncatus*), up to 300.

4. Type of Take: Potential harassment while studying behaviour and censusing.

5. Location of Activity: West Florida.

6. Period of Activity: June 1982 through 1987.

Concurrent with the publication of this notice in Federal Register, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, DC 20235, on or before March 3, 1982. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Koger Boulevard, St. Petersburg, Florida 33702; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: January 25, 1982.

Richard B. Roe,

Acting Director, Office of Marine Mammals & Endangered Species, National Marine Fisheries Service.

[FR Doc. 82-2536 Filed 1-29-82; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

The USAF Scientific Advisory Board Air Logistics Division Advisory Group will meet at the Air Logistics Center, Sacramento, California on February 23 & 24, 1982. The purpose of the meeting will be to review the F-111 Avionics Intermediate Station. The meeting will convene at 8:30 a.m. and adjourn at 5:00 p.m. each day.

The meeting concerns matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697–8845.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

January 22, 1982.

[FR Doc. 82-2461 Filed 1-29-82; 8:45 am]

BILLING CODE 3910-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 82-CERT-001]

Energy Systems Co., Division of InterNorth, Inc.; Application for Recertification of the Use of Natural Gas To Displace Fuel Oil

On January 18, 1981, Energy Systems Company, Division of InterNorth, Inc. (Energy Systems), formerly Energy Systems Division of Northern Natural Gas Company, 25 Main Place, Council Bluffs, Iowa 51501, was granted a recertification of an eligible use of natural gas to displace fuel oil by the Administrator of the Economic Regulatory Administration (ERA) (Docket No. 80–CERT–038). The recertification involved the purchase of natural gas from Peoples Natural Gas Company, Division of InterNorth, Inc., for use by Energy Systems at its Howard Street Plant facility in Omaha, Nebraska. The ERA certificate expired on January 17, 1982.

On January 18, 1982, Energy Systems filed an application for recertification of an eligible use of natural gas to displace fuel oil at the same facility pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). Due to the lateness in the applicant's filing for recertification and the necessity for providing the public with an opportunity to comment, the recertification will not be effective until after the January 17 expiration date. More detailed information is contained in the application on file with the ERA and available for public inspection at the ERA, Natural Gas Branch Docket Room, Room 6013, 2000 M Street, N.W.,

Washington, D.C. 20461, from 8:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, Energy Systems states that the volume of natural gas for which it requests recertification is 550,000 Mcf per year. The use of this gas is estimated to displace the use of approximately 4 million gallons (95,238 barrels) of No. 2 home heating oil (0.2 to 0.3 percent sulfur) per year at the Howard Street Plant facility.

The eligible seller of the natural gas is Peoples Natural Gas Company, Division of InterNorth, Inc., 25 Main Place, Council Bluffs, Iowa 51501. The gas will be transported by Northern Natural Gas Company (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, an interstate pipeline company, and Metropolitan Utilities District, 1723 Harney Street, Omaha, Nebraska 68102, a local distribution company. Incidental transportation of the natural gas to Northern will be provided by Panhandle Eastern Pipeline Company, an interstate pipeline company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Room 6304, RG–13, 2000 M Street, N.W., Washington, D.C. 20461, Attention: Paula A. Daigneault, on or before February 11, 1982.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest, and if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to Energy Systems and any persons filing comments and will be published in the Federal Register.

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

Rayburn Hanzlik,

Administrator, Economic Regulatory Administration.

[FR Doc. 82-2426 Filed 1-29-82; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. ER81-448-000; ER81-474-000, ER81-382-000; ER81-386-000 and EL82-1-000

APS-PJM Interconnection Agreement, et al.; Order Granting Motion for Clarification for Purposes of Further Consideration, Granting motion for Extension of Time, and Granting Petition To Intervene

Issued: January 25, 1982.

On December 10, 1981, the Easton Utilities Commission and the Town of Easton, Maryland (Easton), filed a motion for clarification of the Commission's October 26, 1981 order in the above dockets. The October 26 order states, in part, that:

> (c) Easton's allegations as to (Pennsylvania-New Jersey-Maryland Interconnection (PJM)) and (Delmarva Power and Light Company (DP&L)) criteria for scheduling, allocating and curtailing short-term power reservations shall be treated as a complaint under § 1.16 of the Commission's rules of practice and procedure * * * Easton's allegations concerning excessive transmission rates are hereby dismissed.

Easton seeks clarification of the Commission's dismissal of its allegations as to excessive transmission rates, stating that PMJ transmission practices must be considered in conjunction with the design and structure of its rates, but that the order does not specify whether rate design issues may be considered in the investigation under Docket No. E182–1–000. Easton further states that if the Commission intended to exclude all rate issues from the scope of the investigation, the proceeding should be expanded to include these issues.

On December 28, 1981, the members of PJM filed a motion for a one-day extension of time in which to answer Easton's motion. On December 29, 1981, PJM filed its answer, urging the Commission to deny Easton's motion. PJM submits (1) that Easton's motion is merely an untimely extension of its previously filed petition for rehearing of the Commission's October 26 order; (2) that the above dockets, except for Docket No. EL82–1–000, have been terminated; and (3) that the Commission's October 26 order is clear on its face. PJM's answer further questions the substantive issues raised by Easton's original complaint.

Additionally, on December 10, 1981, the Delaware Municipal Electric Corporation (DEMEC) filed an untimely petition to intervene in the above dockets. DEMEC states that its municipal members [1] purchase full electric requirements from DP&L and have a direct interest in the investigation in Docket No. EL82–1–000. DEMEC's main contention is that it is currently attempting to negotiate new constracts with DP&L for partial requirements service and for transmission of short-term power purchases over DP&L and possibly PJM transmission facilities. DEMEC thus argues that it may have a direct interest in the outcome of the proceedings in Docket No. EL82–1–000 that would not be adequately protected by Easton's participation in those proceedings.

On December 28, 1981, DP&L and PJM filed answers to DEMEC's petition stating (1) that DEMEC's petition was filed out of time without showing of good cause for acceptance by the Commission; (2) that to the extent that the issues raised by DEMEC are within the scope of the investigation ordered in these proceedings, its interests are adequately represented by Easton; and (3) that DEMEC's basic contentions are beyond the scope of inquiry in these proceedings and are currently under consideration in Docket No. ER78–414 and other proceedings involving DP&L's recent wholesale electric rate filings.

Discussion

The Commission finds that participation in this proceeding by DEMEC is in the public interest and that good cause exists to permit that party to intervene out of time. DEMEC's participation in the informal conference in Docket No. EL82–1–000 may serve to further delineate the scope of inquiry in that proceeding without barring any negotiated settlement which may be reached by Easton with DP&L or PJM.

Concerning Easton's motion for clarification of the October 26 order, we note first that DP&L has requested an extension of time in which to answer Easton's complaint in Docket No. EL82–1–000, stating that a settlement appears to have been reached between the parties. Easton has concurred with DP&L's request. Moreover, the issue raised here by Easton is similar to those raised in its petition for rehearing filed November 25, 1981, which was granted by the Commission for the limited purpose for further consideration. Therefore, in order to allow additional time to evaluate DP&L's answer to Easton's complaint, and pending the

[1] DEMEC is Delaware Municipal Electric Company presently composed of the City of Newark, the Board of Water and Light Commissioners of the City of Newcastle, and the Towns of Smyrna, Clayton, and Middletown, Delware.

outcome of the informal conference to be convened in Docket No. ER82–1–000, as well as the settlement discussions between DP&L and Easton, the Commission will grant the motion for clarification for the limited purpose of further consideration.

The Commission orders

(A) The PJM motion for a one-day extension of time in which to answer Easton's motion for clarification is hereby granted.

(B) Easton's motion for clarification or, in the alternative, to expand the scope of proceedings in Docket No. EL82–1–000 is hereby granted for the limited purpose of further consideration.

(C) DEMEC's petition to intervene is hereby granted subject to the Commission's rules of practice and procedure and the regulations under the Federal Power Act: *Provided, however,* That participation by DEMEC shall be limited to the matters set forth in its petition to intervene: *And provided, further,* That the admission of such intervenor shall not be construed as recognition that it might be aggrieved by any order of the Commission in this proceeding.

(D) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 82–2538 Filed 1–29–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ST80–147–001]

Cabot Pipeline Corp.; Extension Reports

January 27, 1982.

The companies listed below have filed extension reports pursuant to Section 311 of the Natural Gas Policy Act of 1978 (NGPA) and Part 284 of the Commission's regulations giving notice of their intention to continue transportation and sales of natural gas for an additional term of up to 2 years. These transactions commenced on a self-implementing basis without case-by-case Commission authorization. The Commission's regulations provide that the transportation or sales may continue for an additional term if the Commission does not act to disapprove or modify the proposed extension during the 90 days preceding the effective date of the requestred extension.

The table below lists the name and addresses of each company selling or transporting pursuant to Part 284; the party receiving the gas; the date that the extension report was filed; and the effective date of the extension. A letter "B" in the Part 284 column indicates a transportation by an interstate pipeline which is extended under § 284.105. The letter "C" indicates transportation by an intrastate pipeline under § 284.125. A "D" indicates a sale by an intrastate pipeline extended under § 284.146.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before February 22, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it is determining the appropriate action to be taken but will not serve to make the protestants party to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

Docket No.	Transporter/Seller	Recipient	Date filed	Part 284, subpart	Effective date
ST80–108	United Texas Transmission Company	United Gas Pipe Line Company	12/04/81	C	01/06/82
ST80–147–001	Cabot Pipeline Corporation, P.O. Box 3784, Charleston, WV 25337	El Paso Natural Gas Company	12/24/81	D	03/25/82
ST80–150–001	Producer's Gas Company, 4925 Greenville Avenue, Dallas, TX 75206.	Natural Gas Pipeline Company of America	12/17/81	C	03/17/82
ST80–204–001	Texas Eastern Transmission Corporation, P.O. Box 2521, Houston, TX 77001.	United Gas Pipe Line Company	12/17/81	G	04/01/82

[FR Doc. 82–2497 Filed 1–29–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER81–736–000]

Central Illinois Public Service Co.; Compliance Filing

January 26, 1982.

The filing Company submits the following:

Take notice that on January 13, 1982, Central Illinois Public Service Company filed 1st Revised Sheet No. 2 of its Rate Schedule W–5 in compliance with the Commission's orders of October 30, 1981 and December 28, 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 16, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–2498 Filed 1–29–82; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 3498–001]

Chester Water Authority; Extension of Time

January 22, 1982.

On January 5, 1982, The Susquehanna River Basin Commission filed a request for an extension of time to file comments in response to the Commission's Notice of Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity issued November 10, 1981, in the above-docketed proceeding. The Susquehanna River Basin Commission requests that this extension be granted pending its receipt of additional information from the Chester Water Authority relative to the application for exemption.

Upon consideration, notice is hereby given that an extension of time for the filing of agency comments only is granted to and including February 23, 1982.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 82–2539 Filed 1–29–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP79-59-005]

Colorado Interstate Gas Co.; Proposed Changes in FERC Gas Tariff

January 26, 1982.

Take notice that Colorado Interstate Gas Company (CIG), on January 11, 1982, tendered for filing certain revisions to its FERC Gas Tariff, Original Volume No. 2. CIG states that the principal purpose of this filing is to make minor administrative revisions to update the transportation charge in certain of its rate schedules in order that such rate schedules reflect CIG's currently effective transportation rate. In addition, other nonsubstantive changes are proposed, including minor text changes and a pressure base correction. An effective date of February 10, 1982 is proposed for the revised tariff sheets.

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 9, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-2499 Filed 1-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER81-397-001]

Commonwealth Edison Company of Indiana; Compliance Filing

January 26, 1982.

The filing Company submits the following:

Take notice that on December 31, 1981, Commonwealth Edison Company of Indiana (Edison Indiana) filed the letter agreement between Edison Indiana and Commonwealth Edison Company. Such filing was made pursuant to the Commission's letter order of December 28, 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 9, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-2500 Filed 1-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. G-3307-000, et al.]

Diamond Shamrock Corp. (Succ. to The Shamrock Oil and Gas Corp.), et al.; Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates [1]

January 26, 1982.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and Date Filed	Applicant	Purchaser and Location	Price Per Mcf	Pressure Base
G-3307-000, D, Jan. 18, 1982	Diamond Shamrock Corporation (Succ. to The Shamrock Oil and Gas Corporation), P.O. Box 631, Amarillo, Texas 79173.	Northern Natural Gas Company. J. H. Helm, et ux lease covering NW/4 Sec. 135, Van Order et al lease covering SW/4 Sec. 285, H. A. Cummings et al lease covering NW/4 Sec. 285, C. G. Bent lease covering undivided 1/2 interest in W/2 Sec. 304, Mrs. E. M. Bent lease covering undivided 1/2 interest in W/2 Sec. 304, all in Blocks 44, H&TC Ry. Co. Survey, Moore County, Texas.	[1]	
CI78-1074-001, C, Dec. 16, 1981	Mobil Oil Exploration and Producing Southeast Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	United Gas Pipe Line Company, Blocks 72, 73 and 74, Main Pass Area, Federal Offshore Louisiana.	[2]	15.025
CI82-145-000, A, Jan. 5, 1982	Getty Oil Company, Post Office Box 1404, Houston, Texas 77001.	Columbia Gas Transmission Corporation, High Island Block A-471, Offshore Texas.	[3]	14.65
CI82-146-000, A, Jan. 5, 1982	King Ranch, Inc., 1800 First National Bank Building, Midland, Texas 79701.	Florida Gas Transmission Company and Transcontinental Gas Pipe Line Corporation, West Cameron Area, Block 65 Field, Offshore Louisiana.	[4]	14.65

Docket No. and Date Filed	Applicant	Purchaser and Location	Price Per Mcf	Pressure Base
CI82-147-000, A, Jan. 7, 1982	Pennzoil Oil & Gas, Inc., P.O. Box 2967, Houston, Texas 77001.	United Gas Pipe Line Company, East Cameron Block 237, Offshore Louisiana.	[5]	
CI82-148-000, A, Jan. 6, 1982	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75221.	Transco Gas Supply Company, Mustang Island Area, Block 757 Field, Offshore Texas.	[6]	14.65
CI82-149-000 (CI77-247), B, Jan. 11, 1982.	Murphy Oil Corporation, 200 Jefferson Avenue, El Dorado, Arkansas 71730.	Texas Eastern Transmission Corporation, McCrary #1 Unit (W/2, Section 4 and E/2 Section 5, Township 18 North, Range 2 West), Ruston Field, Lincoln Parish, Louisiana.	[7]	
CI82-150-000, A, Dec. 12, 1982	POGO Producing Company, Post Office Box 2504, Houston, Texas 77001.	United Gas Pipe Line Company, East Cameron Block 237, Offshore Louisiana.	[5]	15.025
CI82-151-000, B, Dec. 28, 1981	Gulf Oil Corporation, P.O. Box 2100, Houston, Texas 77252.	Phillips Petroleum Company, Eunice Area, Eunice Monument and Jalmat Fields, Lea County, New Mexico.	[8]	
CI82-152-000, B, Dec. 28, 1981	do	Phillips Petroleum Company, Judkins Area, Jordan Field, Penwell Field, Crane and Ector Counties, Texas.	[8]	
CI82-153-000, B, Dec. 28, 1981	do	Phillips Petroleum Company, Hobbs Area, Hobbs Grayburg Field, Lea County, New Mexico.	[8]	
CI82-154-000, B, Dec. 28, 1981	do	Phillips Petroleum Company, Goldsmith Area, Lawson (San Andres) Field, Goldsmith (Grayburg) Field, Goldsmith (Devonian) Field, Goldsmith (Ellenburger) Field, Goldsmith (5600') Field, Andrews and Ector Counties, Texas.	[8]	
CI82-155-000, A, Dec. 18, 1982	Exxon Corporation, P.O. Box 2180, Houston, Texas 77001.	Columbia Gas Transmission Corporation, West Delta Block 100 Field, Offshore Louisiana.	[5]	15.025
CI82-156-000, E, May 29, 1979[9]	Mitchell Energy Corporation (Succ. to Maynard Oil Company), 3900 One Shell Plaza, Houston, Texas 77002.	Natural Gas Pipeline Company of America, Wise County Area, Texas.	[10]	14.65
CI82-157-000 (G-20242), B, Jan. 15, 1982.	Conoco Inc., P.O. Box 2197, Houston, Texas 77252	Florida Gas Transmission Company, Thompson Bluff Field, Jefferson Davis Parish, Louisiana.	[11]	
CI82-158-000 (CI60-325), B, Jan. 18, 1982.	Tenneco Oil Company, P.O. Box 2511, Houston, Texas 77001.	Tennessee Gas Pipeline Company, Lopeno Field, Zapata County, Texas.	[12]	
CI61-691-002, C, Dec. 10, 1981	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75221.	Michigan Wisconsin Pipe Line Company, Kepner Unit #4 Well, Cedardale, NE Field, Major County, Oklahoma.	[13]	14.65
CI61-752-000, C, Dec. 10, 1981	do	Michigan Wisconsin Pipe Line Company, Kepner Unit #4 Well, Cedardale, NE Field, Major County, Oklahoma.	[13]	14.65

[1] The subject leases have expired or terminated by their own terms and were not included in the rollover contract dated May 21, 1980.
[2] Applicant is filing under Gas Sales Contract dated July 20, 1978, amended by amendment dated October 15, 1981.
[3] Applicant is filing under Gas Purchase Contract dated December 10, 1981.
[4] Applicant is filing under Gas Purchase Contract dated August 14, 1981 for Florida Gas Transmission Company and August 1, 1980 for Transcontinental Gas Pipe Line Corporation.
[5] Applicant is willing to accept a certificate of public convenience and necessity conditioned in price to the applicable ceiling rates as established by the Natural Gas Policy Act of 1978.
[6] Applicant is filing under Gas Purchase Contract dated December 30, 1981.
[7] Gas has been depleted, well plugged and abanodned and substantially all of the oil and gas leases have expired.
[8] Applicant's percentage-typed-contract with Phillips has been terminated. Applicant wishes to switch natural gas processing plants.
[9] Effective May 1, 1979, Mitchell Energy Corporation acquired certain interests of Maynard Oil Company in the Wise County Area of Texas.
[10] Applicant is filing under Gas Purchase Contract dated April 10, 1965, and amended April 25, 1974.
[11] Conoco's remaining interest is restricted to non-productive zones.
[12] Depletion of reservoirs; no physically recoverable reserves remaining.
[13] Applicant is filing for authorization for the sale of gas attributable to an additional working interest acquired until payout of the well pursuant to the sole risk clause of the operating agreement governing the Kepner Unit #4 Well.
Filing code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[FR Doc. 82-2513 Filed 1-29-82; 8:45 am]
BILLING CODE 6717-01-M

[Docket Nos. CP80-278, etc.]

Great Lakes Gas Transmission Co., et al.; Filing of Pipeline Refund Reports and Refund Plans

January 27, 1982.

Take notice that the pipelines listed in the Appendix below have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix below.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before February 11, 1982. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,
Secretary.

APPENDIX

Filing date	Company	Docket No.	Type filing
July 31, 1981	Great Lakes Gas Transmission Company	RP80-278	Report.
Dec. 15, 1981	Southern Natural Gas Company	RP81-105-010	LFUT Report.
Dec. 18, 1981	Michigan Wisconsin Pipe Line Company	RP81-123-001	LFUT Report.
Do.	Consolidated Gas Supply Corporation	RP72-157-050	Report.
Dec. 31, 1981	Southern Natural Gas Company	RP81-105-011	LFUT Report.
Jan. 4, 1982	Columbia Gas Transmission Corporation	RP78-20	Report.
Jan. 11, 1982	National Fuel Gas Supply Corporation	RP80-135-015	Report.
Do.	Natural Gas Pipe Line Company of America.	RP80-107-005	Report.
Jan. 12, 1982	East Tennessee Natural Gas Company	CP80-539-003	Report.
Jan. 15, 1982	Northern Natural Gas Company	RP80-88-003	Report.

[FR Doc. 82-2501 Filed 1-29-82; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. SA82-6-000]

Holden Energy Corp.; Application for Staff Adjustment

Issued: January 27, 1982.

On December 29, 1981, Holden Energy Corporation (Applicant), Suite 600, Lincoln Center, Ardmore, Oklahoma 73401 filed an application for a staff adjustment pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3412(c) (Supp. II 1978), and § 1.41 of the Federal Energy Regulatory Commission (Commission) rules of practice and procedure.

Applicant claims special hardship, inequity or unfair distribution of burdens and irreparable injury if unable to collect the section 102 price for gas produced from the BSA #1 well. Applicant states that after recompleting the BSA #1 Well on February 10, 1981 Applicant was advised by the Texas Railroad Commission that it would be limited to a section 109 price due to the section 102 definition of "commercial production." According to Applicant, Chevron U.S.A., Inc. spudded the BSA #1 Well on May 3, 1975 and after completion, produced gas for seven months during which the gas was transported through a seven and one-half mile temporary gas line. Abandoned by Chevron as uncommercial, the well was shut in on December, 1976, until August, 1980 when Applicant obtained a farm-out agreement from Chevron and began reworking the well. Now, Applicant requests an adjustment from § 270.102(b)(4) of the Commission's regulations, which defines "production in commercial quantities" so that the seven months production from the well in 1975–76 would not be deemed "production in commercial quantities" for the purpose of NGPA section 102(c)(1)(C)(i).

The procedures applicable to the conduct of this adjustment proceeding are found in 18 CFR 1.41 (44 FR 18961, March 30, 1979). Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed on or before February 16, 1982.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-2502 Filed 1-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER81-750-000]

Iowa Power & Light Co.; Order Denying Rehearing

Issued January 22, 1982.

On December 22, 1981, the Commission approved a letter order accepting for filing Iowa Power & Light Company's (IP&L) proposed increase in rates for firm service to the Cities of Carlisle and Neola, Iowa (Cities) and terminating the proceedings associated with that filing.[1] On December 23, 1981, the Cities filed an application for rehearing and motion for immediate relief and stay of the letter order. For the reasons set forth below, Cities' application will be denied.[2]

Cities raise a number of arguments in support of their request that the Commission rescind its letter order, suspend the proposed rates, and set the filing for hearing. The chief contention is that the Commission incorrectly concluded that Cities raised no cost-of-service issues. On December 14, 1981, Cities filed a supplement to their initial protest, which supplement the Commission by inadvertence did not consider in issuing the letter order. However, the Commission has now given due consideration to the allegations contained in that supplement and concludes that none of these allegations requires the Commission to modify its earlier determination to accept the rates for filing.

IP&L's cost data indicate that the proposed rates would increase revenues for the test period by approximately $90,125 and would yield an overall earned return of only 4.55%. IP&L's summary cost of service statement indicates that an increase of $297,901 in revenues is justified. The Commission's analysis of the filing shows that, although IP&L's figures may be subject to some adjustment, the proposed rates are substantially cost justified. Cities' motion does not quantify the impact of the cost of service adjustments which it proposes to the Company's filing, but it is highly unlikely that these adjustments could reduce IP&L's revenue requirements to the point that the proposed rates would be excessive.

Moreover, Cities overstate the potential magnitude of any adjustments by erroneously asserting that none of IP&L's pro forma adjustments increasing the cost of service were offset by decreasing adjustments. For example, the pro forma increase in plant investment due to the addition of the Ottumwa unit was partially offset by an associated change in accumulated reserve for depreciation. IP&L used a single net adjustment to rate base rather than increasing gross plant and the reserve account separately. Another example is the offset Cities propose through revenues from off-system sales that might be made possible by the availability of an additional 560 MW of generating capacity. Although the net effect of the adjustment was a reduction in sales revenues, increases in off-system sales revenues from certain customers were reflected in the pro forma adjustment. It should be noted that the 560 MW figure is overstated because the cancelled sales included therein were made for nonconcurrent periods and for periods of short duration and are not additive. Moreover, if the pro forma purchased power adjustment were eliminated, except for appropriate recognition that IELP would probably purchase less from IP&L due to the operation of the Ottumwa unit, our analysis would still indicate that the proposed rates produce a revenue deficiency.

Cities also argue that IP&L should reduce its proposed return to reflect improved cash flow and reduced capital requirements. This argument must also be rejected. The 14.2% return sought on equity is already at the low end of the range of returns recently allowed to similarly situated electric utilities. Moreover, if IP&L earns an overall return of only 4.5%, the earned return on equity will be well below the 14.2% figure to which Cities object.

Under the circumstances, it appears that the proposed rates are not excessive, and that there has been no preliminary showing of facts which, if proved, could be used to demonstrate that the rates are unjust or unreasonable. Although it has been the Commission's practice to set cases for hearing where such material facts are raised, we have long declined to require a hearing that would constitute "empty sound and show, signifying nothing."[3] Accordingly, Cities' contention that the filing should be suspended and set for hearing must be rejected.

The Commission orders

(A) The application of Cities for rehearing of the Commission's letter order is hereby denied.

[1] The letter order was issued by the Commission on December 23, 1981.

[2] Cities' motion sought an immediate stay of the effectiveness of the letter order pending disposition of the application for rehearing. Because the Commission is now disposing of the application, action on Cities' motion is unnecessary.

[3] *Citizens for Allegan County, Inc.* v. *FPC*, 414 F.2d 1125, 1128 (D.C. Cir. 1969).

(B) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 82-2540 Filed 1-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES82-32-000]

Iowa Public Service Co.; Application

January 27, 1982.

Take notice that on January 20, 1982, Iowa Public Service Company (Applicant) filed an application pursuant to section 204 of the Federal Power Act, with the Federal Energy Regulatory Commission, seeking authority to issue $60 million of short-term unsecured promissory notes to commercial banks and commercial paper dealers. All proposed notes are to be issued on or before March 31, 1983, and will bear maturity dates of not later than March 31, 1984.

Any person desiring to be heard or to make any protest with reference to the application should on or before February 17, 1982, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-2514 Filed 1-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP81-71-000]

Montana-Dakota Utilities Co.; Settlement Conference

January 26, 1982.

Take notice that a settlement conference in the above-captioned docket will be convened at 10:00 a.m., on February 3 and 4, 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 authorized intervention as a party in the proceeding.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-2503 Filed 1-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5736-000]

New England Energy Development Systems, Inc.; Application for Preliminary Permit

January 27, 1982.

Take notice that New England Energy Development Systems, Inc. (Applicant) filed on December 10, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5736 to be known as the Millers River Project located on the Millers River in Franklin County, Massachusetts. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Michael Pill, New England Energy Development Systems, Inc., 109 Main Street, Amherst, Massachusetts 01002.

Project Description—The proposed project would consist of five developments on Millers River described from downstream to upstream as follows:

(A) Millers One would consist of: (1) A new 33-foot high, 270-foot long concrete dam; (2) a 6-acre reservoir with no usable storage at elevation 239 feet m.s.l.; (3) a new powerhouse integral with the dam containing turbine generators with a total rated capacity of 1,090 kW; (4) a 2½-mile long, 13.8-kV transmission line; and (5) appurtenant facilities. Millers One would produce 5,310,000 kWh annually. The site is owned by Walter J. Zuk.

(B) Millers Two would consist of: (1) A new 48-foot high, 340-foot long concrete dam; (2) a 30-acre reservoir with no usable storage capacity at elevation 285 feet m.s.l.; (3) a new powerhouse containing turbine generators with a total rated capacity of 1,950 kW; (4) a 13.8-kV transmission line; and (5) appurtenant facilities. Millers Two would produce 9,320,000 kWh annually. The site is owned by Western Massachusetts Electric Company and Millers Falls Paper Company.

(C) Millers Three would consist of: (1) A new 30-foot high, 465-foot long concrete dam; (2) a 22-acre reservoir with no usable storage capacity at elevation 401 feet m.s.l.; (3) a new powerhouse containing a 1,090 kW turbine-generator; (4) a 13.8-kV transmission line; and (5) appurtenant facilities. Millers Three would produce up to 4,900,000 kWh annually. The site is owned by Massachusetts Electric Company, Anthony Stone and Artel Bourbeau.

(D) Millers Four would consist of: (1) A new 27-foot high, 160-foot long concrete dam; (2) a 38-acre reservoir with no usable storage capacity at elevation 472 feet m.s.l.; (3) a new powerhouse containing a 800-kW turbine generator; (4) a 13.8-kV transmission line; and (5) appurtenant facilities. Millers Four would produce up to 3,960,000 kWh annually. The site is owned by the Boston and Maine Railroad and Erving Paper Mills.

(E) Millers Five would consist of: (1) A new 26-foot high, 390-foot long concrete dam; (2) a 35-acre reservoir with no usable storage capacity at elevation 488 feet m.s.l.; (3) a new powerhouse containing a 800-kW turbine generator; (4) a 13.8-kV transmission line; and (5) appurtenant facilities. Millers Five would generate up to 3,250,000 kWh annually. The site is owned by Charles and Claire Brossil.

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 three years. The work proposed under this preliminary permit would include economic evaluation, engineering plans, and an environmental assessment. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the work to performed under this preliminary permit would cost $100,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must submit to the Commission, on or before April 8, 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 8, 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 8, 1982.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before April 8, 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 alos be served upon each representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 82-2515 Filed 1-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER79-616-002]

Northern States Power Co. (Minnesota); and Northern States Power Co. (Wisconsin); Compliance Filing

January 27, 1982.

The filing Companies submit the following:

Take notice that on December 31, 1981, Northern States Power Co. (Minnesota); and Northern States Power Co. (Wisconsin) tendered for filing a revised amendment to the Coordinating Agreement dated October 12, 1970 to bring the Coordinating Agreement into compliance with Opinion No. 134 issued December 3, 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 16, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-2504 Filed 1-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-230-000]

Ohio Power Co.; Filing

January 27 1982.

The filing Company submits the following:

Take notice that American Electric Power Service Corporation (AEP) on January 18, 1982, tendered for filing on behalf of its affiliate Ohio Power Company (OPCO) Supplement No. 7 dated January 1, 1982 to the Agreement dated April 1, 1974 between American Municipal Power-Ohio, Inc. (AMP-Ohio) and Ohio Power Company. OPCO's Rate Schedule FERC No. 74 and AMP-Ohio's Rate Schedule FERC No. 1.

Sections 1 and 2 of Supplement No. 7 provide for an increase in the demand charge for Short Term and Limited Term Power to $1.25 per kilowatt per week and $6.50 per kilowatt per month respectively. Both schedules to become effective January 1, 1982. These demand rates are substantially the same between Indiana & Michigan Electric Company and Illinois Power Company (Docket No. ER 81-774-000) which has been accepted by the Commission and made effective January 1, 1982 by letter Order dated November 10, 1981.

AEP proposes an effective date of January 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon American Municipal Power-Ohio, Inc., the Public Utilities Commission of Ohio, and the Orrville Municipal Utilities.

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 shoud be filed on or before February 16, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-2541 Filed 1-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP81-95-000]

Pacific Interstate Transmission Co.; Tariff Filing Substitute First Revised Sheet No. 9

January 26, 1982.

Take notice that on January 13, 1982, Pacific Interstate Transmission Company ("Pacific Interstate") tendered for filing a substitute revised tariff sheet to its FERC Gas Tariff, Original Volume No. 1, in accordance with the Commission's order of June 13, 1980 in Northwest Alaskan Pipeline Co., et al., Docket Nos. CP78-123, et al.

Pacific Interstate states that on July 27, 1981, Pacific Interstate filed First Revised Sheet No. 9 to its FERC Gas Tariff, Original Volume No. 1, designed to increase its rate of return on equity from 13.75 percent to 20 percent, resulting in an overall estimated rate of return of 17.94 percent based on the estimated debt costs of 16.62 percent.

Pacific Interstate states that at the time of its filing of the First Revised Sheet No. 9 on July 27, 1981, Pacific Interstate indicated that it would file a Substitute First Revised Sheet when it acquired permanent debt.

Pacific Interstate states that on August 28, 1981, the Commission issued its order in Docket No. RP81-95 accepting for filing the proposed First Revised Sheet No. 9 and that in so doing the Commission noted that the overall

rate of return depicted in the First Revised Sheet No. 9 was based on an estimated debt cost of 16.62 percent. The Commission suspended the effectiveness of said sheet until March 1, 1982 when it will become effective subject to refund, in the manner provided by Section 4 of the Natural Gas Act.

Pacific Interstate states that it has obtained commitments for the acquisition of the necessary permanent debt. Pacific Interstate states that its actual cost of debt is different from the estimate utilized in the July 27, 1981 filing. Therefore, pursuant to Part 154 of the Commission's Regulations under the Natural Gas Act and the Commission's order of June 13, 1980 in Docket Nos. CP78–123, et al., Pacific Interstate tenders for filing and acceptance a Substitute First Revised Sheet No. 9 of its FERC Gas Tariff Original Volume No. 1 to reflect the actual cost of debt. Pacific Interstate requests that this Substitute First Revised Sheet No. 9 become effective on the date designated by the Commission for the First Revised Sheet No. 9, namely March 1, 1982.

Pacific Interstate requests a waiver of § 154.22 of the Commission's Regulations, and also requests that the Commission grant any waivers of its regulations it may deem necessary for the acceptance of this filing to become effective March 1, 1982.

Any person desiring to be heard or to make any protest with reference to said tariff filing 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). Protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–2516 Filed 1–29–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP82–104–000]

Producer's Gas Co.; Re-Notice of Application

January 27, 1982.

Take notice that on December 2, 1981, Producer's Gas Company (Applicant), 950 One Energy Square, 4925 Greenville Avenue, Dallas, Texas 75206, filed in Docket No. CP82–104–000 an application pursuant to § 284.127 of the Commission's Regulations for authorization to continue the transportation of natural gas for El Paso Natural Gas Company (El Paso) for a term ending on January 1, 2001, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport gas for El Paso pursuant to a transportation agreement dated December 2, 1980. It is stated Applicant would transport a maximum daily quantity of 200,000 Mcf of gas per day which gas would be received by Applicant at the Wainoco Davis #1–18 well, the An-Son Pendley #1 well, the An-Son Sisk #1 well, the An-Son Long #1 well and the An-Son Estate #1–30 well all in Grady County, Oklahoma, the An-Son Murphy #1–18 well, the An-Son Palmer #1–17 well and the An-Son Goldie #1–19 well all in Custer County, Oklahoma, the An-Son Sperle #1 well in Washita County, Oklahoma, and a point of interconnection between Applicant and the Mustang Fuel Corporation in Washita County, Oklahoma. Applicant states it would redeliver gas to El Paso at a point of interconnection with El Paso in Washita County, Oklahoma, or at a point of interconnection with Natural Gas Pipeline Company of America in Grady County, Oklahoma.

It is asserted that commencing December 1, 1981, the transportation charge would be the fair and equitable rate approved by the Commission in Docket No. ST81–106.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 5, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–2517 Filed 1–29–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER82–232–000]

Public Service Company of Colorado; Filing

January 27, 1982.

The filing Company submits the following:

Take notice that Public Service Company of Colorado (PSC) on January 19, 1982, tendered for filing a proposed change in its FERC Electric Tariff. PSC states that the proposed change is Supplement No. 20, a Letter Agreement assigned December 30, 1981, to amende the "Hayden Agreement" between PSC and Colorado-Ute Electric Association, Inc. on file with the Commission under PSC's FERC Rate Schedule No. 12.

PSC states that the proposed change is necessary to establish the terms and conditions pursuant to which PSC will supply service to Colorado-Ute in light of the added membership of Intermountain Rural Electric Association, Inc. (Intermountain) to Colorado-Ute. Intermountain has heretofore been served pursuant to PSC's FERC Rate Schedule No. 21.

PSC proposes an effective date of January 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before February 16, 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 inspeciton.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–2505 Filed 1–29–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. QF82-47-000]

Rockfish Corp.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

January 27, 1982.

On January 11, 1982, Rockfish Corporation (Applicant) of Afton, Virginia filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The hydroelectric facility is located on the Rockville River between the villages of Schuyler and Rockfish in Virginia. The capacity of the facility will be 400 kilowatts. No other hydroelectric facilities are located within one mile of the facility. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington D.C. 20426 in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure. All such petitions or protests must be filed on or before March 3, 1982 and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-2507 Filed 1-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5737-000]

Santa Clara Valley Water District; Application for Preliminary Permit

January 27, 1982.

Take notice that Santa Clara Valley Water District (Applicant) filed on December 7, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5737 to be known as the Anderson Dam Power Project located on Anderson Reservoir in Santa Clara County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John T. O'Halloran, General Manager, Santa Clara Valley Water District, 5750 Almaden Expressway, San Jose, California 95118 with a copy to: Mr. David K. Gill at the above address.

Project Description—The proposed project, to be located at the Applicant's existing Anderson Reservoir, would consist of: (1) The Anderson Dam, a 240-foot high, 1,385-foot long structure creating; (2) the Anderson Reservoir with a storage capacity of 91,280 acre-feet and a surface area of 1,240 acres; (3) a new 2,800-foot long, 54-inch diameter penstock; (4) a new powerhouse to contain a single 960-kW, Francis-type, turbine-generating unit operating under a head of 170 feet; (5) a tailrace; (6) a switchyard; and (7) transmission facilities to an existing Pacific Gas and Electric Company line located adjacent to the site.

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 and economic feasibility, studies, site investigations and shall consult with the California Department of Fish and Game to resolve fish and wildlife issues. No new roads will be required to conduct these studies. The estimated cost of conducting these studies and preparing an application for an FERC license is $54,000.

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 exeption 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 8, 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 petitaion 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 8, 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. 82-2518 Filed 1-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5738-000]

Santa Clara Valley Water District; Application for Preliminary Permit

January 27, 1982.

Take notice that Santa Clara Valley Water District (Applicant) filed on December 7, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5738 to be known as the Coyote Dam Power Project located on Coyote Reservoir in Santa Clara County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John T. O'Halloran, General Manager,

Santa Clara Valley Water District, 5750 Almaden Expressway, San Jose, California 95118 with a copy to: Mr. David K. Gill at the above address.

Project Description—The proposed project, to be located at the Applicant's existing Coyote Reservoir, would consist of: (1) The Coyote Dam, a 120-foot high, 970-foot long structure creating; (2) the Coyote Reservoir with a storage capacity of 23,670 acre-feet and a surface area of 636 acres; (3) a 50-foot long, 30-inch diameter penstock; (4) a powerhouse to contain a single 320-kW, Francis-type, turbine-generating unit operating under a head of 70 feet; (5) a tailrace; (6) a switchyard; and (7) transmission facilities to an existing Pacific Gas and Electric Company line located adjacent to the site.

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 and economic feasibility studies, site investigations and shall consult with the California Department of Fish and Game to resolve fish and wildlife issues. No new roads will be required to conduct these studies. The estimated cost of carrying out the studies and preparing an application for an FERC license is $45,000.

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 8, 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 8, 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. 82-2519 Filed 1-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5739-000]

Santa Clara Valley Water District; Application for Preliminary Permit

January 27, 1982.

Take notice that Santa Clara Valley Water District (Applicant) filed on December 7, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 5739 to be known as the Calero Dam Power Project located on Calero Reservoir in Santa Clara County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John T. O'Halloran, General Manager, Santa Clara Valley Water District, 5750 Almaden Expressway, San Jose, California 95118 with a copy to Mr. David K. Gill, at the above address.

Project Description—The proposed project, to be located at the Applicant's existing Calero Reservior, would consist of: (1) The Calero Dam, 98-foot high, 840-foot long structure creating; (2) the Calero Reservior with a storage capacity of 10,050 acre-feet and a surface area of 342 acres; (3) a 100-foot long, 40-inch diameter penstock; (4) a powerhouse to contain two generating units with a total rated capacity of 1,440 kW, operating under a head of 110 feet; (5) a tailrace; (6) a switchyard; and (7) transmission facilities to an existing Pacific Gas and Electric Company line located adjacent to the site.

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 and economic feasibility studies, site investigations, and shall consult with the California Department of Fish and Game to resolve fish and wildlife issues. No new roads will be required to conduct these studies. The estimated cost of carrying out these studies and preparing an application for an FERC license is $71,000.

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 8, 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 8, 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. 82-2520 Filed 1-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5743-000]

Santa Clara Valley Water District; Application for Preliminary Permit

January 27, 1982.

Take notice that Santa Clara Valley Water District (Applicant) filed on December 11, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5743 to be known as the Stevens Dam Power Project located on Stevens Creek Reservoir in Santa Clara County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John T. O'Halloran, General Manager, Santa Clara Valley Water District, 5750 Almaden Expressway, San Jose, California 95118 with a copy to Mr. David K. Gill, at the above address.

Project Description—The proposed project, to be located at the Applicant's existing Stevens Creek Reservoir, would consist of: (1) The Stevens Creek Dam, 120-foot high, 1,000-foot long structure creating; (2) the Stevens Creek Reservoir with a storage capacity of 3,600 acre-feet and a surface area of 92 acres; (3) a 50-foot long, 18-inch diameter penstock; (4) a new powerhouse to contain a single 127-kW unit operating under a head of 90 feet; (5) a tailrace; (6) a switchyard; and (7) transmission facilities to an existing Pacific Gas and Electric Company line located adjacent to the site.

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 and economic feasibility studies, site investigations, and shall consult with the California Department of Fish and Game to resolve fish and wildlife issues. No new roads will be required to conduct these studies. The estimated cost of carrying out these studies and preparing an application for an FERC license is $50,000.

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 8, 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 8, 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. 82-2521 Filed 1-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5740-000]

Santa Clara Valley Water District; Application for Preliminary Permit

January 27, 1982.

Take notice that Santa Clara Valley Water District (Applicant) filed on December 7, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5740 to be known as the Lexington Dam Power Project located on Lexington Reservoir in Santa Clara County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John T. O'Halloran, General Manager, Santa Clara Valley Water District, 5750 Almaden Expressway, San Jose, California 95118 with a copy to Mr. David K. Gill, at the above address.

Project Description—The proposed project, to be located at the Applicant's existing Lexington Reservoir, would consist of: (1) The Lexington Dam, 195-foot high, 830-foot long structure creating; (2) the Lexington Reservoir with a storage capacity of 20,210 acre-

feet and a surface area of 519 acres; (3) a 50-foot long, 30-inch diameter penstock; (4) a new powerhouse to contain a single 840-kW, Francis-type, turbine-generating unit operating under a head of 140 feet; (5) a tailrace; (6) a switchyard; and (7) transmission facilities to an existing Pacific Gas and Electric Company line located adjacent to the site.

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 and economic feasibility studies, site investigations, and shall consult with the California Department of Fish and Game to resolve fish and wildlife issues. No new roads will be required to conduct these studies. The estimated cost of carrying out these studies and preparing an application for an FERC license is $68,000.

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 8, 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 must 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 8, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATIONS", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 82-2522 Filed 1-29-82; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 5748-000]

Santa Clara Valley Water District; Application for Preliminary Permit

January 27, 1982.

Take notice that Santa Clara Valley Water District (Applicant) filed on December 11, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5748 to be known as the Guadalupe Dam Power Project located on Guadalupe Reservoir in Santa Clara County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John T. O'Halloran, General Manager, Santa Clara Valley Water District, 5750 Almaden Expressway, San Jose, California 95118 with a copy to: Mr. David K. Gill at the same address.

Project Description—The proposed project, to be located at the Applicant's existing Guadalupe Reservoir, would consist of: (1) The Guadalupe Dam, a 129-foot high, 650-foot long structure creating; (2) the Guadalupe Reservoir with a storage capacity of 3,740 acre-feet and a surface area of 79 acres; (3) a 50-foot long, 18-inch diameter penstock; (4) a powerhouse to contain a single 127-kW, Francis-type, turbine-generating unit operating under a head of 120 feet; (5) a tailrace; (6) a switchyard; and (7) transmission facilities to an existing Pacific Gas and Electric Company line located adjacent to the site.

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 and economic studies, site investigations and shall consult with the California Department of Fish and Game to resolve fish and wildlife issues. No new roads will be required to conduct these studies. The estimated cost of conducting these studies and preparing an application for an FERC license is $45,000.

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 8, 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 8, 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. 82-2523 Filed 1-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5744-000]

Santa Clara Valley Water District; Application for Preliminary Permit

January 27, 1982.

Take notice that Santa Clara Valley Water District (Applicant) filed on December 11, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 5744 to be known as the Almaden Dam Power Project located on Almaden Reservior in Santa Clara County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John T. O'Halloran, General Manager, Santa Clara Valley Water District, 5750 Almaden Expressway, San Jose, California 95118 with a copy to: Mr. David K. Gill at the above address.

Project Description—The proposed project, to be located at the Applicant's existing Almaden Reservior, would consist of: (1) The Almaden Dam, a 105-foot high, 460-foot long structure creating; (2) the Almaden Reservoir with a storage capacity of 1,780 acre-feet and a surface area of 59 acres; (3) a 50-foot long, 18-inch diameter penstock; (4) a powerhouse to contain a single 95-kW, Francis-type, turbine-generating unit operating under a head of 90 feet; (5) a tailrace; (6) a switchyard; and (7) transmission facilities to an existing Pacific Gas and Electric Company line located adjacent to the site.

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 and economic feasibility studies, site investigations and shall consult with the California Department of Fish and Game to resolve fish and wildlife issues. No new roads will be required to conduct these studies. The estimated cost of conducting these studies and preparing an application for a FERC license is $44,000.

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 8, 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 8, 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 C. Cashell,

Acting Secretary.

[FR Doc. 82-2524 Filed 1-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EF79-4011]

Secretary of Energy and Southwestern Power Administration; Order on Reconsideration

Issued: January 25, 1982.

On June 3, 1981 the Federal Energy Regulatory Commission, in response to a filing of the Assistant Secretary for Resource Applications of the Department of Energy [1] issued an order which disapproved in part and remanded certain rates and charges for the sale of power by the Southwestern Power Adminstration (SWPA).[2] The Commission's rejection was based on its determination that, in light of the data and information supplied by SWPA, the rate schedules would not meet the statutory criteria which require that the rates provide a sufficient level of revenue to SWPA to recover its annual costs and to repay the federal investment within a reasonable period of time.[3] The Commission rejected the filing upon a finding of the following deficiencies:

(1) SWPA had reduced its estimate of replacement costs for its entire integrated

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[1] The filing was made by the Assistant Secretary for Resource Applications pursuant to DOE Delegation Order No. 0204-33 issued December 28, 1979, 43 FR 60636. This authority was transferred to the Assistant Secretary for Conservation and Renewable Energy on March 19, 1981 and April 9, 1981.

[2] "Order Disapproving and Remanding Rates, and Granting Intervention," Docket No. ER79-4011.

[3] Section 5 of the Flood Control Act of 1944, 16 U.S.C. 825.

system by 35 percent based upon a special replacement study prepared by the Army Corps of Engineers for one project, the Sam Rayburn Dam. The Commission found no information in the study that would support SWPA's application of that same 35 percent reduction to the other projects,

(2) SWPA had underestimated its interest charges,

(3) In estimating replacement costs, SWPA had used an outdated publication issued in 1963 rather than a more recent 1968 study, resulting in an apparent revenue deficiency for SWPA,

(4) It appeared that SWPA's price estimates for purchased power were on the low side, and

(5) The SWPA study had improperly combined replacement costs with the original project investment, making it impossible for the Commission to determine whether replacement costs were being repaid on a timely basis consistent with statutory standards.

As a result of the above deficiencies, the Commission disapproved and remanded the record for further development in order to allow SWPA to demonstrate that the rates and charges submitted were in accord with the applicable statutory standards. The Commission also specifically provided for the filing of petitions for reconsideration no later than July 3, 1981, thirty days from issuance of the order. On July 2, 1981, SWPA filed a petition for reconsideration pursuant to the Commission's June 3, 1981 order. On July 17, 1981, the Committee on Power for the Southwest, Inc., (Committee) [4] filed comments in support of SWPA's July 2, 1981 petition.

In its petition, SWPA has addressed the deficiencies raised in the Commission's order and has requested that the Commission, on reconsideration, accept SWPA's responses as adequate support for its original filing. SWPA also asks that the Commission place in abeyance the 120-day requirement for filing substitute rates until the Commission rules on the instant petition. In the alternative, SWPA requests that, if the Commission still finds SWPA's filing deficient upon reconsideration, that it establish an informal conference to discuss the issues and that upon a determination that higher substitute rates must be filed, that the Commission confirm and approve the present interim rates on a final basis until such time as higher substitute rates can be confirmed and approved and placed in effect by the Commission.

The Committee on Power for the Southwest generally supports SWPA's petition for reconsideration and asks that the Commission confirm and approve the SWPA rates on a final basis.

[4] The Committee states that it has a membership of 167 rural electric cooperatives and 65 municipal electric systems, most of which are customers of SWPA.

Discussion

In response to the Commission's rejection, SWPA submitted with its motion for reconsideration, additional data and information to support its proposed rates. With respect to its understatement of replacement costs, SWPA provided the Commission with a copy of a recently completed replacement study by the Army Corps of Engineers. The new study develops estimates of SWPA's replacement costs on a project-by-project basis. On review, the Commission believes that this study provides a more suitable basis for estimating SWPA's project replacement costs than under the 1963 or the 1968 studies developed by the Bureau of Reclamation. Based upon this study, the Commission finds that SWPA's rates would reasonably support its reduction in replacement cost estimates.

With respect to SWPA's improper combination of replacement costs with the original investment costs, the additional data and information provided by SWPA to the Commission allows the Commission to make a proper determination as to whether replacement costs are being repaid on a timely basis. Based upon the information provided, the Commission finds that SWPA's rates will properly allow it to repay its system costs on a timely basis, consistent with statutory requirements.

In its order, the Commission noted that SWPA would have to recover additional revenues from customers other than those holding long-term contracts which limited SWPA's authority to increase its rates.[5] In its petition for reconsideration, SWPA has informed the Commission that it executed a contract with Associated Electric Cooperative, Inc. on March 6, 1981 which will provide a net annual benefit to the government exceeding $3.6 million over provisions of the old contract. On review, the Commission believes that the new contract will more than recover the estimated $2.1 million annual deficiency produced by the Aluminum contract. In addition, the Commission finds that the new contract will cure the deficiencies found by the Commission to have resulted from SWPA's underestimation of annual interest charges.

With regard to SWPA's estimates of purchased power costs, the Commission believes that, despite the additional comments provided in its petition for reconsideration, the estimates still appear to be on the low side. However, since this appears to be the only remaining shortfall in SWPA's filing, we shall accept SWPA's estimates as reasonable for purposes of this filing but request that SWPA review its estimates of purchase power costs between now and its next filing, in light of actual experience gained during the interim period. Accordingly, on consideration of the data and information contained in and accompanying SWPA's petition for reconsideration, the Commission finds that SWPA's proposed rates will meet the statutory requirements as set forth in the Flood Control Act of 1944.

On September 8, 1981, the United States District Court for the Eastern District of Louisiana found that the rate schedule proposed by SWPA for one of its customers, Tex-La, could not be placed into effect prior to final confirmation and approval of the rates by the FERC.[6] As a result of this ruling, it appears that SWPA will have collected less during the interim period than it would have otherwise collected between April 1, 1979 and the present from Tex-La.[7]

SWPA has requested that the proposed rates be allowed to remain in effect through September 30, 1983. In light of the revenue shortfall that will be produced by the reduction in SWPA's interim collection, the Commission shall only confirm and approve the rates and charges through September 30, 1982. At that time, SWPA shall submit rates which would, among other things, recover any revenue deficiencies produced by having SWPA's previous rates applicable to Tex-La in effect during the interim period rather than the presently approved rates.

The Commission orders:

(A) The Petition for Reconsideration of the Southwestern Power Administration is hereby granted.

(B) Upon reconsideration the rates and charges for the sale of power by the Southwestern Power Administration as submitted by the Assistant Secretary for Resource Applications of the United States Department of Energy, are hereby

[5] In January, 1952, Arkansas Power & Light Company, (AP&L) and Reynolds Metals Company (Reynolds) entered into a contract with SWPA which limited the rate increases that SWPA could charge AP&L and Reynolds. The contract runs for a 30 year period beginning January 1, 1954 and ending December 31, 1983.

[6] *United States of America* v. *Tex-La Electric Cooperative, Inc.* Civil Action No. 80-2813, decided September 8, 1981.

[7] The Assistant Secretary for Resource Applications of the Department of Energy, pursuant to DOE Delegation Order No. 0204-33, placed these rates in effect on an interim basis on March 5, 1979.

confirmed and approved on a final basis for the period April 1, 1979, through September 30, 1982.

(C) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-2543 Filed 1-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-231-000]

Southern California Edison Co.; Filing

January 27, 1982.

The filing Company submits the following:

Take notice that, on January 18, 1982, Southern California Edison Company (Edison) tendered for filing an integration and transmission service agreement with the City of Vernon providing for the transmission by Edison on an interruptible basis of power purchased by Vernon from Nevada Power Company on a nonfirm basis. Edison will charge Vernon for transmission, dispatching, and scheduling services, and for losses between the Point of Attachment to Nevada Power Company and the Point of Delivery to Vernon.

Edison and Vernon request that service be initiated as soon as possible under this Agreement, and, for that reason, Edison requests that the notice provisions of the Commission's regulations be waived and the filing be permitted to become effective at the time of acceptance for filing, but, in no event, later than 60 days thereafter.

Copies of this filing were served upon the City of Vernon, California, and the Public Utilities Commission of the State of California.

Any person desiring to be heard or to protest this filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with § 1.8 and 1.10 of the Commission's rule of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 16, 1982. Protests will be considered by the Commission in determining the appropriate action to be take, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb.

Secretary.

[FR Doc. 82-2506 Filed 1-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP81-296-000]

Tennessee Gas Pipeline Co.; Intent To Prepare an Environmental Impact Statement and Request for Environmental Comments on the Tennessee/Boundary Looping Project

January 27, 1982.

Notice is hereby given that the staff of the Federal Energy Regulatory Commission (FERC) has determined that approval of the project proposed in Docket No. CP81-296-000 would constitute a major Federal action significantly affecting the quality of the human environment. Therefore, pursuant to § 2.82(b) of the Commission's rules of practice and procedure (18 CFR 2.82(b)), an environmental impact statement (EIS) will be prepared. The draft EIS will deal with the application by Tennessee Gas Pipeline Company for a certificate of public convenience and necessity authorizing, pursuant to section 7(c) of the Natural Gas Act, the construction and operation of pipeline looping and compressor facilities to be known as the Tennessee/Boundary Looping Project. Natural gas would be purchased from TransCanada Pipe Lines, Limited (TransCanada) by Tennessee and Boundary Gas Inc. (Boundary), received at an existing TransCanada and Tennessee interconnect near Niagara Falls, New York, and sold to customers of Tennessee and Boundary in the Northeast.

The Tennessee/Boundary Looping Project would consist of 261.4 miles of 10-, 12-, 30-, and 42-inch diameter pipeline loop in 19 segments adjacent to Tennessee's existing pipelines in New York, Massachusetts, Pennsylvania, New Jersey, New Hampshire, and Connecticut. In addition, Tennessee would install a total of 30,465 horsepower of compression, including two new compressor stations, in Niagara and Livingston Counties, New York, as well as adding or upgrading compression at five existing compressor stations in Pennsylvania and Massachusetts. New or modified metering and regulating facilities are also proposed.

To allow sufficient space for construction of the various Tennessee loop sections, additional 50-foot wide construction rights-of-way would be required for the 30- and 42-inch diameter mainline loops and additional 40-foot wide construction rights-of-way for the 10- and 12-inch lateral loop sections. After construction, 20- and 25-foot wide permanent additional rights-of-way would be maintained for the lateral and mainline loop sections, respectively.

A copy of this notice and additional technical information about the proposed projects have been distributed to Federal, state, and local environmental agencies, parties to the proceeding, and the public. These groups are invited to comment on anticipated environmental problems associated with the proposed projects. These comments, along with comments received earlier, will be used by the FERC staff to identify the issues which require in-depth environmental analysis. Comments should be addressed to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426. Recommendations that the EIS address specific issues should be supported by detailed rationale or a showing of the need to consider those issues. To allow any comments to be considered during preparation of the draft EIS, comments must be received by February 28, 1982. The draft EIS is currently scheduled for circulation in April 1982.

Additional information about the proposal is available from Mr. James P. Daniel, Project Manager, Environmental Evaluation Branch, Office of Pipeline and Producer Regulation, telephone (202) 357-9042.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-2508 Filed 1-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES82-33-000]

Texas-New Mexico Power Co.; Application

January 27, 1982.

Take notice that on January 20, 1982, Texas-New Mexico Power Company (Applicant) filed an application pursuant to Section 204 of the Federal Power Act, with the Federal Energy Regulatory Commission, seeking authority to issue up to $50 million of unsecured promissory notes and other evidence of indebtedness, with maturity dates of less than twelve months, but not later than April 1, 1984.

Any person desiring to be heard or to make any protest with reference to the application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825

North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before February 19, 1982. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-2525 Filed 1-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RM79-34 and ST82-76]

Transportation Certificates for Natural Gas Displacement of Fuel Oil and Producer's Gas Co.; Self-Implementing Transactions

January 28, 1982.

Take notice that the following transactions have been reported to the Commission as being implemented pursuant to Part 284 of the Commission's regulations and Sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA). The "Recipient" column in the following table indicates the entity receiving or purchasing the natural gas in each transaction.

The "Part 284 Subpart" column in the following table indicates the type of transaction. A "B" indicates transportation by an interstate pipeline pursuant to § 284.102 of the Commission's regulations.

A "C" indicates transportation by an intrastate pipeline pursuant to § 284.122 of the Commission's regulations. In those cases where Commission approval of a transportation rate is sought pursuant to § 283.123(b)(2), the table lists the proposed rate and expiration date for the 150-day period for staff action. Any person seeking to participate in the proceeding to approve a rate listed in the table should file a petition to intervene with the Secretary of the Commission.

A "D" indicates a sale by an intrastate pipeline pursuant to § 284.142 of the Commission's regulations and Section 311(b) of the NGPA. Any interested person may file a complaint concerning such sales pursuant to § 284.147(d) of the Commission's regulations.

A "E" indicates an assignment by an intrastate pipeline pursuant to § 284.163 of the Commission's regulations and Section 312 of the NGPA.

An "F" indicates a fuel oil displacement transaction implemented pursuant to § 284.202 of the Commission's regulations. Any interested persons may file a complaint concerning such transaction pursuant to § 284.205(d) of the Commission's regulations.

A "G" indicates transportation by an interstate pipeline on behalf of another interstate pipeline pursuant to a blanket certificate issued under § 284.221 of the Commission's regulations.

A "G (HS)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.222 of the Commission's regulations.

Kennth F. Plumb,

Secretary.

Docket No.	Transporter/seller	Recipient	Date filed	Part 284 Subpart	Expiration date [1]	Transportation rate (C/MMBtu)
ST82-76	Producer's Gas Co	Tennessee Gas Pipeline Co	12/02/81	C	5/01/82	19.79
ST82-77	Texas Eastern Transmission Corp	New Jersey Natural Gas Co	12/01/81	B		
ST82-78	Valero Transmission Co	Natural Gas Pipeline Co. of America	12/03/82	C		
ST82-79	Transcontinental Gas Pipe Line Corp	Natural Gas Pipeline Co of America	12/03/81	G		
ST82-81	Louisiana Resources Co	Southern Natural Gas Co	12/02/81	C	5/01/82	22.25
ST82-82	Northwest Pipeline Corp	Mountain Fuel Supply Co	12/02/81	G		
ST82-83	Mountain Fuel Supply Co	Colorado Interstate Gas Co	12/03/81	G		
ST82-84	Natural Gas Pipeline Co. of America	Seagull Pipeline Corp	12/04/81	B		
ST82-85	Delhi Gas Pipeline Corp	Columbia Gas Transmission Corp	12/07/81	C		
ST82-86	Colorado Interstate Gas Co	Mountain Fuel Supply Co	12/07/81	G		
ST82-87	Transcontinental Gas Pipe Line Corp	United Gas Pipe Line Co	12/07/81	G		
ST82-88	Transcontinental Gas Pipe Line Corp	Columbia Gulf Transmission Co	12/07/81	G		
ST82-89	United Gas Pipe Line Co	United Texas Transmission Co	12/08/81	B		
ST82-90	Tennessee Gas Pipe Line Co	Zapata Gathering Co	12/10/81	B		
ST82-91	Transcontinental Gas Pipe Line Corp	Delhi Gas Pipeline Corp	12/07/81	B		
ST82-92	Southern Natural Gas Co	Sugar Bowl Gas Corp	12/10/81	B		
ST82-93	Columbia Gulf Transmission Co	Transcontinental Gas Pipe Line Corp	12/09/81	G		
ST82-94	Colorado Interstate Gas Co	Tennessee Gas Pipeline Co	12/10/81			
ST82-95	Red River Pipeline	United Gas Pipe Line Co	12/10/81	C	5/09/82	48.64
ST82-96	Tennessee Gas Pipeline Co	Texas Eastern Transmission Corp	12/11/81	G		
ST82-97	Tennessee Gas Pipeline Co	Dow Intrastate Gas Co	12/14/81	B		
ST82-98	Oasis Pipe Line Co	Tennessee Gas Pipeline Co	12/14/81	C		
ST82-99	Houston Pipe Line Co	Tennessee Gas Pipeline Co	12/14/81	C		
ST82-100	Arkansas Louisiana Gas Co	Transok Pipe Line Co	12/15/81	B		
ST82-101	Columbia Gulf Transmission Co	Northern Natural Gas Co	12/15/81	G		
ST82-102	United Gas Pipe Line Co	Arkansas Louisiana Gas Co	12/15/81	G		
ST82-103	Delhi Gas Pipeline Corp	Transwestern Pipeline Co	12/16/81	C		
ST82-104	The East Ohio Co	Panhandle Eastern Pipe Line Co	12/21/81	G(HT)		
ST82-105	Trunkline Gas Co	Columbia Gas Transmission Corp	12/22/81	G		
ST82-106	Western Slope Gas Co	Northern Natural Gas Co	12/21/81	G(HT)		
ST82-107	Natural Gas Pipeline Co. of America	Transcontinental Gas Pipe Line Corp	12/21/81	G		
ST82-108	United Texas Transmission Co	United Gas Pipe Line Co	12/23/81	C		
ST82-109	Natural Gas Pipeline Co. of America	Valero Transmission Co	12/30/81	B		
ST82-110	Natural Gas Pipeline Co. of America	Southern Natural Gas Co	12/30/81	G		
ST82-111	Natural Gas Pipeline Co. of America	Southern Natural Gas Co	12/30/81	G		
ST82-112	Gas Company of New Mexico	United Gas Pipe Line Co	12/24/81	G(HT)		
ST82-113	Gas Company of New Mexico	El Paso Natural Gas Co	12/24/81	G(HT)		
ST82-114	Northern Natural Gas Co	Intratex Gas Co	12/03/81	B		

[1] The Intrastate pipeline has sought Commission approval of its transportation rate pursuant to section 284.123(b)(2) of the Commission's regulations (18 CFR 284.123(b)(2)). Such rates are deemed fair and equitable if the Commission does not take action by the date indicated.

[FR Doc. 82-2542 Filed 1-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5668-000]

Vermont Public Power Supply Authority; Application for License (5 MW or Less)

January 27, 1982.

Take notice that Vermont Public Power Supply Authority (Applicant) filed on October 30, 1981, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for construction and operation of a water power project to be known as the North Troy Hydroelectric Project, Project No. 5668. The project would be located on the Missisquoi River in the Village of North Troy, Orleans County, Vermont. Correspondence with the Applicant should be directed to: Harland G. Titemore, General Manager, Vermont Public Power Supply Authority, P.O. Box C–5515, 32 Williston Road, South Burlington, Vermont 05402.

Project Description—The North Troy project would consist of: (1) Existing concrete overflow dam, with a height of 12 feet and a length of 80 feet; (2) the existing resevoir having a storage capacity of 25 acre-feet and a dam crest elevation of 536.7 feet (NGVD); (3) a proposed powerhouse with one generating unit with a capacity 600 kW; (4) a new tailrace channel; and (5) appurtenant facilities.

The Applicant estimates the average annual energy would be 2,200,000. Vermont Public Power Supply Authority will wheel all of the project's power over Citizens Utilities lines to its member utilities.

The Applicant holds a preliminary permit for the North Troy site, issued August 22, 1980.

Purpose of Project—The sole purpose of the North Troy Hydroelectric Project is to produce electric energy for the members of the Vermont Public Power Supply Authority.

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 8, 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 8, 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. 82-2526 Filed 1-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-226-000]

Washington Water Power Co.; Filing

January 27, 1982.

The filing Company submits the following:

Take notice that on January 13, 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 September 1, 1981, between Washington and Pacific Gas and Electric Company, which applies to the sale of energy from Washington's portion of the Centralia coal-fired steam generating plant.

Washington requests an effective date of September 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 16, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-2509 Filed 1-29-82; 8:45 am]

BILLING CODE 6717-01-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: January 26, 1982.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION									
-ABCO ENERGY CORP				RECEIVED:	12/23/81	JA: TX			
8212369	F-02-042928	4217531411		102-2	103	RAMSEY #1	LA BAHIA E (3700')	295.2	TRUNKLINE GAS CO
-ALLAR CO				RECEIVED:	12/23/81	JA: TX			
8212411	F-09-043511	4223700000		103		PEAVY - CULLERS UNIT #1	JACK COUNTY REGULAR	200.0	LONE STAR GAS
-AMERADA HESS CORPORATION				RECEIVED:	12/23/81	JA: TX			
8212406	F-8A-043425	4216531888		103		SEMINOLE SAN ANDRES UNIT #4117	SEMINOLE SAN ANDRES	1.8	PHILLIPS PETROLEU
-AMERICAN QUASAR PETROLEUM CO				RECEIVED:	12/23/81	JA: TX			
8212527	F-04-043934	4221530965		103		RAYMOND GEE #1	SEC 276 1800' FWL 500	0.0	TRUNK LINE GAS CO
-AMERIND OIL CO				RECEIVED:	12/23/81	JA: TX			
8212431	F-08-043611	4200332763		103		COWDEN F #1	GOLDSMITH N (SILURIAN	30.0	PIONEER CORP
-AMMEX PETROLEUM INC				RECEIVED:	12/23/81	JA: TX			
8212371	F-03-042941	4205100000		102-2	103	MISS ANNIE UNIT #1-A	GIDDINGS (AUSTIN CHAL	162.0	CLAJON GAS CO
-AMOCO PRODUCTION CO				RECEIVED:	12/23/81	JA: TX			
8212465	F-05-043763	4234730549		102-4	107-TF	EMMETT CASE GAS UNIT #1	APPLEBY NORTH/COTTON	207.0	UNITED GAS PIPELI
8212555	F-08-044009	4200332251		103		FRANK COWDEN R/A "D" #13	COWDEN NORTH	1.5	WESTAR TRANSMISSI
8212556	C#32438	4200332288		103		FRANK COWDEN R/A "D" #16	COWDEN NORTH	7.3	WESTAR TRANSMISSI
8212554	F-08-044007	4200332289		103		FRANK COWDEN R/A "D" #17	COWDEN NORTH	17.9	WESTAR TRANSMISSI
8212546	F-08-043999	4200332429		102-4		FRANK COWDEN R/A "D" #18	COWDEN N (STRAWN)	85.4	WESTAR TRANSMISSI
8212447	F-04-043672	4235531713		103		JANE W BLUMBERG #11	AGUA DULCE/7850/	7.3	AMOCO GAS CO
8212385	F-06-043103	4207330394		102-4		TEMPLE-EASTEX GAS UNIT /A/ #1	SOUTHERN PINE/TRAVIS	319.0	TEXAS UTILITIES F
-BASS ENTERPRISES PRODUCTION CO				RECEIVED:	12/23/81	JA: TX			
8212456	F-08-043725	4249531380		103		M J BASHARA #65	KEYSTONE	40.0	TRANSWESTERN PIPE
8212457	F-08-042726	4249531381		103		M J BASHARA #66	KEYSTONE	40.0	TRANSWESTERN PIPE
-BEN J TAYLOR				RECEIVED:	12/23/81	JA: TX			
8212475	F-7B-043792	4236732132		103		HALL UNIT 3	TOTO (CADDO CONGLOMER	90.0	LONE STAR GAS CO
-BERT FIELDS JR				RECEIVED:	12/23/81	JA: TX			
8212446	F-7C-043665	4238300000		108		UNIVERSITY "E-1"	BLOCK 49 (2450)	1.7	J L DAVIS
8212444	F-7C-043662	4238300000		108		UNIVERSITY "F" #2	BLOCK 49 (2450)	1.3	J L DAVIS
8212445	F-7C-043663	4238300000		108		UNIVERSITY F #1	BLOCK 49(2450)	1.3	J L DAVIS
8212443	F-7C-043661	4238300000		108		UNIVERSITY F #3	BLOCK 49 (2450)	1.3	J L DAVIS
8212442	F-7C-043660	4238300000		108		UNIVERSITY F #4	BLOCK 49(2450)	1.3	J L DAVIS
8212441	F-7C-043659	4238300000		108		UNIVERSITY F #6	BLOCK 49 (2450)	1.3	J L DAVIS
-BRIGHT & COMPANY				RECEIVED:	12/23/81	JA: TX			
8212407	F-04-043439	4221531151		102-4		HAMMAN A-1	MONTE CHRISTO (VICKSB	1000.0	VALERO TRANSMISSI
-BTA OIL PRODUCERS				RECEIVED:	12/23/81	JA: TX			
8212426	F-08-043604	4213533684		103		RATLIFF #54	COWDEN NORTH	6.0	AMOCO PRODUCTION
8212427	F-08-043605	4213533682		103		RATLIFF #56	COWDEN NORTH	1.8	AMOCO PRODUCTION
8212428	F-08-043606	4213533712		103		RATLIFF #57	COWDEN NORTH	1.0	AMOCO PRODUCTION
-CABOT CORPORATION				RECEIVED:	12/23/81	JA: TX			
8212500	F-10-043839	4223331031		103		MERCHANT IRA C #12	PANHANDLE HUTCHINSON	12.0	PANHANDLE EASTERN
8212503	F-10-043851	4223331033		103		MERCHANT IRA C #14	PANHANDLE HUTCHINSON	12.0	PANHANDLE EASTERN

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-CHEVRON U S A INC									
				RECEIVED:	12/23/81	JA: TX			
8212550	F-08-044003	4222732083		103		G M DODGE #57	IATAN EAST (HOWARD)	17.8	GETTY OIL CO
8212564	F-8A-044069	4241531879		103		SACROC UNIT 17A-11	KELLY-SYNDER	27.0	EL PASO NATURAL G
8212565	F-8A-044070	4241531926		103		SACROC UNIT 60-6	KELLY-SYNDER	25.0	EL PASO NATURAL G
8212562	F-8A-044067	4241531929		103		SACROC UNIT 65-11	KELLY-SYNDER	438.0	EL PASO NATURAL G
8212566	F-8A-044071	4241531888		103		SACROC UNIT 65-13	KELLY-SYNDER	42.0	EL PASO NATURAL G
8212563	F-8A-044068	4241531933		103		SACROC UNIT 68-10	KELLY-SYNDER	82.0	EL PASO NATURAL G
8212548	F-08-044001	4222732128		103		W I FOSTER 1 #59	IATAN EAST (HOWARD)	2.9	GETTY OIL CO
8212551	F-08-044004	4233531624		103		W L FOSTER #1-58	IATAN EAST (HOWARD)	13.5	GETTY OIL CO
8212549	F-08-044002	4233531653		103		W L FOSTER 1 #64	IATAN EAST (HOWARD)	2.5	GETTY OIL CO
8212561	F-08-044055	4233531920		103		W L FOSTER 1-48	IATAN EAST	1.0	GETTY OIL CO
8212560	F-08-044054	4233532041		103		W L FOSTER 1-70	IATAN EAST (HOWARD)	0.1	GETTY OIL CO
-COASTAL OIL & GAS CORP									
				RECEIVED:	12/23/81	JA: TX			
8212530	F-10-043943	4237530852		103		MASTERSON "B" 8357P	PANHANDLE (RED CAVE)	43.0	COLORADO INTERSTA
8212476	F-10-043793	4237530869		103		MASTERSON "B" 8361P	PANHANDLE (RED CAVE)	12.0	COLORADO INTERSTA
-COATES ENERGY TRUST									
				RECEIVED:	12/23/81	JA: TX			
8212378	F-01-043008	4249330452		102-4		BENEDICT KORZEKWA #1	HELMS (4200)	73.0	
-CONOCO INC									
				RECEIVED:	12/23/81	JA: TX			
8212416	F-8A-043547	4211500000		108		A D BROWN-A-#1 ID#16167	ACKERLY	3.1	TEXACO INC
8212417	F-7C-043548	4244300000		108		BROWN BASSETT #1 ID#18771	BROWN BASSETT	2.6	EL PASO NATURAL G
8212450	F-04-043689	4242700000		108		FRIO D-5 UNIT #1	RINCON (FRIO D-5)	0.4	TENNESSEE GAS PIP
8212440	F-04-043657	4242700000		108		FRIO D-5 UNIT %44	RINCON (FRIO D-5)	2.4	TENNESSEE GAS PIP
8212430	F-08-043609	4210931475		103		G E RAMSEY-16-#5 ID #26460	FORD WEST (4100)	0.0	EL PASO NATURAL G
8212429	F-08-043608	4210931483		103		G E RAMSEY-16-#6 ID #26460	FORD WEST (4100)	0.0	EL PASO NATURAL G
8212414	F-7B-043545	4243300000		108		GUEST CANYON SAND UT #6 ID#10855	GUEST	0.2	CITIES SERVICE
8212415	F-08-043546	4222700000		108		H R CLAY-A-#6 ID#02691	HOWARD GLASSCOCK	0.2	PHILLIPS PETROLEU
8212421	F-08-043566	4222700000		108		H R CLAY-E-#46 ID#02692	HOWARD GLASSCOCK	1.3	PHILLIPS PETROLEU
8212422	F-08-043567	4213500000		108		H S FOSTER-A-#19 ID#16154	COWDEN S	0.0	PHILLIPS PETROLEU
8212439	F-04-043655	4213100000		108		ROBERT DRISCOLL #372	CONOCO-DRISCOLL (UPPE	2.3	TRANSCONTINENTAL
8212508	F-04-043877	4242700000		108		T B SLICK EST A-221 #153	RINCON (FRIO B)	22.0	TENNESSEE GAS PIP
8212420	F-08-043565	4200300000		108		UNIVERSITY 8-1 #2 ID#22356	HUTEX	0.0	PHILLIPS PETROLEU
8212413	F-08-043544	4200300000		108		UNIVERSITY-5-#4 ID#01652	FUHRMAN-NIX	0.4	PHILLIPS PETROLEU
8212418	F-08-043549	4213500000		108		WIGHT A-19 #3 ID#25690	COWDEN N	2.5	AMOCO PRODUCTION
8212419	F-08-043550	4213500000		108		WIGHT 18-7 #3 ID#25220	COWDEN N	19.7	AMOCO PRODUCTION
-CORDOVA RESOURCES INC									
				RECEIVED:	12/23/81	JA: TX			
8212373	F-7B-042958	4213300000		103	108	A J MORRIS #1	EASTLAND COUNTY REGUL	9.4	ODESSA NATURAL CO
8212372	F-7B-042950	4213300000		103		C P BRANNIN #1	EASTLAND COUNTY REGUL	3.1	ODESSA NATURAL GA
8212559	F-7B-044026	4213332327		103		EAKIN #4	EASTLAND COUNTY REGUL	4.0	SOUTHWESTERN GAS
8212374	F-7B-042959	4213300000		108		JACKSON #1	EASTLAND COUNTY REGUL	1.4	ODESSA NATURAL CO
-COTTON PETROLEUM CORPORATION									
				RECEIVED:	12/23/81	JA: TX			
8212474	F-10-043787	4235731060		103		HALLIBURTON A #1	ELLIS RANCH (CLEVELAN	200.0	PHILLIPS PETROLEU
-DAMERON PETROLEUM CORP									
				RECEIVED:	12/23/81	JA: TX			
8212529	F-7C-043939	4210533380		102-2		MRS RAY DUNLAP-SEC 12 BLK 1 #3	AMERICAN (SPARBERRY B	10.0	EL PASO NATURAL G
-DIAMOND SHAMROCK CORPORATION									
				RECEIVED:	12/23/81	JA: TX			
8212524	F-7B-043926	4236731875		108		BYERS GAS UNIT #2	RENO	11.0	SOUTHWESTERN GAS
8212525	F-10-043927	4235700000		108		S L BRILLHART #2	KIOWA CREEK	3.0	SOUTHWESTERN PUBL
8212518	F-10-043902	4239330790		103		SUSAN B KAUFMAN #4-81LT	MENDOTA NW	220.0	
8212516	F-10-043899	4239330790		103		SUSAN B KAUFMAN #4-81UT	MENDOTA NW	27.0	
8212517	F-10-043900	4239330790		103		SUSAN B KAUFMAN #5-81 LT	MENDOTA NW	657.0	
8212504	F-10-043864	4239330790		103		SUSAN B KAUFMAN #5-81 UT	MENDOTA NW	9.0	
-EXXON CORPORATION									
				RECEIVED:	12/23/81	JA: TX			
8212510	F-08-043883	4249531335		103		BROWN-ALTMAN B #17	EMPEROR EAST (CLEAR F	37.0	PIONEER NATURAL G
8212409	F-08-043497	4222732460		103		DOUTHIT UNIT #210	HOWARD GLASSCOCK	2.0	PHILLIPS PETROLEU

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8212399	F-08-043209	4237133478		103		FORT STOCKTON UNIT #909	FORT STOCKTON (YATES	58.0	NUECES CO
8212387	F-08-043110	4200332826		103		FULLERTON CLEARFORK UNIT #1319	FULLERTON	15.0	PHILLIPS PETROLEU
8212389	F-08-043112	4200332838		103		FULLERTON CLEARFORK UNIT #1817	FULLERTON	15.0	PHILLIPS PETROLEU
8212388	F-08-043111	4200332845		103		FULLERTON CLEARFORK UNIT #2543	FULLERTON	15.0	PHILLIPS PETROLEU
8212498	F-06-043835	4200131231		103		G W EATON EST #29	NECHES (WOODBINE)	32.5	UNITED GAS PIPELI
*8212478	F-04-043798	4204730956		102-4		K R LAGUNA LARGA 29 (95307)	FLOWELLA (VICKSBURG 4	670.5	ARMCO STEEL CORP
*8212547	F-03-044000	4215731194		103		KATY GAS FIELD UNIT 2 60	KATY S (FIRST WILCOX)	292.0	AMOCO STEEL CORP
8212545	F-06-043998	4207330431		103		L H HAMMONS #10	NECHES (WOODBINE)	63.5	UNITED GAS PIPELI
8212396	F-10-043204	4239330847		103		R A FLOWERS #3-U	MENDOTA NW (DOUGLAS L	103.0	TRANSWESTERN PIPE
*8212477	F-04-043797	4204730936		103		R J K PATRICIO PASTURE 20 (95230)	PITA WEST (I-32)	657.0	ARMCO STEEL CORP
*8212479	F-04-043800	4204730959		102-4		R J K ZACH PAST ST 10-F (09896)	VIBORAS (ZONE 1 VIII	65.0	ARMCO STEEL CORP
*8212523	F-04-043925	4226130582		102-4		RJK JR STILLMAN PASTURE 48 (94448)	STILLMAN (K-32,I)	160.0	ARMCO STEEL CORP
8212397	F-8A-043207	4216532122		103		ROBERTSON CLFK UNIT #4601	ROBERTSON N (CLFK 710	15.0	PHILLIPS PETROLEU
8212398	F-8A-043208	4216532098		103		ROBERTSON CLFK UNIT #5701	ROBERTSON N (CLFK 710	15.0	PHILLIPS PETROLEU
8212488	F-04-043811	4226130621		103		SANTA FE RCH JULIAN PAST 26 #95463	JULIAN (20-E)	150.0	NATURAL GAS PIPEL
8212499	F-06-043837	4207330442		103		T J CUNNINGHAM ESTATE #8	NECHES (WOODBINE)	33.0	UNITED GAS PIPELI
8212410	F-08-043499	4210931473		103		TEXACO FEE D #3	FORD WEST (4100)	18.0	
-GENE ROBERTSON OIL CO				RECEIVED:	12/23/81	JA: TX			
8212401	F-09-043247	4223733162		103		DR JAGODA B-1	JACK COUNTY REGULAR	35.0	LONE STAR GAS CO
-GETTY OIL COMPANY				RECEIVED:	12/23/81	JA: TX			
8212552	F-8A-044005	4203330677		103		CLAYTON RANCH #1	EAST TANK (FUSSELMAN)	1.0	
8212384	F-7B-043047	4243331230		103		FLOWERS CANYON SAND UNIT #189	FLOWERS (CANYON SAND)	2.0	CITIES SERVICE CO
8212383	F-7B-043045	4243331231		103		FLOWERS CANYON SAND UNIT #190	FLOWERS (CANYON SAND)	2.0	CITIES SERVICE CO
8212382	F-7B-043044	4243331229		103		FLOWERS CANYON SAND UNIT #191	FLOWERS (CANYON SAND)	2.0	CITIES SERVICE CO
8212381	F-7B-043043	4243331229		103		FLOWERS CANYON SAND UNIT #192	FLOWERS (CANYON SAND)	1.0	CITIES SERVICE CO
8212380	F-7B-043042	4243331252		103		FLOWERS CANYON SAND UNIT #193	FLOWERS (CANYON SAND)	2.0	CITIES SERVICE CO
8212472	F-08-043781	4210332474		103		NORTH MCELROY UNIT #3407 RRC #20377	MCELROY	4.0	PHILLIPS PETROLEU
8212469	F-08-043778	4210332504		103		NORTH MCELROY UNIT #3416 RRC #20377	MCELROY	2.0	PHILLIPS PETROLEU
8212471	F-08-043870	4210332523		103		NORTH MCELROY UNIT #3514 RRC #20377	MCELROY	10.0	PHILLIPS PETROLEU
8212470	F-08-043779	4210332506		103		NORTH MCELROY UNIT #4747 RRC #20377	MCELROY	9.0	PHILLIPS PETROLEU
-GRACE PETROLEUM CORPORATION				RECEIVED:	12/23/81	JA: TX			
8212519	F-05-043904	4216130447		103		MCMICHAEL #1	TEAGUE TOWNSITE	0.0	LONE STAR GAS CO
-GRAND BANKS ENERGY CO				RECEIVED:	12/23/81	JA: TX			
*8212449	F-7C-043680	4246131677		103		DAVIS A #1	DAVIS (WOLFCAMP)	17.1	MOBIL OIL CORP
*8212423	F-8A-043596	4203330648		103		DYER #2	ACKERLY (DEAN SAND)	19.7	TEXACO INC
*8212448	F-8A-043677	4216532161		103		HERNDON #2	HANFORD (SAN ANDRES)	1.1	PHILLIPS PETROLEU
-GULF OIL CORPORATION				RECEIVED:	12/23/81	JA: TX			
8212511	F-10-043892	4217900000		108		WM JACKSON #13	PANHANDLE GRAY	0.0	PHILLIPS PETROLEU
8212512	F-10-043893	4217900000		108		WM JACKSON #3	PANHANDLE GRAY	0.0	PHILLIPS PETROLEU
8212515	F-10-043896	4217900000		108		WM JACKSON #4	PANHANDLE GRAY	0.0	PHILLIPS PETROLEU
8212513	F-10-043894	4217900000		108		WM JACKSON #7	PANHANDLE GRAY	0.0	PHILLIPS PETROLEU
8212514	F-10-043895	4217900000		108		WM JACKSON #8	PANHANDLE GRAY	0.0	PHILLIPS PETROLEU
-H W WHITESIDE				RECEIVED:	12/23/81	JA: TX			
8212453	F-7C-043710	4245100000		108		W G CURRIE A #1 (19314)	SUSAN PEAK SOUTH (STR	5.0	ARCO OIL & GAS CO
-HANLEY COMPANY				RECEIVED:	12/23/81	JA: TX			
8212390	F-7C-043124	4238331956		103		UNIVERSITY 2-26A (09061) #1	SPRABERRY (TREND AREA	10.0	NORTHERN NATURAL
-HMH OPERATORS				RECEIVED:	12/23/81	JA: TX			
8212520	F-08-043912	4243100000		103		GUNTER #3	CONGER PENN FIELD	100.0	ESPERANZA PIPELIN
-HNG OIL COMPANY				RECEIVED:	12/23/81	JA: TX			
8212452	F-7C-043700	4243532205		107-TF		ESPY 40 #4	SAWYER CANYON	140.0	INTRATEX GAS CO
8212451	F-7C-043699	4243532153		107-TF		FIELDS 20 #4	SAWYER CANYON	403.0	INTRATEX GAS CO
8212540	F-7C-043991	4243500000		108		GALBREATH 65 #1	SAWYER CANYON	59.7	INTRATEX GAS CO
-HUNT OIL COMPANY				RECEIVED:	12/23/81	JA: TX			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8212408	F-06-043468	4200131286		103		FAIRWAY (JAMES LIME) UNIT #956-2	FAIRWAY (JAMES LIME)	27.0	LONE STAR GAS CO
-HURLEY PETROLEUM CORPORATION				RECEIVED:	12/23/81	JA: TX			
8212400	F-06-043210	4236500000		108		ALLIE M HOGG 1-C	BETHANY (PETTIT) FIEL	180.0	TENNESSEE GAS PIP
-IBEX INC				RECEIVED:	12/23/81	JA: TX			
8212526	F-08-043933	4247532389		103		UNIVERSITY-WICKETT B #13	WARD-ESTES NORTH	11.0	CABOT CORP
-JACK WORSHAM				RECEIVED:	12/23/81	JA: TX			
8212438	F-10-043652	4206530922		103		BURNETT #10-122	PANHANDLE	0.0	PANHANDLE EASTERN
8212436	F-10-043650	4206530808		103		BURNETT #2-122	PANHANDLE	0.0	PANHANDLE EASTERN
8212437	F-10-043651	4223331132		103		BURNETT #5-122	PANHANDLE	0.0	PANHANDLE EASTERN
-KERR-MCGEE CORPORATION				RECEIVED:	12/23/81	JA: TX			
8212403	F-10-043267	4223330843		103		PITTS NO 121	PANHANDLE (HUTCHINSON	3.0	GETTY OIL CORP
-L M YOUNG				RECEIVED:	12/23/81	JA: TX			
8212461	F-7B-043751	4204932650		102-4		W R CHAMBERS #8 (95382)	CHAMBERS (CONGL)	153.0	ODESSA NATURAL CO
-LADD PETROLEUM CORPORATION				RECEIVED:	12/23/81	JA: TX			
8212379	F-01-043013	4216300000		103		R F BEELER "A" 31-4	PEARSALL (AUSTIN CHAL	219.0	HOUSTON PIPELINE
-LIVINGSTON ENERGY CORP				RECEIVED:	12/23/81	JA: TX			
8212393	F-7B-043197	4236300000		103		ARLEY DOYLE #1	BRAZOS EAST (CADDO)	6.0	LONE STAR GAS CO
-M J BRANNON				RECEIVED:	12/23/81	JA: TX			
8212405	F-7B-043415	4208331817		102-4		J T PORTER #3 (14287)	BURKETT S W (DUFFER)	0.0	
-MARALO INC				RECEIVED:	12/23/81	JA: TX			
8212543	F-7C-043995	4238331983		103		UNIVERSITY 6 #1	BLOCK 49 (2450)	7.9	NORTHERN NATURAL
8212553	F-7C-044006	4238331984		103		UNIVERSITY 6 #2	BLOCK 49 (2450)	6.8	NORTHERN NATURAL
8212542	F-7C-043994	4238331985		103		UNIVERSITY 6 #3	BLOCK 49 (2450)	5.0	NORTHERN NATURAL
8212541	F-7C-043993	4238332034		103		UNIVERSITY 6 #5	BLOCK 49 (2450)	3.2	NORTHERN NATURAL
8212544	F-7C-043996	4238332011		103		UNIVERSITY 6 #6	BLOCK 49 (2450)	5.8	NORTHERN NATURAL
-MARIANAS OPERATING CO INC				RECEIVED:	12/23/81	JA: TX			
8212460	F-7B-043750	4208332282		102-4		HUCKABEE #3 (15421)	LITTLE LONGHORN (MORR	23.0	ODESSA NATURAL CO
8212459	F-7B-043749	4208332295		102-4		HUCKABEE #4 (15421)	LITTLE LONGHORN (MORR	43.0	ODESSA NATURAL CO
8212458	F-7B-043748	4208332294		102-4		HUCKABEE #5 (15421)	LITTLE LONGHORN (MORR	48.0	ODESSA NATURAL CO
-MARK IV ENERGY				RECEIVED:	12/23/81	JA: TX			
8212538	F-01-043972	4249330927		103		ALEX & VERA RICHTER 07203	SUTIL (AUSTIN)	36.0	J L DAVIS
-MAY PETROLEUM INC				RECEIVED:	12/23/81	JA: TX			
8212386	F-06-043105	4229530728		102-4		LONGHOFER #1	CAMBRIDGE (ATOKA)	55.0	DIAMOND SHAMROCK
-MEADCO PROPERTIES				RECEIVED:	12/23/81	JA: TX			
8212454	F-7C-043711	4223531622		103		FARMAR 29 #1 RRC #09036	ELA SUGG (CISCO)	14.0	CRA INC
-MEG PETROLEUM CORP				RECEIVED:	12/23/81	JA: TX			
*8212539	F-7C-043975	4241331000		103		UNIVERSITY "54" #2	UNIVERSITY 54 (ELLENB	126.0	CRA INC
-MEMBOURNE OIL COMPANY				RECEIVED:	12/23/81	JA: TX			
8212404	F-10-043394	4235730791		108		DANIEL #1 RRC ID#76084	NORTHRUP (CLEVELAND)	20.8	EL PASO NATURAL G
-MIRAMAR PETROLEUM INC				RECEIVED:	12/23/81	JA: TX			
8212402	F-02-043265	4229700000		102-4		EL PASO NATURAL GAS #1	CHAPA WEST (LULING 87	200.0	EL PASO NATURAL G
-MITCHELL ENERGY CORPORATION				RECEIVED:	12/23/81	JA: TX			
8212412	F-09-043536	4249700000		108		J I GASWELL #3 06907	ALVORD CADDO (CONGL)	12.1	NATURAL GAS PIPEL
8212506	F-7B-043867	4236732050		102-4		JAMES PAUL REED #1 17488	RENO (STRAWN 2900)	60.0	
8212505	F-09-043865	4249731802		102-4		W A HUTCHESON #2T 20909	BRIDGEPORT EAST (CONG	17.5	NATURAL GAS PIPEL
-MOBIL PRDG TEXAS & NEW MEXICO INC				RECEIVED:	12/23/81	JA: TX			
8212377	F-08-043004	4237133434		103		CHARLES B ATHEY C #4	COYANOSA N (DELAWARE)	11.0	EL PASO NATURAL G
8212537	F-10-043967	4217930941		103		DELLA EDINGTON #7	PANHANDLE GRAY COUNTY	16.8	PHILLIPS PETROLEU
*8212521	F-8A-043913	4250132033		103		H O MAHONEY #56	WASSON	28.6	SHELL OIL CO
8212535	F-08-043965	4232931007		103		SHACKELFORD SPRABERRY UNIT #133	SPRABERRY (TREND AREA	12.0	EL PASO NATURAL G
*8212536	F-08-043966	4247532290		103		STATE "AK" #8	CAPRITO (DELAWARE MID	279.6	LONE STAR GAS CO
-MONSANTO COMPANY				RECEIVED:	12/23/81	JA: TX			
8212468	F-8A-043773	4250132124		103		SAWYER #6	WASSON	5.0	SHELL OIL CO

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-MOSBACHER PRODUCTION CO				RECEIVED:	12/23/81	JA: TX			
8212486	F-01-043809	4217730980		103		HERBERT L BECKENDORF #1	PEACH CREEK (AUSTIN C	23.0	VALERO TRANSMISSI
-MOTE RESOURCES INC				RECEIVED:	12/23/81	JA: TX			
8212534	F-09-043964	4207732334		103		SARAH MAXEY #3 RRC ID #21514	BUCK M (BRYSON)	30.0	FAGADAU ENERGY CO
-PANHANDLE PLUGGERS INC				RECEIVED:	12/23/81	JA: TX			
8212425	F-10-043599	4217930866		103		POWELL A (00581) #44	PANHANDLE GRAY COUNTY	100.0	PHILLIPS PETROLEU
-PANHANDLE PRODUCING COMPANY				RECEIVED:	12/23/81	JA: TX			
8212502	F-10-043843	4223300000		108		ALAMOSA-SANFORD #12 (02787)	PANHANDLE HUTCHINSON	14.9	COLORADO INTERSTA
8212501	F-10-043842	4223300000		108		ALAMOSA-SANFORD #15 (02787)	PANHANDLE HUTCHINSON	14.9	COLORADO INTERSTA
-PETRO-LEWIS CORPORATION				RECEIVED:	12/23/81	JA: TX			
8212487	F-08-043810	4210332431		103		J B TUBB STATE #18	SAND HILLS (MC KNIGHT	45.0	EL PASO NATURAL G
-PETRO-SEARCH INC				RECEIVED:	12/23/81	JA: TX			
8212509	F-09-043882	4223733595		103		C O TILGHMAN #3	JACK COUNTY REGULAR	25.0	SOUTHWESTERN GAS
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	12/23/81	JA: TX			
8212392	F-08-043168	4200304492		108		(08387) BUM-A #1	GOLDSMITH (5600)	19.1	EL PASO NATURAL G
8212432	F-08-043612	4249530248		108		MCCABE #33	HALLEY-YATES	0.7	EL PASO NATURAL G
-R L BURNS CORP				RECEIVED:	12/23/81	JA: TX			
8212370	F-01-042937	4217730941		103		A E SCHIEBERLE #1	TWIN RIVERS (AUSTIN C	766.5	VALERO TRANSMISSI
8212482		4247931774		103		MIDDLETON "16" #1	SEGUNDO (OLMOS)	0.0	LONE STAR GAS CO
8212480	F-04-043802	4247931773		103		MIDDLETON "25" #1	SEGUNDO (OLMOS)	0.0	LONE STAR GAS CO
8212485	F-04-043808	4247931944		103		MIDDLETON "3" #1	SEGUNDO (OLMOS)	0.0	LONE STAR GAS CO
8212484	F-04-043807	4247932085		103		MIDDLETON "3" #2	SEGUNDO (OLMOS)	0.0	LONE STAR GAS CO
8212481	F-04-043803	4247931923		103		MIDDLETON 16 #2	SEGUNDO (OLMOS)	0.0	LONE STAR GAS CO
8212483	F-04-043805	4247931956		108		MIDDLETON 6 #2	BOOTH RANCH (OLMOS)	14.9	LONE STAR GAS CO
-SCANDRILL CO				RECEIVED:	12/23/81	JA: TX			
8212467	F-09-043767	4223733822		103		DAN DAVIS #2	JACK COUNTY REGULAR	25.0	LONE STAR GAS CO
8212466	F-09-043765	4250334931		103		GILMORE-HAWKINS #2	YOUNG COUNTY REGULAR	89.4	SOUTHWESTERN GAS
-SHELL OIL CO				RECEIVED:	12/23/81	JA: TX			
8212557	F-8A-044017	4250131912		103		DENVER UNIT #2735	WASSON	14.2	SHELL OIL CO
8212558	F-8A-044018	4250131905		103		DENVER UNIT #5415	WASSON	3.7	SHELL OIL CO
8212391	F-04-043158	4242730882		103		J J HOWELL #2	LACOPITA (VICKSBURG Z	45.0	VALERO TRANSMISSI
-SIDWELL OIL & GAS INC				RECEIVED:	12/23/81	JA: TX			
8212462	F-10-043753	4219500000		103		COBLE #1-268	HANSFORD (L MORROW)	730.0	PANHANDLE EASTERN
-SIGMA EXPLORATION CORP				RECEIVED:	12/23/81	JA: TX			
8212394	F-10-043198	4248300000		108		WALLACE #A-1 27012	WHEELER CO REGULAR	14.0	WARREN PETROLEUM
8212395	F-10-043199	4248300000		108		WALLACE #1 27013	WHEELER CO REGULAR	22.0	WARREN PETROLEUM
-TEXACO INC				RECEIVED:	12/23/81	JA: TX			
8212473	F-8A-043785	4221933226		103		BOB SLAUGHTER BLOCK #337	SLAUGHTER	1.1	AMOCO PRODUCTION
8212434	F-7C-043644	4245100000		108		N G KENT B NCT-3 #5	KENT (STRAWN)	3.7	ARCO OIL & GAS CO
8212435	F-7C-043645	4245100000		108		N G KENT B NCT-3 #6	KENT (STRAWN)	4.9	ARCO OIL & GAS CO
8212433	F-7C-043643	4245100000		108		N G KENT B NCT-3 #7	KENT (STRAWN)	14.5	ARCO OIL & GAS CO
-TEXAS OIL & GAS CORP				RECEIVED:	12/23/81	JA: TX			
8212376	F-06-042997	4206730343		103	107-TF	SIMPSON D #1	AVINGER (JURASSIC)	0.0	
-TEXLAND-RECTOR & SCHUMACHER				RECEIVED:	12/23/81	JA: TX			
8212533	F-8A-043962	4221933241		102-4		VERETTO #2	LEVELLAND (ABO)	1.0	AMOCO PRODUCTION
-THE DOW CHEMICAL COMPANY				RECEIVED:	12/23/81	JA: TX			
8212497	F-01-043829	4212731667		103		BRISCOE RANCH #18	CATARINA SW (OLMOS)	140.0	VALERO TRANSMISSI
8212496	F-01-043828	4212731712		103		BRISCOE RANCH #19	CATARINA SW (OLMOS)	73.0	VALERO TRANSMISSI
8212495	F-01-043827	4212731713		103		BRISCOE RANCH #20	CATARINA SW (OLMOS)	51.0	VALERO TRANSMISSI
8212494	F-01-043826	4212731671		103		BRISCOE RANCH #21	CATARINA SW (OLMOS)	52.0	VALERO TRANSMISSI
8212493	F-01-043825	4212731676		103		BRISCOE RANCH #22	CATARINA SW (OLMOS)	28.0	VALERO TRANSMISSI
8212492	F-01-043823	4212731831		103		BRISCOE RANCH #24	CATARINA SW (OLMOS)	61.0	VALERO TRANSMISSI
8212491	F-01-043819	4212731864		103		BRISCOE RANCH #26-C	CATARINA SW (OLMOS)	25.0	VALERO TRANSMISSI

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8212490	F-01-043818	4212731911		103		BRISCOE RANCH #27	CATARINA SW (OLMOS)	10.0	VALERO TRANSMISSI
8212489	F-01-043814	4212731956		103		BRISCOE RANCH #31	CATARINA SW (OLMOS)	52.0	VALERO TRANSMISSI
-TIPPERARY OIL AND GAS CORP				RECEIVED:	12/23/81	JA: TX			
8212507	F-01-043875	4216332044		103		MACE #5	PEARSALL (AUSTIN CHAL	0.0	TIPPERARY CORP
-TRIPLE L OIL CO INC				RECEIVED:	12/23/81	JA: TX			
8212455	F-02-043713	4202531483		102-4		BOLLAND RANCH #2 (ID #95248)	BOLLAND RANCH S	50.0	VALLERO TRANSMISS
-W L PENNINGTON INC				RECEIVED:	12/23/81	JA: TX			
8212463	F-10-043758	4208700000		108		EMMERT 1-2 ID #65561	PANHANDLE EAST	20.0	EL PASO NATURAL G
8212464	F-10-043759	4208730098		108		EMMERT 1-99 ID #76463	PANHANDLE EAST	20.0	EL PASO NATURAL G
-W T WAGGONER ESTATE				RECEIVED:	12/23/81	JA: TX			
8212522	F-09-043920	4223700000		103		A B BRAZEAL #2 (LEASE NO 20965)	CATLIN (CADDO CONGL)	75.0	CITIES SERVICE CO
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED:	12/23/81	JA: TX			
8212532	F-08-043960	4210332616		103		W N WADDELL 1197	SAND HILLS (TUBB)	32.1	EL PASO NATURAL G
-WES-MOR OIL & GAS INC				RECEIVED:	12/23/81	JA: TX			
8212528	F-09-043936	4250300000		103		NORRED #1 OP ID #908810 RRC #21172	YOUNG COUNTY REGULAR	37.0	SUN GAS TRANSMISS
-WES-TEX DRILLING COMPANY				RECEIVED:	12/23/81	JA: TX			
8212424	F-78-043598	4235331122		103		COMPTON #6	JMM (CANYON)	0.0	SUN GAS CO
-WINDSOR PRODUCING CO				RECEIVED:	12/23/81	JA: TX			
8212375	F-03-042978	4228730964		102-2	103	LAY UNIT #1	GIDDINGS (AUSTIN CHAL	36.5	PGP GAS PRODUCTS
-WY-VEL CORP				RECEIVED:	12/23/81	JA: TX			
8212531	F-10-043950	4206530952		103		AEBERSOLD (04904) #1	PANHANDLE CARSON COUN	87.0	GETTY OIL CO

OTHER PURCHASERS

8212423	PIONEER NATURAL GAS CO
8212448	EL PASO NATURAL GAS CO
8212449	LONE STAR GAS CO
8212477	E I DUPONT DE*NEMOURS & CO INC
8212478	E I DUPONT DE*NEMOURS & CO INC
8212479	E I DUPONT DE*NEMOURS & CO INC
8212521	COLTEXO CORP
8212523	E I DUPONT DE NEMOURS & CO INC
8212536	INTRATEX GAS CO
8212539	LONE STAR GAS CO
8212547	E I DUPONT DE*NEMOURS & CO INC

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 16, 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. 82–2544 Filed 1–29–82; 8:45 am]
BILLING CODE 6717–01–M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: January 26, 1982.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
NORTH DAKOTA INDUSTRIAL COMMISSION									
-AL-AQUITAINE EXPLORATION LTD			RECEIVED:	12/23/81	JA: ND				
8212614	418	3300700398		102-2		BN 1-15	WHISKEY JOE	180.0	WESTERN GAS PROCE
8212615	419	3300700641		102-2		BN 2-27	WHISKEY JOE	200.0	WESTERN GAS PROCE
-AMERADA HESS CORPORATION			RECEIVED:	12/23/81	JA: ND				
8212613	417	3310500894		103		KROGEN #1-19	BEAVER LODGE SILURIAN	446.0	MONTANA DAKOTA UT
-AMOCO PRODUCTION CO			RECEIVED:	12/23/81	JA: ND				
8212619	423	3305301139		102-2		MONSON #1	WILDCAT	29.0	
8212617	421	3302500189		102-2		SEIDL NO 1	LITTLE KNIFE	113.3	
8212618	422	3305301174		102-2		STORM #1	WILDCAT	27.3	
-GULF OIL CORPORATION			RECEIVED:	12/23/81	JA: ND				
8212612	416	3308900246		102-2		LEVIATHAN 1-21-1B	UNDESIGNATED	360.0	
-KERR-MCGEE CORPORATION			RECEIVED:	12/23/81	JA: ND				
8212616	420	3305301283		102-2		ANDERSON #2-6	MONDAK	2.5	KOCH INDUSTRIES I
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS									
-AMOCO PRODUCTION CO			RECEIVED:	12/28/81	JA: NM				
8212611		3001523523		102-4		STATE "IX" GAS COM #1	UND MORROW	784.8	EL PASO NATURAL G
-BELCO PETROLEUM CORPORATION			RECEIVED:	12/28/81	JA: NM				
8212603		3002523489		102-4		COCHELLE #1	NORTH LOVING (MORROW)	0.0	EL PASO NATURAL G
-COQUINA OIL CORPORATION			RECEIVED:	12/28/81	JA: NM				
8212601		3001500000		102-2		SWEARINGEN #1	UNDESIGNATED	2920.0	UNITED GAS PIPELI
-MESA PETROLEUM CO			RECEIVED:	12/28/81	JA: NM				
8212599		3000560894		102-2		ACME #2	UNDESIGNATED ABO	700.0	TRANSWESTERN PIPE
8212600		3000560909		102-2		RIC #2	UNDESIGNATED ABO	600.0	TRANSWESTERN PIPE
-MITCHELL ENERGY CORPORATION			RECEIVED:	12/28/81	JA: NM				
8212604		3001500000		102-4		STATE 36	BUNTING RANCH (MORROW	0.0	
-RALPH NIX			RECEIVED:	12/28/81	JA: NM				
8212608		3000500000		102-2		ELIZABETH #1	BULLS EYE SAN ANDRES	10.0	MAPCO PRODUCTION
8212607		3000500000		102-2		ELIZABETH #2	BULLS EYE SAN ANDRES	10.0	MAPCO PRODUCTION
8212606		3000500000		102-2		ELIZABETH #3	BULLS EYE SAN ANDRES	10.0	MAPCO PRODUCTION
8212605		3000500000		102-2		ELIZABETH #4	BULLS EYE SAN ANDRES	10.0	MAPCO PRODUCTION
8212610		3000500000		102-2		SEANNA #2	BULLS EYE SAN ANDRES	10.0	MAPCO PRODUCTION
8212609		3000500000		102-2		SEANNA #3	BULLS EYE SAN ANDRES	10.0	MAPCO PRODUCTION
-YATES PETROLEUM CORPORATION			RECEIVED:	12/28/81	JA: NM				
8212602		3001522652		102-4		RIO PENASCO JX COM #1	WILDCAT MORROW	0.0	TRANSWESTERN PIPE
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION									
-US ENERGY DEVELOPMENT CORP			RECEIVED:	12/24/81	JA: NY				
8212761	9463	3112328407		102-2		ROBERT WEAVER #1	PITTSFIELD	10.0	NATIONAL FUEL GAS

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
OKLAHOMA CORPORATION COMMISSION									
-A-H CATTLE CO INC			RECEIVED:	12/28/81		JA: OK			
8212840	11404	3512300000	103			MCFARLAND #2	FRANCIS	273.8	SUN GAS CO
-AMOCO PRODUCTION CO			RECEIVED:	12/28/81		JA: OK			
8212852	11900	3507322710	103			BONNER #1 (MISS)	S E ALPHA	50.0	WARREN PETROLEUM
8212851	11899	3507322710	103			BONNER NO 1 (HUNTON)	S E ALPHA	50.0	WARREN PETROLEUM
8212849	11897	3504321077	103			POLLOCK UNIT #1 (MORROW)	PUTNAM - MORROW	79.0	MOBIL OIL CORP
8212850	11898	3504321077	103			POLLOCK UNIT #1 (RED FORK)	PUTNAM - RED FORK	30.0	MOBIL OIL CORP
8212847	11895	3504321162	103			SCHOMP A #1 (MORROW)	PUTNAM - MORROW	60.0	MOBIL OIL CORP
8212848	11896	3504321162	103			SCHOMP A #1 (RED FORK)	PUTNAM - RED FORK	15.0	MOBIL OIL CORP
8212846	11894	3504321161	103			SCHOMP B #1 (MORROW)	PUTNAM - MORROW	60.0	MOBIL OIL CORP
8212845	11893	3504321161	103			SCHOMP B #1 (RED FORK)	PUTNAM - RED FORK	13.0	MOBIL OIL CORP
8212844	11892	3504321161	103			SCHOMP C #1	PUTNAM - MORROW	73.0	MOBIL OIL CORP
-APOLLO PRODUCTION LTD			RECEIVED:	12/30/81		JA: OK			
8212807	15460	3507323355	102-4			DORA REHERMAN # 11-14	NE OKARCHE	170.0	SID RICHARDSON CA
8212806	15457	3507323024	102-4			W W DUFFY #13-12	N E OKARCHE	109.0	SID RICHARDSON CA
-ARROW OIL & GAS INC			RECEIVED:	12/28/81		JA: OK			
8212825	11949	3508321337	103			STUBBLEFIELD #1	WILDCAT	0.0	EASON OIL CO
8212862	11948	3508321407	103			STUBBLEFIELD #2	WILDCAT	0.0	EASON OIL CO
-BEARD OIL COMPANY			RECEIVED:	12/28/81		JA: OK			
8212835	11924	3511921494	103			SCHNEIDER #2	SOUTHEAST PARADISE	18.0	CITIES SERVICE GA
-BEASLEY OIL CO			RECEIVED:	12/28/81		JA: OK			
8212836	11925	3504721369	103			BEASLEY OIL CO #1 MARY B	DOUGLAS	7.5	ARCO OIL & GAS CO
-BOBBY J DARNELL			RECEIVED:	12/28/81		JA: OK			
8212854	12029	3508320824	103			CASSIDAY #1	S ELK HORN	1.2	EASON OIL CO
-BOBBY J DARNELL			RECEIVED:	12/30/81		JA: OK			
8212788	12076	3508320703	103			FIELDS #1	N E RUSSELL	12.0	EASON OIL CO
-CANADIAN EXPLORATION CORP			RECEIVED:	12/30/81		JA: OK			
8212787	11966	3501721994	103			MITCHELL #15-1	NORTHWEST MUSTANG	30.0	DELHI GAS PIPELIN
-CHAMPLIN PETROLEUM COMPANY			RECEIVED:	12/28/81		JA: OK			
8212864	11972	3504721296	108			B JOHNSON #2	N E ENID	4.0	CHAMPLIN PETROLEU
8212811	11978	3507300000	108			E G VADDER #2	DOVER-HENNESSEY	7.0	MUSTANG FUEL CORP
8212838	11974	3504700000	108			MAYS-WEGENER #1	N E ENID	7.5	CHAMPLIN PETROLEU
8212853	11971	3500700000	108			M J ALBERT #2	N W KNOWLES & MOCANE	4.5	COLORADO INTERSTA
8212865	11973	3504700000	108			M SIDWELL #1	N W ENID	7.5	CHAMPLIN PETROLEU
8212810	11977	3505300000	108			S C ALLEN #2	EUREKA	1.5	SUN OIL CO
-CHEVENNE EXPLORATION INC			RECEIVED:	12/28/81		JA: OK			
8212843	11703	3504722411	103			REUSSNER #1	SOUTH HUNTER	117.0	ARCO OIL & GAS CO
-CLARK RESOURCES INC			RECEIVED:	12/30/81		JA: OK			
8212791	13295	3507323172	102-4	103		HELT 33-1	SOONER TREND	82.0	CITIES SERVICE GA
-COTTON PETROLEUM CORPORATION			RECEIVED:	12/30/81		JA: OK			
8212801	11930	3501520939	103			ROUPE #1	N E BINGER	750.0	TRANSOK PIPE LINE
8212809	15329	3510321538	103			SAMS #2	SAMS	0.0	ARCO OIL & GAS CO
-CUMMINGS OIL CO			RECEIVED:	12/30/81		JA: OK			
8212805	11680	3505921057	102-2			HINTHER "A" #1-10	LOVEDALE	0.0	
-DAVIS BROS OIL PRODUCERS INC			RECEIVED:	12/28/81		JA: OK			
8212822	12022	3501922211	103			EVANS #2	NE TATUMS	0.0	MOBIL OIL CORP
8212824	12024	3501922266	103			EVANS #3	NE TATUMS	0.0	MOBIL OIL CORP
8212823	12023	3501922243	103			EVANS #4	NE TATUMS	0.0	MOBIL OIL CORP
-DLB ENERGY CORP			RECEIVED:	12/28/81		JA: OK			
8212834	11915	3501721972	103			SCHRODER #1	PIEDMONT	83.0	PHILLIPS PETROLEU

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	
-DYCO PETROLEUM CORPORATION				RECEIVED:	12/28/81	JA: OK	
8212816	12002	3500721263		108		STATE #1-36	
-ENERGY QUEST DRILLING FUND LTD				RECEIVED:	12/28/81	JA: OK	
8212821	12021	3507122306		103		CRAFT #2	
8212820	12020	3507122320		103		CRAFT #3	
8212819	12018	3507122305		103		PARKER-HAYES #2	
-F C D OIL CORP				RECEIVED:	12/28/81	JA: OK	
8212812	11992	3508121307		103		GENTRY 1-33	
-GETTY OIL COMPANY				RECEIVED:	12/28/81	JA: OK	
8212860	1633	3512920075		108-PB		HORRELL #1	
*8212832	11911	3513722575		103		WINANS "B" #7	
-HEARTLAND EXPLORATION INC				RECEIVED:	12/28/81	JA: OK	
8212827	11377	3510321069		103		ODENWALD #1	
-HENRY H GUNGOLL ASSOCIATES				RECEIVED:	12/28/81	JA: OK	
8212833	11912	3504722497		103		JIM ZALOUDEK 1-14	
-HENRY H GUNGOLL ASSOCIATES				RECEIVED:	12/30/81	JA: OK	
8212796	11941	3504722045		103		MARKES 1-15	
-HOOVER & BRACKEN ENERGIES				RECEIVED:	12/30/81	JA: OK	
8212795	15253	3503920486		102-2		FLYNT #1-28	
-HWC CO				RECEIVED:	12/30/81	JA: OK	
8212792	13990	3511100000		103		COWAN #2 57530	
8212793	14633	3511100000		103		JAMISON #4	
-KERR-MCGEE CORPORATION				RECEIVED:	12/28/81	JA: OK	
8212828	11717	3500735257		108		ROBERTSON #1-20	
-L & T OIL & GAS INC				RECEIVED:	12/28/81	JA: OK	
8212861	09613	3507322832		103		PEMBERTON #3	
-M K W INC				RECEIVED:	12/30/81	JA: OK	
8212802	11931	3510320812		103		WAGNER #1	
-MACKELLAR INC				RECEIVED:	12/28/81	JA: OK	
8212831	11910	3510320782		103		FREESE #1	
-MACKELLAR INC				RECEIVED:	12/30/81	JA: OK	
8212790	12084	3507323000		103		CLYDENA #2	
8212789	12083	3507323076		103		MUSICK #2	
-MAGIC CIRCLE ENERGY CORP				RECEIVED:	12/28/81	JA: OK	
8212813	11993	3515121156		103		HULL #1	
-MAPCO PRODUCTION COMPANY				RECEIVED:	12/28/81	JA: OK	
8212855	14825	3501900000		102-4		LOU ANN 12-1	
-MICHAEL MASKA				RECEIVED:	12/28/81	JA: OK	
8212837	11929	3507300000		103		JINDRA #1-18	
-NATOMAS NORTH AMERICA INC				RECEIVED:	12/30/81	JA: OK	
8212794	14813	3504520684		102-2		BERRYMAN 1-29	
-PETRO-ENERGY EXPLORATION INC				RECEIVED:	12/28/81	JA: OK	
8212829	11766	3504700000		103		FREDEN #1-7	
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	12/28/81	JA: OK	
8212839	4297	3504900000		108		BONNER "D" #1	
-RAMBLER OIL CO				RECEIVED:	12/28/81	JA: OK	
8212826	13185	3504961211		102-4	103	MCCASKILL #1-7	
-ROY LAWRENCE DRILLING CO INC				RECEIVED:	12/28/81	JA: OK	
8212859	10280	3511700000		102-2		PRIVETT #1	
-S K TUTHILL & B J BARBEE				RECEIVED:	12/28/81	JA: OK	
8212842	11671	3515320706		108		WALKER 1-15	
-SABINE PRODUCTION COMPANY				RECEIVED:	12/28/81	JA: OK	
8212856	15213	3505121147		102-4	103	PINKSTON #1-3	

FIELD NAME	PROD	PURCHASER
BLAKEMORE	7.0	KANSAS NEBRASKA N
UNNAMED	5.5	CITIES SERVICE GA
UNNAMED	11.2	CITIES SERVICE GA
UNNAMED	10.1	CITIES SERVICE GA
NORTH STROUD	0.0	MERIDIAN ENERGY I
PEEKS	0.0	PANHANDLE EASTERN
SHO-VEL-TUM	150.0	OKLAHOMA NATURAL
SOUTH TONKAWA	10.0	SUN GAS CO
SOONER TREND	46.0	
SOONER-TREND	36.5	
NORTHEAST HAMMON	1100.0	
NORTHWEST POLYANNA	60.4	PHILLIPS PETROLEU
NORTHWEST POLLYANNA	0.0	PHILLIPS PETROLEU
MOCANE-LAVERNE	4.0	NORTHERN NATURAL
SOONER TREND	146.6	CONOCO INC
UNDESIGNATED	72.0	ARCO OIL & GAS CO
EAST GREEN VALLEY	0.0	ARCO OIL & GAS CO
SOONER TREND	0.0	CITIES SERVICE GA
SOONER TREND	0.0	CITIES SERVICE GA
WILDCAT	188.0	
WEST HEWITT	0.0	AMINOIL USA INC
CAMPBELL CREEK	180.0	CONOCO INC
WILDCAT	146.0	DELHI GAS PIPELIN
SOONER TREND	0.0	PHILLIPS PETROLEU
GOLDEN TREND	19.2	WARREN PETROLEUM
N ANTIOCH	0.0	
BRYANT POOL	36.5	COLORADO GAS COMP
S FREEDOM	129.0	PRODUCERS GAS CO
	730.0	TRANSOK PIPE LINE

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
-SHELL OIL CO				RECEIVED:	12/28/81	JA: OK
8212814	11997	3504500000		108		KENNON #1-23
-SINGER-FLEISCHAKER OIL OPR CO				RECEIVED:	01/04/82	JA: OK
8212783	1975	3505920335		108-ER		ROGERS #1-12
-ST JOE PETROLEUM (US) CORP				RECEIVED:	12/30/81	JA: OK
8212786	11994	3510300000		103		RICE #1
-STATEX PETROLEUM INC				RECEIVED:	12/28/81	JA: OK
8212857	15464	3510321546		102-4		CINNAMON #1-17
8212858	15465	3510321430		102-4		LANDAKER #1-16
-STEVE JERNIGAN INC				RECEIVED:	12/28/81	JA: OK
8212841	11541	3504722442		103		BULLIS #1-26
-SUN OIL COMPANY (DELAWARE)				RECEIVED:	12/28/81	JA: OK
8212818	12017	3511900000		108		MOORE #2
-TENNECO OIL COMPANY				RECEIVED:	12/30/81	JA: OK
8212804	15542	3512920623		102-2		ALLEN #1-19
-TEXACO INC				RECEIVED:	12/28/81	JA: OK
8212815	12001	3507323095		103		K L SCHROEDER #1
8212817	12012	3507323063		103		MARY J YOUNG A #1
-TEXOMA RESOURCES INC				RECEIVED:	12/28/81	JA: OK
8212863	11957	3507300000		103		COLLIER #1-34
-TEXOMA RESOURCES INC				RECEIVED:	12/30/81	JA: OK
8212797	11956	3507323126		103		HERRIAN A #1
8212798	11959	3509300000		103		NELSON #1-36
-THE WIL-MC OIL CORP				RECEIVED:	12/30/81	JA: OK
8212784	11984	3510320700		103		CITY OF PERRY #1
8212785	11985	3510320718		103		CITY OF PERRY #2
8212800	11983	3510320711		103		CITY OF PERRY "A" #1
8212799	11982	3510320701		103		JEROME HAYNE #1
-VAUGHN GOOD OIL CO				RECEIVED:	12/30/81	JA: OK
8212803	11940	3508100000		103		PASCHALL #1
-VICTORY PETROLEUM INC				RECEIVED:	12/28/81	JA: OK
8212830	11865	3506321279		103		ED GEORGE #1
-WILLIFORD ENERGY CO				RECEIVED:	12/30/81	JA: OK
8212808	14306	3507720238		102-4	103	BULLARD #1

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PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES

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-ALPINE OIL CO				RECEIVED:	12/24/81	JA: PA
8212625	9746	3705921610		103		KENNETH KERR #2
-ANGERMAN ASSOCIATES INC				RECEIVED:	12/24/81	JA: PA
8212621	9850	3712921812		103		BERT F OBER EST #3 - WES-21812
8212623	9852	3712921818		103		EVANS W RIDENOUR #1 - WES-21818
8212622	9851	3706326201		103		JAMES G POLLOCK #1 - IND-26201
8212620	9849	3706326107		103		JOSEPH F NESBIT #9 - IND-26107
-ARROWHEAD GAS PRODUCERS INC				RECEIVED:	12/24/81	JA: PA
8212699	7116	3712328845		102-2		M-YODER #1
8212700	8943	3712328845		107-TF		MOSES YODER #1
-ATLAS RESOURCES INC				RECEIVED:	12/24/81	JA: PA
8212703		3706326479		102-2		LA NO KE TRIM TREE CO #2
8212702	9805	3706326056		102-2		SWANK #2
8212701	9785	3706326058	D	102-2		SWANK #4
-BARON CREST ENERGY LTD PTNSP #5				RECEIVED:	12/24/81	JA: PA
8212624	9911	3703120971		103		HURRELBRINK #2

FIELD NAME	PROD	PURCHASER
BISHOP SOUTH	8.0	PANHANDLE EASTERN
DOBY SPRINGS	0.0	DELHI GAS PIPELIN
UNDESIGNATED	25.0	ARCO OIL & GAS CO
POLO	5.6	AMINOIL USA INC
POLO	37.0	AMINOIL USA INC
SOONER TREND	0.0	CITIES SERVICE GA
LOST CREEK NORTH	5.0	CITIES SERVICE GA
W CARPENTER	624.0	
OKARCHE NE	231.0	CONOCO INC
OKARCHE NE	91.0	CONOCO INC
SOONER TREND	100.0	CONOCO INC
SOONER TREND	100.0	PANHANDLE EASTERN
SOONER TREND	150.0	PHILLIPS PETROLEU
FOURDEE	36.0	EL GRANDE PIPELIN
FOURDEE	28.8	EL GRANDE PIPELIN
FOURDEE	14.4	EL GRANDE PIPELIN
FOURDEE	36.0	EL GRANDE PIPELIN
WEST AGRA	0.0	SUN GAS CO
PAPOOSE	110.0	LUBELL OIL CO
WIL BURTON	1664.0	ARKANSAS LOUISIAN
JACKSON	18.0	COLUMBIA GAS TRAN
W PENNA - UPPER DEVON	45.0	PEOPLES NATURAL G
W PENNA - UPPER DEVON	25.0	PEOPLES NATURAL G
W PENNA - UPPER DEVON	45.0	PEOPLES NATURAL G
W PENNA UPPER DEVONIA	25.0	PEOPLES NATURAL G
FREEHOLD	60.0	COLUMBIA GAS TRAN
SUGAR GROVE	60.0	COLUMBIA GAS TRAN
CHERRY HILL	49.0	COLUMBIA GAS TRAN
CHERRY HILL	56.0	COLUMBIA GAS TRAN
CHERRY HILL	96.0	COLUMBIA GAS TRAN
MECHANICSBURG	2.7	T W PHILLIPS GAS

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-C & N CO				RECEIVED:	12/24/81	JA: PA			
8212715	7093	3706322622		108		INDIANA COUNTY HOME #1	WHITE	9.1	PEOPLES NATURAL G
8212714	7092	3706322623		108		INDIANA COUNTY HOME #2	WHITE	9.1	PEOPLES NATURAL G
8212713	7091	3706322624		108		INDIANA COUNTY HOME #3	WHITE	9.1	PEOPLES NATURAL G
8212712	7090	3706323096		108		INDIANA COUNTY HOME #4	WHITE	9.1	PEOPLES NATURAL G
8212708	7086	3706322626		108		INDIANA COUNTY HOME #5	WHITE	9.1	PEOPLES NATURAL G
8212709	7087	3706323192		108		INDIANA COUNTY HOME #6	WHITE	9.1	PEOPLES NATURAL G
8212710	7088	3706323193		108		INDIANA COUNTY HOME #7	WHITE	9.1	PEOPLES NATURAL G
8212707	7083	3706323101		108		NICOLA JOHNSON #3	WHITE	18.5	PEOPLES NATURAL G
8212711	7089	3706323111		108		NICOLA JOHNSON #5	WHITE	18.5	PEOPLES NATURAL G
8212716	7438	3706323618		108		OAKLAND CEMETARY ASSOCIATION #1	WHITE	19.9	PEOPLES NATURAL G
8212704	7080	3706322898		108		WM A BARCLAY #1	WHITE	10.9	PEOPLES NATURAL G
8212705	7081	3706322899		108		WM A BARCLAY #2	WHITE	10.9	PEOPLES NATURAL G
8212706	7082	3706323102		108		YMCA (N JOHNSON #4)	WHITE	18.5	PEOPLES NATURAL G
-CABOT OIL & GAS CORP				RECEIVED:	12/24/81	JA: PA			
8212717	9942	3703920788		102-2		BERNARD & PATRICIA WAGNER #1	EAST FAIRFIELD	50.0	TENNESSEE GAS PIP
8212718	9943	3703920762		102-2		W L DUNN CONSTRUCTION #4	EAST FAIRFIELD	50.0	TENNESSEE GAS PIP
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	12/24/81	JA: PA			
8212719	9889	3706326198		103		E F FLEMING WN-1838	MONTGOMERY	5.6	GENERAL SYSTEM PU
8212720	9890	3706326410		103		MT VIEW CHRSITIAN HOME WN-1850	MONTGOMERY	7.3	GENERAL SYSTEM PU
-ENVIROGAS INC				RECEIVED:	12/24/81	JA: PA			
8212723	9384	3704921363		107-TF		A ROSE #1	WATERFORD	18.0	COLUMBIA GAS TRAN
8212721	9370	3704921402		107-TF		D ROTH #1	CORRY	18.0	NATIONAL FUEL GAS
8212724		3704921167		107-TF		E MAAS #1	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS
8212722	9383	3704921380		107-TF		PRESQUE ISLE BEAGLE CLUB #1	WATERFORD	18.0	COLUMBIA GAS TRAN
-G & G GAS INC				RECEIVED:	12/24/81	JA: PA			
8212626	9781	3703120977		103		L MILLER #1		0.0	COLUMBIA GAS TRAN
-HANLEY & BIRD				RECEIVED:	12/24/81	JA: PA			
8212629	9862	3706522301		103		A J OHLS #1 SN1690	BROOKVILLE	9.6	T W PHILLIPS
8212631	9865	3706522628		103		SHAWMUT DEVELOPMENT CORP #1 SHB-4	KITTANNING	6.3	T W PHILLIPS
8212627	9859	3706522377		103		SHAWMUT DEVELOPMENT CORP #2 SHB-5	TIMBLIN	27.2	T W PHILLIPS
8212628	9860	3706522397		103		SHAWMUT DEVELOPMENT CORP SHB-6	DORA	29.5	T W PHILLIPS
8212630	9864	3706522302		103		TEXASGULF SN1689	BROOKVILLE	11.6	T W PHILLIPS
-J & J ENTERPRISES INC				RECEIVED:	12/24/81	JA: PA			
8212725	7073	3700521605		108		ALTMIRE HEIRS #1 (183A)	PLUM CREEK	4.8	PEOPLES NATURAL G
-J & J ENTERPRISES INC				RECEIVED:	12/24/81	JA: PA			
8212661	7386	3706322047		108		ANDY STAHURA #1	WASHINGTON	2.4	T W PHILLIPS GAS
8212649	7342	3706322546		108		ARTHUR ELLENBERGER #1	CANOE	4.9	T W PHILLIPS GAS
8212655	7352	3706322547		108		ARTHUR ELLENBERGER #2	CANOE	4.9	T W PHILLIPS GAS
8212650	7343	3706322615		108		ARTHUR VELLESIG #1 (57A)	YOUNG	1.0	T W PHILLIPS GAS
8212651	7344	3706322533		108		BEN SHETLER #1	SOUTH MAHONING	3.7	T W PHILLIPS GAS
8212652	7345	3706322534		108		BEN SHETLER #2	SOUTH MAHONING	3.7	T W PHILLIPS GAS
8212738	7354	3706322103		108		BERYL C LYDIC #1	SOUTH MAHONING	13.7	T W PHILLIPS GAS
8212730	7248	3700521903		108		C EUGENE STOCKDALE #I-28	WAYNE	5.1	T W PHILLIPS GAS
8212727	7227	3712920924		108		C J MROCZOWSKI #1	AVONMORE BOROUGH	9.2	T W PHILLIPS GAS
8212636	7056	3706322907		108		C T KAUFFMAN #1	WHITE	5.3	PEOPLES NATURAL G
8212635	7055	3706323130		108		C T KAUFFMAN #2	WHITE	5.3	PEOPLES NATURAL G
8212670	7416	3706322024		108		C W LYDIC #2	SOUTH MAHONING	4.0	T W PHILLIPS GAS
8212664	7392	3706323338		108		CALVIN WILDESON #2	CANOE	10.6	T W PHILLIPS GAS
8212743	7404	3706323364		108		CLAIR FULMER #3	ARMSTRONG	0.0	T W PHILLIPS GAS
8212744	7421	3706323011		108		CLYDE PIERCE #1	BANKS	15.0	T W PHILLIPS GAS
8212642	7072	3706322409		108		CROSSGATES INC (J RINN) #1	WHITE	12.6	PEOPLES NATURAL G
8212645	7077	3706322423		108		CROSSGATES INC #2 (J RINN)	WHITE	12.6	PEOPLES NATURAL G

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8212634	7054	3706323280		108		EDWARD STUCHELL #1	SOUTH MAHONING	4.5	PEOPLES NATURAL G
8212742	7400	3706521184		108		EDWIN A DALTON #1	PORTER	4.8	T W PHILLIPS GAS
8212637	7059	3706323363		108		ELKINS MOTOR SALES #1	WHITE	19.6	PEOPLES NATURAL G
8212726	7187	3700521880		108		EMMA R MARSHALL #1	WAYNE	5.7	T W PHILLIPS GAS
8212741	7394	3706323287		108		FLOYD STIFFLER #1	ARMSTRONG	6.5	T W PHILLIPS GAS
8212659	7384	3706322411		108		GEORGE M CLAWSON #1	BLACK LICK	7.0	T W PHILLIPS GAS
8212654	7351	3706322412		108		GEORGE M CLAWSON #2	BLACKLICK	7.0	T W PHILLIPS GAS
8212653	7350	3706322413		108		GEORGE M CLAWSON #3	BLACKLICK	7.0	T W PHILLIPS GAS
8212756	7423	3706323075		108		HAROLD ALTMAN JR #1	CANOE	9.5	T W PHILLIPS GAS
8212646	7335	3706521037		108		HENRY L COUCH #1	BELL	18.0	T W PHILLIPS GAS
8212648	7337	3706322627		108		IRVIN HEITZENRATER #1	NORTH MAHONING	15.7	T W PHILLIPS GAS
8212647	7336	3706322628		108		IRVIN HEITZENRATER #2	NORTH MAHONING	15.7	T W PHILLIPS GAS
8212641	7064	3706322645		108		J C RINN #5	WHITE	12.6	PEOPLES NATURAL G
8212656	7355	3706322647		108		J J MCLAY #1	YOUNG	21.5	T W PHILLIPS GAS
8212672	7448	3706322648		108		J J MCLAY #2	YOUNG	9.2	T W PHILLIPS GAS
8212671	7417	3706322629		108		J J MCLAY #3	YOUNG	9.2	T W PHILLIPS GAS
8212737	7349	3706521059		108		JOHN LELLOCK #1	BELL	5.3	T W PHILLIPS GAS
8212667	7407	3706323146		108		JOHN MCLAY #2	YOUNG	9.2	T W PHILLIPS GAS
8212665	7395	3706323147		108		JOHN MCLAY #3	YOUNG	9.2	T W PHILLIPS GAS
8212668	7408	3706323148		108		JOHN MCLAY #4	YOUNG	9.2	T W PHILLIPS GAS
8212735	7341	3706322484		108		LEO C CLARK #2	SOUTH MAHONING	6.5	T W PHILLIPS GAS
8212658	7383	3706323213		108		LOWELL WAGNER #1	YOUNG	8.2	T W PHILLIPS GAS
8212638	7060	3706322958		108		MARS ASSOCIATION #A-1	WHITE	10.2	PEOPLES NATURAL G
8212639	7062	3706322959		108		MARS ASSOCIATION #B-1	WHITE	10.2	PEOPLES NATURAL G
8212640	7063	3706322960		108		MARS ASSOCIATION #C-1	WHITE	10.2	PEOPLES NATURAL G
8212728	7231	3700521996		108		MELVIN E TROUP #1	WAYNE	1.9	T W PHILLIPS GAS
8212731	7332	3706323233		108		MILTON FAIRMAN #1	WASHINGTON	11.5	T W PHILLIPS GAS
8212740	7388	3706322616		108		MORRIS STERN #1 (120A)	YOUNG	4.6	T W PHILLIPS GAS
8212739	7387	3706322617		108		MORRIS STERN #1 (75A)	ARMSTRONG	1.2	T W PHILLIPS GAS
8212669	7415	3706322523		108		PAUL RENZ #1	WASHINGTON	5.5	T W PHILLIPS GAS
8212746	7428	3706321007		108		PAUL V LAST #3	CANOE	11.8	T W PHILLIPS GAS
8212657	7382	3706322996		108		RAYMOND ISENBERG #1	WHITE	16.8	T W PHILLIPS GAS
8212663	7391	3706322415		108		ROGER PENDREY #1	YOUNG	6.6	T W PHILLIPS GAS
8212662	7390	3706322416		108		ROGER PENDREY #2	YOUNG	6.6	T W PHILLIPS GAS
8212736	7346	3706322449		108		ROYAL OIL & GAS CO #1 (37A)	CANOE	16.7	T W PHILLIPS GAS
8212733	7338	3706322548		108		RUSSELL J FERRINGER #1	SOUTH MAHONING	1.6	T W PHILLIPS GAS
8212732	7333	3706322621		108		T JOHNSTON #1	WASHINGTON	5.6	T W PHILLIPS GAS
8212729	7247	3712920914		108		T M SYLVES #2	BELL	1.2	T W PHILLIPS GAS
8212734	7340	3706521002		108		T W TAYLOR #1	BELL	6.4	T W PHILLIPS GAS
8212755	7422	3706323079		108		THERMAN BRICKELL #1	CANOE	9.5	T W PHILLIPS GAS
8212752	7401	3706323080		108		THERMAN BRICKELL #2	CANOE	9.5	T W PHILLIPS GAS
8212751	7399	3706323081		108		THERMAN BRICKELL #3	CANOE	9.5	T W PHILLIPS GAS
8212753	7412	3706323082		108		THERMAN BRICKELL #4	CANOE	9.5	T W PHILLIPS GAS
8212754	7413	3706323116		108		THERMAN BRICKELL #5	CANOE	9.5	T W PHILLIPS GAS
8212750	7398	3706323134		108		THERMAN BRICKELL #6	CANOE	9.5	T W PHILLIPS GAS
8212660	7385	3706322490		108		VERNON BLYSTONE #1	WASHINGTON	4.5	T W PHILLIPS GAS
8212643	7075	3706322078		108		VERNON CLAYPOOLE #1	WHITE	11.9	PEOPLES NATURAL G
8212644	7076	3706322087		108		VERNON CLAYPOOLE #2	WHITE	11.9	PEOPLES NATURAL G
8212633	7053	3706322088		108		VERNON CLAYPOOLE #3	WHITE	11.9	PEOPLES NATURAL G
8212632	7052	3706322089		108		VERNON CLAYPOOLE #4	WHITE	11.9	PEOPLES NATURAL G
8212666	7402	3706323253		108		WAYNE W IRWIN #1	NORTH MAHONING	0.0	T W PHILLIPS GAS
-JAMES F SCOTT				RECEIVED:	12/24/81	JA: PA			
8212758	9779	3706326454		103		MERVIN JORDAN #1 PS-379	NORTH MAHONING	40.0	CONSOLIDATED GAS

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8212759	9780	3706326358		103		WILLIAM BAUN PS-354	CANOE	35.0	CONSOLIDATED GAS
8212757	9778	3706326368		103		WILLIAM STATES PS-356	BANKS	15.0	CONSOLIDATED GAS
-KALTSAS OIL CO				RECEIVED:	12/24/81	JA: PA			
8212676	10169	3704921505		103		FRANK J PATALON #1	NORTH EAST FIELD HORN	24.0	COLUMBIA GAS TRAN
8212681	9879	3704921505		107-TF		FRANK J PATALON #1	NORTH EAST FIELD HORN	24.0	COLUMBIA GAS TRAN
8212677	10170	3704921506		103		FRANK J PATALON #2	NORTH EAST FIELD HORN	16.0	COLUMBIA GAS TRAN
8212680	9878	3704921506		107-TF		FRANK J PATALON #2	NORTH EAST FIELD HORN	16.0	COLUMBIA GAS TRAN
8212673	10166	3704921454		103		HERBERT YOSTEN #3	NORTH EAST FIELD HORN	48.0	COLUMBIA GAS TRAN
8212684	9882	3704921454		107-TF		HERBERT YOSTEN #3	HORNBY POOL NORTH EAS	48.0	COLUMBIA GAS TRAN
8212678	10171	3704921452		103		JOHN AFTON #1	NORTH EAST FIELD HORN	18.3	COLUMBIA GAS TRAN
8212679	9296	3704921452		107-TF		JOHN AFTON #1	HORNBY	18.3	COLUMBIA GAS TRAN
8212675	10168	3704921501		103		JOHN T AFTON #2	NORTH EAST FIELD HORN	24.0	COLUMBIA GAS TRAN
8212682	9880	3704921501		107-TF		JOHN T AFTON #2	NORTH EAST FIELD HORN	24.0	COLUMBIA GAS TRAN
8212674	10167	3704921453		103		WILLIAM REHM #2	NORTH EAST FIELD HORN	30.0	COLUMBIA GAS TRAN
8212683	9881	3704921453		107-TF		WILLIAM REHM #2	HORNBY POOL NORTH EAS	30.0	COLUMBIA GAS TRAN
-MONROE RESOURCES LTD				RECEIVED:	12/24/81	JA: PA			
8212747	9135	3712329109		103		WM R HINSDALE #1	LOTTSVILLE	20.0	NATIONAL FUEL GAS
-PHILLIPS PRODUCTION CO				RECEIVED:	12/24/81	JA: PA			
8212685	9856	3702120130		103		HENRY CARPINELLO #1	SUSQUEHANNA	35.0	
8212748	9744	3706326295		103		HORACE M STEELE #1	E MAHONING	40.0	
8212686	9858	3703321155		103		KENNETH BAKER #1	BURNSIDE	25.0	
8212749	9853	3706326459		103		MAURICE M SINAN #1	E MAHONING	35.0	
-THOMAS M KLINGENSMITH				RECEIVED:	12/24/81	JA: PA			
8212745	9742	3712900000		107-TF		SAMUEL MARTIN #1	PINE RUN	1.8	PEOPLES NATURAL G
-US ENERGY DEVELOPMENT CORP				RECEIVED:	12/24/81	JA: PA			
8212760	9367	3712328915		102-2		F SAVKO #1	COLUMBUS	20.0	COLUMBIA GAS TRAN
8212762	9366	3712328915		107-TF		F SAVKO #1	COLUMBUS	20.0	COLUMBIA GAS TRAN
8212763	9464	3712328407		107-TF		ROBERT WEAVER #1	PITTSFIELD	10.0	NATIONAL FUEL GAS
-VICTORY DEVELOPMENT CO				RECEIVED:	12/24/81	JA: PA			
8212764	9887	3703321142		103		ALBERT RADZIETA #1 CLE-21142	PENN	0.0	CONSOLIDATED GAS
8212765	9888	3703321144		103		JACOB RADZIETA #2 CLE-21144	PENN	0.0	CONSOLIDATED GAS
-WAINOCO OIL & GAS CO				RECEIVED:	12/24/81	JA: PA			
8212695	9894	3703920717		107-TF		ANDY N GINGERICH #1 (W-70)	ATHENS (SPARTA)	5.0	COLUMBIA GAS TRAN
8212688	9868	3703920668		107-TF		CHARLES W HAWKINS #1 (W-46)	ATHENS (BLOOMFIELD)	22.0	COLUMBIA GAS TRAN
8212698	9897	3703920676		107-TF		CLINTON VANCISE #1 (W-60)	ATHENS (ATHENS)	5.0	COLUMBIA GAS TRAN
8212696	9895	3703920681		107-TF		D E CRUM #1 (W-59)	ATHENS (ATHENS)	7.0	COLUMBIA GAS TRAN
8212770	9902	3703920672		107-TF		DAVID PRUCHENSKI #1 (W-51)	ATHENS (ATHENS)	3.5	COLUMBIA GAS TRAN
8212693	9892	3703920703		107-TF		ELEANOR ST JOHN #1 (W-65)	ATHENS (ROME)	18.0	COLUMBIA GAS TRAN
8212769	9901	3703920683		107-TF		ELIZABETH GREGOR #1 (W-55)	ATHENS (ATHENS)	7.0	COLUMBIA GAS TRAN
8212774	9906	3703920687		107-TF		ELMER G SNOW #1 (W-52)	ATHENS (ATHENS)	7.0	COLUMBIA GAS TRAN
8212690	9870	3703920663		107-TF		FLOYD H & RUBY I CHILDS #1 (W-41)	ATHENS (ATHENS)	3.5	COLUMBIA GAS TRAN
8212782	9929	3703920581		107-TF		FRANKLYN A & HELENE S BOYE #1 W-15	ATHENS (ATHENS)	5.5	COLUMBIA GAS TRAN
8212689	9869	3703920667		107-TF		HARLEY & RUTH HALL #1 (W-45)	ATHENS (ATHENS)	13.0	COLUMBIA GAS TRAN
8212780	9927	3703920670		107-TF		J KIMBALL & ALICE EVANS #1 (W-48)	ATHENS (ROME)	3.5	COLUMBIA GAS TRAN
8212691	9871	3703920656		107-TF		JAMES K & HELEN ANDERSON #3 (W-39)	ATHENS (ATHENS)	14.5	COLUMBIA GAS TRAN
8212773	9905	3703920679		107-TF		JOSEPH & ARLENE AVERSA #1 (W-57)	ATHENS (ATHENS)	14.0	COLUMBIA GAS TRAN
8212687	9867	3703920662		107-TF		JOSEPH W ARNOLD #1 (W-42)	ATHENS (ATHENS)	11.0	COLUMBIA GAS TRAN
8212771	9903	3703920797		107-TF		JOSEPH W MILLER #1 (W-50)	ATHENS (BLOOMFIELD) F	8.0	COLUMBIA GAS TRAN
8212694	9893	3703920715		107-TF		LEROY SCHWEITZER #1 (W-69)	ATHENS (SPARTA)	30.0	COLUMBIA GAS TRAN
8212779	9926	3703920666		107-TF		LOUIS & ELIZABETH SKEDEL #1 (W-47)	ATHENS (ATHENS)	22.0	COLUMBIA GAS TRAN
8212781	9928	3703920589		107-TF		MERTON L & CHARLOTTE DONOR #1 W-31	ATHENS (ATHENS)	5.5	COLUMBIA GAS TRAN
8212697	9896	3703920704		107-TF		NEIL B WHITMAN #1 (W-67)	ATHENS (BLOOMFIELD)	30.0	COLUMBIA GAS TRAN
8212767	9899	3703920682		107-TF		RANDALL W HARKLESS #1 (W-62)	ATHENS (ATHENS)	5.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8212777	9909	3703920673		107-TF		ROBERT C BEARD #1 (W-53)	ATHENS (ATHENS)	5.0	COLUMBIA GAS TRAN
8212775	9907	3703920702		107-TF		ROBERT FRANKENFIELD #1 (W-68)	ATHENS (ROME)	11.0	COLUMBIA GAS TRAN
8212776	9908	3703920705		107-TF		ROBERT T WALKER #1 (W-66)	ATHENS (CENTERVILLE B	10.5	COLUMBIA GAS TRAN
8212692	9891	3703920680		107-TF		ROBERT W FOLTZ #1 (W-58)	ATHENS (ATHENS)	10.5	COLUMBIA GAS TRAN
8212768	9900	3703920686		107-TF		SCOTT J PRESTON #2 (W-63)	ATHENS (ATHENS)	12.5	COLUMBIA GAS TRAN
8212766	9898	3703920677		107-TF		SCOTT J PRESTON #3 (W-61)	ATHENS (ATHENS)	5.0	COLUMBIA GAS TRAN
8212778	9910	3703920706		107-TF		WAYNE V PARKER #1 (W-64)	ATHENS (ROME)	36.0	COLUMBIA GAS TRAN
8212772	9904	3703920678		107-TF		WILLIS D & NANCY A TROYER #1 (W-56)	ATHENS (ATHENS)	9.0	COLUMBIA GAS TRAN
						SOUTH DAKOTA DEPARTMENT OF NATURAL RESOURCE DEVELOPMENT			
-SAM G HARRISON				RECEIVED:	12/28/81	JA: SD			
8212594		4006320251		102-4		BECK #1-9	CADY CREEK	73.0	JERRY A MCCUTCHIN
8212597		4006320258		102-4		C F BECK #2	CADY CREEK	73.0	JERRY A MCCUTCHIN
8212598		4006320301		102-4		DAVIS-HOLCOMB #1-7	WEST SHORT PINE HILLS	73.0	MONTANA DAKOTA UT
8212593		4006320227		102-4		FEDERAL #1-22	CADY CREEK	73.0	JERRY A MCCUTCHIN
8212596		4006320254		102-4		HOMER TRUMAN 3-21	CADY CREEK	73.0	JERRY A MCCUTCHIN
8212595		4006320253		102-4		LEGER #1-15	CADY CREEK	73.0	JERRY A MCCUTCHIN
8212592		4006320083		102-4		TRUMAN 1-21	CADY CREEK	73.0	JERRY A MCCUTCHIN
** U.S. GEOLOGICAL SURVEY - CASPER,WY									
-MIDLANDS GAS CORPORATION				RECEIVED:	12/23/81	JA: MT 5			
8212582	M414-1	2507121702		102-2		FEDERAL 1 0462	BOWDOIN	216.0	KANSAS-NEBRASKA N
8212581	W413-1	2507121641		102-2		FEDERAL 1 1279	UNNAMED	31.0	KANSAS-NEBRASKA N
8212583	M415-1	2507121710		102-2		FEDERAL 1 2579	BOWDOIN	92.0	KANSAS-NEBRASKA N
8212578	W407-1	2507121127		108		MIAMI FEDERAL 626-26 2612	WILDCAT	22.0	KANSAS-NEBRASKA N
-AL-AQUITAINE EXPLORATION LTD				RECEIVED:	12/23/81	JA: ND 5			
8212568	ND394-1	3300700360		102-2		U S 1-14	WHISKEY JOE	0.0	WESTERN GAS PROCE
8212569	ND 395-1	3300700683		102-2		U S 2-28	WHISKEY JOE	0.0	WESTERN GAS PROCE
-BWAB INC				RECEIVED:	12/23/81	JA: ND 5			
8212588	ND426-1	3305301230		102-2		FEDERAL #32-34	MONDAK	3.7	MONTANA DAKOTA UT
8212589	ND427-1	3305301159		102-2		FEDERAL 23-42X	MONDAK	5.5	MONTANA DAKOTA UT
-AMOCO PRODUCTION CO				RECEIVED:	12/23/81	JA: WY 5			
8212567	W324-1-T	4903721526		107-TF		KOBUS FEDERAL #1	BRUFF-FRONTIER	766.0	CITIES SERVICE GA
8212590	W429-1	4903721090		103		LOST SOLDIER UNIT #79A	LOST SOLDIER-TENSLEEP	3.6	NORTHERN GAS CO
8212591	W430-1	4903720913		103		LOST SOLDIER UNIT #94	LOST SOLDIER-TENSLEEP	10.8	NORTHERN GAS CO
8212584	W418-1T	4902320332		107-TF		WILSON RANCH UNIT #15 (FRONTIER)	WILSON RANCH-FRONTIER	308.8	CITIES SERVICE GA
-BELCO PETROLEUM CORPORATION				RECEIVED:	12/23/81	JA: WY 5			
8212576	W404-1	4903520621		103		GREEN RIVER BEND UNIT 66-17	GREEN RIVER BEND UNIT	0.0	NORTHWEST PIPELIN
-CITIES SERVICE COMPANY				RECEIVED:	12/23/81	JA: WY 5			
8212574	W402-1	4900720569		107-TF		FEDERAL BE #1	ECHO SPRINGS	200.0	CITIES SERVICE GA
8212577	W406-1	4903721774		107-TF		FEDERAL BI #1	WILDROSE	186.0	CITIES SERVICE GA
-CORONADO OIL CO				RECEIVED:	12/23/81	JA: WY 5			
8212587	W425-1	4901720437		102-2		BLUME-GOVT #1	UNNAMED	65.0	MONTANA-DAKOTA UT
-DIAMOND SHAMROCK CORPORATION				RECEIVED:	12/23/81	JA: WY 5			
8212579	W408-1	4900525413		103		STEPHENS FEDERAL 41-35	PUMPING BUTTES	7.0	
8212573	W401-1	4900921865		103		WELL DRAW FEDERAL 32-28	WELL DRAW	24.0	PHILLIPS PETROLEU
-DOME PETROLEUM CORP				RECEIVED:	12/23/81	JA: WY 5			
8212586	W420-1	4904120263		102-2		DOME HILLER-FEDERAL #1-32	WILDCAT	18.7	
-EQUITY OIL COMPANY				RECEIVED:	12/23/81	JA: WY 5			
8212575	W403-1	4903721158		103		SIBERIA RIDGE UNIT #9	SIBERIA RIDGE	73.0	COLORADO INTERSTA
-HUSKY OIL COMPANY				RECEIVED:	12/23/81	JA: WY 5			

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8212580	W410-1	4903721936		103		FEDERAL 15-10	SALT WELLS	540.0	MOUNTAIN FUEL SUP
-JERRY CHAMBERS-OIL PRODUCER				RECEIVED:	12/23/81	JA: WY 5			
8212585	W419-1T	4903721718		107-TF		CHAMBERS - FEDERAL #1-22	ECHO SPRINGS	228.8	CITIES SERVICE GA
-MONSANTO COMPANY				RECEIVED:	12/23/81	JA: WY 5			
8212570	W397-1	4901320984		107-DP		MONSANTO MEDIAN #1-21	MADDEN	342.0	COLORADO INTERSTA
-MWJ PRODUCING COMPANY				RECEIVED:	12/23/81	JA: WY 5			
8212572	W399-1	4900921921		103		SMITH FEDERAL 34-5	MANNING	14.0	MIGC INC
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	12/23/81	JA: WY 5			
8212571	W398-1	4901306561		102-4		FREMONT #2	SHELDON DOME	157.0	

OTHER PURCHASERS

8212832 LONE STAR GAS CO

BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before February 16, 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. 82–2545 Filed 1–29–82; 8:45 am]

BILLING CODE 6717–01–M

Office of Hearings and Appeals

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of implementation of special refund procedures and solicitation of comments.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy solicits comments concerning the appropriate procedures to be followed in refunding to members of the public over $38.9 million in consent order funds. These funds were remitted by 33 different firms in settlement of or pursuant to enforcement proceedings brought by the Office of Enforcement (now the Office of Special Counsel) of the Department of Energy.

DATES AND ADDRESSES: Comments should be submitted no later than March 3, 1982, and should be addressed to the Office of Hearings and Appeals, 2000 M Street, NW., Washington, D.C. 20461. All comments should conspicuously display a reference to case number BEF–0055.

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Deputy Director, Office of Hearings and Appeals, 2000 M Street, NW., Washington, D.C. 20461, (202) 653–3137.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(b) of the procedural regulations of the Department of Energy, 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision and Order relates to consent orders entered into by Adams Resources and Energy, Inc. and 32 other firms and individuals. The names of the parties and amounts and dates of publication of each consent order are listed in the decision. All parties are either producers or resellers of crude oil. Pursuant to the consent orders, these parties have agreed to make refunds totaling over $38.9 million in settlement of alleged violations of DOE crude oil pricing regulations.

In the Proposed Decision and Order, the DOE referred to another determination issued at the Office of Enforcement in the Matters of Alfred B. Alkek and others, 9 DOE ¶ ———, NO. DFF–0002 (January 6, 1982), which involved issues identical to those in the Adams proceeding. The DOE determined that it would be administratively efficient to aggregate the funds involved in the *Adams* and *Alkek* proceedings. Since more than $21 million is involved in the *Alkek* proceeding and $38.9 million is involved in the *Adams* proceeding, the total funds available for distribution using the mechanism announced in the *Alkek* determination are now nearly $60 million.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to submit two copies of their comments. Comments should be submitted on or before March 3, 1982, and should be addressed to the address set forth at the beginning of this notice. All comments received in this proceeding will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals, located in Room B–120, 2000 M Street, NW., Washington, D.C., between the hours of 1:00 and 5:00 p.m., Monday through Friday, except Federal holidays.

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

George B. Breznay,

Director, Office of Hearings and Appeals.

January 25, 1982.

Proposed Decision and Order of the Department of Energy

Special Refund Procedures

Name of Petitioner: Office of Enforcement, Economic Regulatory Administration: In the Matters of Adams Resources and Energy, Inc., and others listed in Appendix A
Dates of Filing: June 1, 1981, and others listed in Appendix A
Case Numbers: BEF–0055, and others listed in Appendix A

Under the procedural regulations of the Department of Energy, the Economic Regulatory Administration's Office of Enforcement (OE) may request the Office of Hearings and Appeals (OHA) to formulate and implement specially-designed process to distribute funds received as a result of an enforcement proceeding in order to remedy the effects of an alleged violation of DOE regulations. 10 CFR Part 205, Subpart V. (*1*) In accordance with these regulatory provisions, OE has filed Petitions for the Implementation of Special Refund Procedures in connection with consent orders entered into by Adams Resources and Energy Inc. and the other firms and individuals listed in Appendix A to this Decision and Order. Pursuant to consent orders these parties have agreed to make refunds totaling $38,974,185.78 for alleged violations of DOE pricing regulations. Those funds, which have already been paid to the DOE, are now being held in an escrow account under the jurisdiction of the DOE pending receipt of instructions from the OHA regarding final distribution. As will be discussed in greater detail below, each violation of the DOE pricing regulations alleged in the consent orders is similar, and the parties injured by each of the alleged violations are for the most part identical. Therefore these cases have been consolidated for purposes of this Decision.

I. Background

The consent orders in this proceeding resulted from audits or investigations conducted by the DOE and its predecessor agencies. As a result of these audits, the DOE alleged that the parties in each of these cases were involved in the sale of crude oil at prices in excess of those established in the Mandatory Petroleum Price Regulations

set forth in 6 CFR Part 150 and 10 CFR Part 212.

Those regulations generally required crude oil producers to determine the first sale price of crude oil on the basis of production from a property during a specified base period, *i.e.* the base production control level (BPCL). *See* 6 CFR 150.354; 10 CFR 212.72–.74. Crude oil production that did not exceed the BPCL for the particular property was generally subject to the lower tier ("old oil") ceiling price rule. 6 CFR 150.354; 10 CFR 212.73. Crude oil production that exceeded the BPCL ("new oil") could generally be sold without regard to the ceiling price rule prior to February 1, 1976, and at the upper tier ceiling price level after that date. 6 CFR 150.354(c)(2); 10 CFR 212.74(a). Prior to February 1, 1976, in months in which new oil could be sold from a property, additional volumes of crude oil could be sold as "released" oil at prices in excess of the applicable lower tier ceiling price level. 6 CFR 150.354(c)(3);' 10 CFR 212.74(b). Additionally, crude oil produced from a "stripper well property" could generally be sold at market price levels. The term "property" was defined as the right to produce crude oil which arises from a lease or fee interest. 6 CFR 150.354(b)(2); 10 CFR 212.72. Producers and resellers of crude oil were generally required to certify in writing to each purchaser in the distribution chain the respective volumes of the various categories of price-controlled domestic crude oil included in each purchase. 10 CFR 212.131 (a)(4), (b)(1).

The types of violations allegedly committed by the parties who entered into the consent orders involved in this proceeding fall into three categories. Most of the alleged violations concern firms which were "producers" of crude oil as defined in 10 CFR 212.31. These firms were alleged to have sold price-controlled oil at uncontrolled prices. Specifically, they were alleged to have incorrectly certified "old" price-controlled crude oil they produced as "new" or "stripper well" oil subject to less stringent controls. The firms were therefore alleged to have overcharged purchasers by the amount per barrel which represents the difference between the "new" of "stripper well" prices and the maximum price permitted for "old" oil. (*2*) The second type of violation alleged concerns a producer who was alleged to have sold "old" oil at levels in excess of the applicable ceiling price. In this type of case, the producer allegedly determined May 15, 1973 posted prices for crude oil incorrectly and thus sold crude oil at a price higher than that permitted by the regulations. (*3*)

The third type of violation alleged concerns a reseller that was alleged to have miscertified "old" crude oil which it owned and sold it at the higher "new" or world market level (uncontrolled) oil prices. (*4*)

In all of these consent orders, the Government agreed to terminate the pending investigations and administrative proceedings, and the parties agreed to pay a stipulated sum of money to the DOE. Notices of the consent orders were published in the Federal Register. (*5*) Interested parties were provided an opportunity to comment on the terms of the consent orders and to submit written notices to ERA of potential claims against the settlement funds. In an number of cases the DOE also issued press releases concerning the consent orders. In many cases, parties submitted claims for a portion of the consent order fund. (*6*)

II. Jurisdiction

The procedural regulations of the Department of Energy set forth general guidelines by which the Office of Hearings and Appeals may formulate and implement a plan of distribution for funds received as a result of an enforcement proceeding. 10 CFR Part 205, Subpart V. The Subpart V process is intended to be used in situations where the Department of Energy is unable to readily identify persons who are entitled to refunds or to readily ascertain the amounts that such persons are entitled to receive as a result of enforcement proceedings. 10 CFR 205.280. For a more detailed discussion of Subpart V, *see Office of Enforcement,* 9 DOE ¶ 82,508 (1981); *Office of Enforcement,* 8 DOE ¶ 82,597 (1981). After reviewing the records developed in each of the cases involved in this proceeding, we have concluded that the implementation of Subpart V proceedings in each case is appropriate. In each of the cases, there is a significant degree of difficulty inherent in identifying the persons who were injured by the alleged overcharges. Moreover, even in cases where an injured person can be identified, it is difficult to ascertain the level of refunds that each person should receive. Until recently, crude oil and refined petroleum products were subject to a comprehensive price regulation scheme which could be utilized to facilitate the channeling of refunds to ultimate consumers. However, on January 28, 1981, the President exempted crude oil and all refined petroleum products from the DOE regulatory program. Exec. Order No. 12287, 46 FR 9909 (1981). As a result of decontrol, price rollbacks are no longer an effective means of making restitution to purchasers who were overcharged in the past. Moreover, to refund money to the parties actually affected by the alleged overcharges, a determination must be made regarding the extent to which purchasers of the crude oil involved absorbed the overcharges or passed the higher costs through to downstram customers by raising their own sales prices. In these cases, therefore, the persons entitled to refunds are not readily identifiable, and the amount of the refunds that persons should receive are not readily ascertainable. Under these circumstances, Subpart V provides the most useful mechanism for devising a procedure to effect restitution. The Office of Hearings and Appeals therefore will accept jurisdiction over the funds received by the DOE in settlement of the enforcement proceedings underlying the Petitions for Implementation of Special Refund Proceedings set forth in Appendix A to this Decision.

III. Authority to Fashion Refund Procedures

Subpart V authorizes the Office of Hearings and Appeals, upon request by the appropriate enforcement official, to fashion special procedures to distribute refunds obtained as part of settlement agreements. 10 CFR 205.281, 205.282. The special refund procedures are part of an overall regulatory program and are intended to implement several different statutes.

Congress provided for mandatory price controls on crude oil, residual fuel oil, and refined petroleum products in the Emergency Petroleum Allocation Act of 1973 (EPAA), 15 U.S.C. 751 *et seq.* (1976). The authority to enforce the regulations governing the pricing of crude oil and refined petroleum products was first exercised by the Cost of Living Council under the Economic Stabilization Act (ESA), 12 U.S.C. 1904 note (1976), then delegated in turn to the Federal Energy Office, the Administrator of the Federal Energy Administration, and finally, in 1977, to the Secretary of Energy. Federal Energy Administration Act (FEAA) section 5, 15 U.S.C. 765 (1974); Department of Energy Organization Act (DOE Act), section 301(a), 42 U.S.C. 7151(a) (1979). To carry out these statutory mandates, the regulations of the Cost of Living Council, the Federal Energy Office, the Federal Energy Administration, and the Department of Energy have provided throughout the existence of the price control program for the issuance of remedial orders "requiring a person to cease a violation or to eliminate or compensate for the effects of a violation,

or both." 6 CFR 155.81(b) (1973); 10 CFR 205.2 (1974) (defining "remedial order").

As we have noted in previous Subpart V Decisions, restitution is designed to accomplish two independent purposes: disgorgement of the fruits of a regulatory violation from the wrongdoers, and refunding money to persons injured by the regulatory violation. *Vickers; see Sauder* v. *DOE*, 648 F.2d 1341 (Temp. Emer. Ct. App. 1981). The latter objective—refunding money to overcharged persons—furthers the specific goal in Section 4(b)(1)(F) of the EPAA of providing for the "equitable distribution of * * * refined petroleum products at equitable prices * * * among all users." 15 U.S.C. 753(b)(1)(F).

IV. Proposed Refund Procedures

To fulfill the objectives expressed in the statutes and regulations discussed above, and the consent orders themselves, the procedures to be implemented in these cases should, to the maximum extent practicable, provide for the distribution of the refund amounts to the parties who were actually injured by the alleged overcharges.

The Department of Energy recently issued a final decision establishing refund procedures in connection with 25 alleged price violations involving crude oil. *Office of Enforcement*, 9 DOE ¶ ———, No. DFF–0002 (January 6, 1982). A copy of that Decision is appended to this proposed decision as Appendix B, and is incorporated into this determination by reference. As is the case in the present proceeding, the parties in *Alkek* allegedly violated the DOE crude oil price regulations. Pursuant to consent orders, the parties in *Alkek* agreed to make refunds totaling over $21 million. Under the authority of 10 CFR Part 205, Subpart V, we formulated a refund process which is designed to effectuate an equitable and efficient distribution of those funds.

The effects of the alleged violations involved in the present proceeding are identical to those involved in *Alkek*. Since the two proceedings involve similar transactions and present identical issues, we believe that aggregation of the moneys involved in this decision with the funds involved in the *Alkek* decision would be equitable and administratively efficient. The total amount of money made available for refunds in *Alkek* was approximately $21 million. The firms involved in the present proceeding have remitted a total of approximately $39 million to the DOE. Therefore, the total funds now available for distribution through the scheme announced in the *Alkek* decision, if this proposed determination if finalized, are nearly $60 million.

We therefore propose to consolidate this proceeding with the *Alkek* proceeding. This consolidation will simplify the submission of claims, be cost efficient, and be a more effective use of the resources of the Office of Hearings and Appeals.

It is therefore ordered that:

The refund amounts provided in conjunctions with the consent orders listed in Appendix A of this Decision and Order will be distributed in the manner set forth in the Decision and Order issued in the matters of Alfred B. Alkek *et al.*, 9 DOE ¶ ———, No. DFF–0002 (January 6, 1982).

Footnotes

(*1*) The Economic Regulatory Administration has recently been reorganized. Under that reorganization the Office of Enforcement has been integrated into the Office of Special Counsel. However, throughout this decision we will continue to refer to the Office of Enforcement.

(*2*) This type of violation was alleged in the following cases: Adams Resources and Energy, Inc.; J&C Drilling Co.; Mohegan Co./James B. Kite Operating Co.; T–C Oil Co.; N. C. Ginther; D. R. Cummings; Quintana Petroleum Corp.; Kirkpatrick Oil and Gas Co.; William Gruenewald & Assoc., Inc.; Marbob Energy Corp.; Mabee Petroleum Corp.; Michaelson Producing Co.; Rocky Petroleum Corp.; Homestake Production Co.; Louis H. Haring, Jr.; Diamond Shamrock Corp.; Rollert-Waddell Co.; BTA Oil Producers; Liberty Oil & Gas Co., Inc.; Phoenix Resources Co.; Parthow & Cochonour; Connally Oil Co.; Alta Lona Oil Co.; Benson-Montin-Greer Drilling Corp.; M. C. Milam, Inc.; Milinda Oil Co.; An-Son Corp.; Calvin Petroleum Corp.; and Century Refining Company. These violations were alleged to have resulted from the misapplication of the term "base production control level," misapplication of the definition of "property," or incorrect certification of a property as a "stripper well property," as these terms are defined in the DOE regulations. One other firm, Westland Oil Co., allegedly sold gas well condensate at prices in excess of the lawful ceiling price.

(*3*) This type of violation was alleged in the Marbob Energy Corp. case.

(*4*) This type of violation was alleged with respect to Summit Transportation Co. and Coastal Corporation.

(*5*) The following table indicates the date that the consent order was published in the **Federal Register** and the amount to be paid to the DOE pursuant to the consent order.

Case	Date on which the consent order was published	Refund amount
Adams Resources and Energy, Inc.	Nov. 2, 1979, 44 FR 63136, *corrected* Nov. 16, 1979, 44 FR 66204.	$80,000
Mohegan Co./James B. Kite Operating Co.	May 5, 1980, 45 FR 29626.	34,000
T–C Oil Co	July 10, 1979, 44 FR 40378.	345,000
N. C. Ginther	Nov. 26, 1979, 44 FR 67500.	40,000
D. R. Cummings.	Apr. 29, 1980, 45 FR 28414.	[1] 14,000
Summit Transportation Co.	Mar. 4, 1981, 46 FR 15203.	17,000,000
J&C Drilling Co	Nov. 26, 1979, 44 FR 67496.	350,000
Marbob Energy Corp.	July 31, 1979, 44 FR 44925.	[1] 34,000
Westland Oil Development Corp.	Oct. 2, 1980, 45 FR 65280.	2,634,189.09
Quintana Petroleum Corp.	Oct. 29, 1979, 44 FR 61994.	3,750,000
Kirkpatrick Oil and Gas Co.	Apr. 28, 1980, 45 FR 28190.	[1] 325,000
William Gruenewald & Assoc., Inc.	Dec. 3, 1979, 44 FR 69321.	46,906.55
Mabee Petroleum Corp.	May 1, 1981, 46 FR 24622.	435,308
Michaelson Producing Company.	Nov. 15, 1979, 44 FR 65813.	280,000
Rocky Petroleum Corp.	Oct. 23, 1979, 44 FR 61090.	32,000
Rollert-Waddell Co.	Sept. 27, 1979, 44 FR 55630.	90,000
Homestake Production Co.	June 26, 1979, 44 FR 37332.	62,000
Louis H. Haring, Jr.	June 28, 1979, 44 FR 37670.	160,897.79
Diamond Shamrock Corp.	June 26, 1979, 44 FR 37330.	55,056.78
Coastal Corporation.	Feb. 25, 1980, 45 FR 12286.	9,000,000
Century Refining Co.	Feb. 29, 1980, 45 FR 13502.	2,700,000
Alta Loma Oil Co.	Sept. 6, 1979, 44 FR 52018.	294,617.21
Benson-Montin-Greer Drilling Co.	Jan. 22, 1980, 45 FR 4371.	68,369.13
BTA Oil Producers.	July 26, 1979, 44 FR 43762.	415,816.87
Clark & Clark	July 6, 1979, 44 FR 39577.	57,911.81
Connally Oil Co	June 26, 1979, 44 FR 37331.	100,000.00
Liberty Oil & Gas Co., Inc.	Aug. 2, 1979, 44 FR 45436.	80,000.00
M. C. Milam, Inc.	Aug. 3, 1979, 44 FR 45665.	52,440.69
Partlow & Cochonour.	Oct. 15, 1979, 44 FR 59267.	152,138.68
Phoenix Resources Co.	Jan. 25, 1980, 45 FR 6157.	105,772.64
Milinda Oil Co	Jan. 29, 1980, 45 FR 6642.	80,000.00
Calvin Petroleum Corp.	June 1, 1981, 46 FR 29302.	45,000.00
An-Son Corp	June 28, 1979, 44 FR 37667.	53,760.54
Total		38,974,185.78

[1] Plus interest.

(*6*) Claims were filed in the following cases: Adams Resources and Energy, Inc.; T–C Oil Co.; D. R. Cummings; J&C Drilling Co.; Quintana Petroleum Corp.; Kirkpatrick Oil and Gas Co.; and William Gruenewald & Assoc., Inc.; Mabee Petroleum Corp.; Michaelson Producing Co.; Diamond Shamrock Corp.; Homestake Production Co.; Alta Loma Oil Co., Connally Oil Co., Partlow & Cochonour, Phoenix Resources Co., Liberty Oil & Gas Co., Inc., and BTA Oil Producers.

APPENDIX A

Name of petitioner	Date of filing	Case No.
Office of Enforcement, Economic Regulatory Administration: In the Matters of:		
Adams Resources and Energy, Inc.	June 1, 1981	BEF-0055.
Mohegan Co./James B. Kite Operating Co.	June 3, 1981	BEF-0057.
T-C Oil Co	May 6, 1981	BEF-0047.
N.C. Ginther	June 5, 1981	BEF-0059.
D.R. Cummings	do	BEF-0058.
Summit Transportation Co.	May 20, 1981	BEF-0053.
J&C Drilling Co	May 13, 1981	BEF-0050.
Marbob Energy Corp	May 18, 1981	BEF-0052.
Westland Oil Development Corp.	Dec. 23, 1980	BEF-0026.
Quintana Petroleum Corp.	June 18, 1981	BEF-0060.
Kirkpatrick Oil and Gas Co.	do	BEF-0061.
William Gruenewald & Assoc., Inc.	do	BEF-0062.
Mabee Petroleum Corp	July 8, 1981	BEF-0068.
Michaelson Producing Co.	June 10, 1981	BEF-0063.
Rocky Petroleum Corp	July 21, 1981	BEF-0071.
Roliert-Waddell Co	June 11, 1981	BEF-0064.
Coastal Corp	May 15, 1980	BFF-0005.
Homestake Production Co.	Aug. 20, 1981	BEF-0074.
Louis H. Haring, Jr.	do	BEF-0075.
Diamond Shamrock Corp.	do	BEF-0076.
Century Refining Co	Aug. 31, 1981	BEF-0077.
Alta Loma Oil Co	Sept. 1, 1981	BEF-0080.
Benson-Montin-Greer Drilling Co.	Sept. 4, 1981	BEF-0087.
BTA Oil Producers	do	BEF-0083.
Clark & Clark	do	BEF-0084.
Connally Oil Company	do	BEF-0082.
Liberty Oil & Gas Co., Inc.	Sept. 24, 1981	BEF-0092.
M. C. Milam, Inc	Sept. 11, 1981	BEF-0090.
Partlow & Cochonour	do	BEF-0091.
Phoenix Resources Co	do	BEF-0088.
Milinda Oil Co	Oct. 8, 1981	HEF-0001.
Calvin Petroleum Corp	Oct. 9, 1981	HEF-0003.
An-Son Corp	do	HEF-0004.

Appendix B

January 6, 1982.

Decision and Order of the Department of Energy

Special Refund Procedures

Name of petitioner: Office of Enforcement, Economic Regulatory Administration: In the Matters of Alfred B. Alkek and others listed in Appendix A

Dates of filing: April 19, 1979, and others listed in Appendix A

Case Nos. DFF-0002 and others listed in Appendix A

This proceeding concerns Petitions for the Implementation of Special Refund Procedures submitted to the Office of Hearings and Appeals pursuant to 10 CFR Part 205, Subpart V, by the Economic Regulatory Administration's Office of Enforcement (OE). (*1*) In the petitions, OE requests that the Office of Hearings and Appeals establish procedures for the disposition of over $21 million obtained by the DOE in connection with consent orders entered into by Alfred B. Alkek and the other 23 firms and individuals listed in Appendix A, and a remedial order issued to James M. Forgotson. (*2*) The consent orders settled DOE claims that these firms violated the DOE Mandatory Petroleum Price Regulations found in 6 CFR Part 150 and 10 CFR Part 212. The funds are now being held in escrow pending receipt of instructions from the OHA regarding their distribution.

In four previous decisions, the Office of Hearings and Appeals accepted jurisdiction over the refund amounts involved in this proceeding. *Office of Enforcement*, 8 DOE ¶ 82,516 (1981) (all cases except Alkek, Delta, Enserch, Forgotson and Guenther); *Office of Enforcement*, 8 DOE ¶ 82,515 (1981) (Forgotson, Delta, and Enserch cases); *Office of Enforcement*, 6 DOE ¶ 82,571 (1980) (Guenther case); *Office of Enforcement*, 4 DOE ¶ 82,574 (1979) (Alkek case).

On May 8, 1981, the Office of Hearings and Appeals issued a Proposed Decision and Order which tentatively established special refund procedures to be used in adjudicating claims to the consent order funds and solicited comments from interested parties concerning the proper disposition of the funds. 46 FR 26681 (May 14, 1981). In that determination we tentatively established a two-stage refund procedure. We stated that in the first stage of the process we would consider Applications for Refund made by parties who believed they could show a demonstrable injury arising from the violations alleged in the consent orders. In addition, we proposed a second-stage procedure which would apply in the event that the consent order funds were not exhausted by claims paid in the first stage of the refund process. For the second stage we proposed a scheme through which the funds could be distributed to ultimate consumers of petroleum products through state governments on the basis of average use of petroleum products within a state during the period 1973 through 1978.

The focus of this decision is the establishment of the procedures to be employed for filing claims in the first stage of the refund process. This decision will discuss the special circumstances involved in these proceedings, and then outline in general terms which parties may be able to establish that they are entitled to a portion of the consent order funds, and what types of information they should submit in connection with their Applications for Refund. In establishing these requirements, we will address comments filed in response to the first stage proposal in the May 8 Proposed Decision. This Decision will also briefly address the second stage of our refund proposal and the comments filed in response to that proposal.

I. Background

We described the background surrounding the consent order funds involved here in detail in the May 8 Proposed Decision and Order. *Office of Enforcement*, No. DFF-0002, slip op. at 2-3 (proposed decision) (May 8, 1981) (hereinafter cited as Proposed Decision), 46 FR 26681, 26682. As we stated in that determination, the consent orders in this proceeding resulted from audits or investigations conducted by the DOE and its predecessor agencies. As a result of these audits, the DOE enforcement authorities alleged that the parties in these cases were involved in sales of crude oil at prices in excess of the ceiling prices permitted by the DOE Mandatory Petroleum Price Regulations set forth in 6 CFR Part 150 and 10 CFR Part 212. Each party except one against whom enforcement action was taken has settled the outstanding compliance proceeding by executing a consent order. *See* 10 CFR 205.199J.

The types of violations allegedly committed by the parties that entered into the consent orders involved in this proceeding fall into three broad categories. Most of the violations alleged concern firms that were "producers" of crude oil as defined in 10 CFR 212.31. These firms were alleged to have sold domestic, price-controlled oil at uncontrolled prices. Specifically, they were alleged to have incorrectly certified "old" price-controlled crude oil as "new" or "stripper well" oil subject to less stringent price controls. The firms were therefore alleged to have overcharged purchasers by the amount per barrel which represents the difference between "new" or "stripper well" prices and the ceiling price permitted for "old" oil. (*3*)

The second type of alleged violation concerns four producers that were alleged to have miscertified "old" oil. These producers additionally sold oil for which the "base" or May 15, 1973 price was incorrectly computed. Thus this crude oil, though properly certified, was sold at a price higher than that permitted by the regulations. (*4*) The third type of alleged violation concerns parties which were not producers of crude oil. These parties were alleged either to have been resellers of crude oil that miscertified "old" crude oil and sold it as "new" or imported oil, or to have been parties that received commissions for their participation in schemes in which they arranged for others to miscertify crude oil. (*5*)

In all but one case, these parties have entered into consent orders with the DOE or the Department of Justice. (*6*) In each consent order, the government agreed to terminate the pending investigation and administrative or judicial proceeding, and the parties agreed to remit a stipulated sum of money to the DOE. The terms contained in each consent order, including the amount of the monetary settlement, were arrived at through negotiation. Although the amount of money remitted to the DOE can be viewed as based in part upon the magnitude of the violations alleged by the government, additional factors—such as each party's views as to the probable length, expense, and success of litigation—would normally influence the size of the monetary settlement. In addition, the parties' knowledge of ongoing audits would also be reflected in the negotiated settlements. Because of these factors, each of the consent orders contains a stipulation that the DOE does not find that a violation of the regulations actually occurred. Thus, the consent orders involved in this proceeding cannot be considered to be adjudications on the merits of the violations alleged against the parties that entered them, and the amounts of the violations alleged in charging documents previously issued to the firms involved bear only an attenuated relationship to the funds obtained by the DOE.

As stated above, the May 8 Proposed Decision tentatively established a two-stage refund procedure for the consent order funds.

In that decision, we noted that all parties theoretically injured by the violations would not necessarily be entitled to refunds. Instead, only those parties who could demonstrate that were adversely affected by the alleged violations would be appropriate refund recipients. We explained that in prior decisions involving special refund procedures we had defined an injured purchaser to be any purchaser which could show that it purchased petroleum products sold by the party that entered into the consent order and which could demonstrate that it did not pass on all overcharges to subsequent purchasers. *See, e.g., Office of Enforcement,* 8 DOE ¶ 82,597 (1981) (hereinafter cited as *Vickers*). We pointed out that the entities which appeared to be most directly affected by the alleged crude oil price violations in the consent orders involved in this proceeding are refiners that directly purchased the crude oil which was the subject of the individual consent orders, and the other refiners that participated in the Entitlements Program, 10 CFR 211.67. However, we stated our tentative view that these entities might not be the most appropriate recipients of the total pool of refund money available. We reached this position because the effects of crude oil pricing violations were generally spread by the Entitlements Program through the entire United States and among all domestic refiners. In this regard we pointed out:

"Because of the manner in which the Entitlements Program operated, the effects of the miscertifications were spread among all domestic refiners. Miscertifications caused price-controlled crude oil to disappear. This disappearance caused the volume of old oil to be distributed through the Entitlements Program to decline and caused the DOSR (domestic old oil supply ratio) to be reduced. Thus, refiners who included more than the national average percentage of price-controlled oil in their crude oil receipts and runs to stills had to purchase a *greater* number of entitlements. Similarly, refiners with less than the national average percentage of price-controlled crude oil has *fewer* entitlements to sell. As a result, every refiner's cost of crude oil was increased. Thus, all refiners were affected by the alleged miscertification violations involved in the Consent Orders. To the extent the refiners pass through these increased costs to customers, the customers who purchased refined products were harmed by the miscertifications. *See Getty Oil Co.,* 1 DOE ¶ 80,102 (1977)."

Proposed Decision, slip op. at 5–6, 46 FR at 26683 (emphasis in original).

From this we articulated two preliminary views. First, we explained that because of the operation of the Entitlements Program, refiners that purchased crude oil from the parties that had signed these consent orders were not injured in a manner distinct from all other refiners. This is because the amount the individual refiners paid in excess of the controlled price for the miscertified crude oil was balanced by the extra benefits they received by the operation of the Entitlements Program. Thus, we reasoned that if all refiners as a group were not appropriate refund recipients, individual refiners which directly purchased the crude oil involved also would not be appropriate refund recipients. *Id.*, slip op. at 6, 46 FR at 26683. Secondly, we stated that through the operation of the Entitlements Program, all refiners lost benefits as a result of the miscertifications of crude oil. We noted that to some extent the refiners probably passed on these increased costs to subsequent purchasers. Also, to the extent there costs were not passed on, we stated that because of such factors as the accumulation of refiners' banks of increased costs, changes in supplied/purchaser relationships, and the fluctuation of prevailing crude oil costs and price levels during the relatively lengthy period covered by the consent orders, it would be extremely burdensome to compute with precision the degree to which each refiner absorbed any increases in costs engendered by the miscertifications. We therefore questioned the practicality of channeling the consent order funds to Entitlements Program participants. *Id.* We also noted that the decontrol of crude oil was another factor which weighed against making refunds directly to the refiners that purchased the crude oil or to all refiners that participated in the Entitlements Program. We observed that had the DOE regulatory scheme still been in effect, any refunds which a refiner received would have been reflected as a decrease in the cost of crude oil and may have affected its maximum lawful selling prices of covered products. In this manner, the parties further down the distribution chain that were likely to have been adversely affected by the alleged overcharges would have received some benefit associated with the refunds. However, since decontrol occurred on January 28, 1981, the mechanism of price rollbacks is of doubtful effectiveness. *Id.*, slip op. at 7, 46 FR at 26683.

We did note, however, that certain identifiable parties might be able to show demonstrable injury from the alleged violations. We found that one such class of potentially injured parties was the group of direct purchasers or refiners that obtained crude oil from the parties which entered into consent orders in which an improper computation of the base price for crude oil was alleged. We noted that because this oil appeared to be properly certified, the alleged overcharges were not passed through the mechanism of the Entitlements Program. We stated that these direct purchasers and refiners thus may have borne the effect of such overcharges and may be eligible for refunds to the extent that they could show that the alleged overcharges were not passed through to subsequent purchasers. *Id.*

Refiners were additionally included in the second class of potientially injured parties we indentified. This class is composed of refiners that obtained crude oil from parties that entered into consent orders concerning violations alleged to have occurred before the commencement of the Entitlements Program on November 1, 1974. Because the effects of these overcharges had not been passed through the Entitlements Program, we stated that these refiners were directly affected and may have absorbed the effects of the alleged overcharges. Thus we concluded that refiners in this class could be eligible for refunds to the extent they could show that they did not pass these increased costs on to subsequent purchasers. *Id.*

We also stated that, for periods subsequent to November 1, 1974, refiners and subsequent purchasers that obtained crude oil or refined products produced or sold by the parties that entered into the consent orders involved in the proceeding could be eligible for refunds if they could show that the Entitlements Program did not negate the adverse effects caused by the alleged violations and if they could accurately calculate the impact of those effects on them. *Id.*, slip op. at 8 & n.12, 44 FR at 26683. Finally, we noted that if our tentative conclusion were correct, the effects of the alleged overcharges were spread among all refiners by the Entitlements Program and were largely passed on by them and subsequent purchasers. In this case, the effects of the alleged overcharges would actually have been borne by all ultimate consumers of refined products. Thus, we determined that consumers could also be appropriate refund recipients. *Id.* We stated that instructions for the filing of refunds for all potentially aggrieved parties would be provided in a final decision.

In a separate section of the May 8 Proposed Decision, we considered ways of distributing whatever funds remained after appropriate refunds to first-stage claimants have been made. We proposed that these funds should be apportioned among state governments to reflect each state's level of petroleum consumption between 1973 and 1978, the years in which the violations were alleged to have occurred. *Id.*, slip op. at 9–10, 46 FR at 26684. We chose to distribute the money to state governments because we believed that they would be able to design a distribution scheme for the refund proceeds which would benefit all injured consumers in each state, and account for the varying energy-related needs of their citizens. We also believe that the states would be able to expend the proceeds in an administratively efficient and cost-effective manner. In order to minimize the difference between the recipients of the refunds and the groups which bore the burden of the allegedly illegal pricing practices, we proposed that each state's portion of refund proceeds would be divided among three categories or "pools" relating to the comsumption of different types of petroleum products. We stated that within each of the three pools, the refund proceeds would be allocated to organizations which are best suited to passing through the proceeds to the ultimate consumers of that type of product. *Id.*, slip op. at 10–12, 46 FR at 26684–85. We additionally stated that an alternative distribution scheme, should giving the money to state governments prove impractical, would be to deposit all the refund money into the United States Treasury. *Id.*, slip op. at 12–13, 46 FR at 26685.

II. Analysis

A. Initial Refund Procedures

In the Proposed Decision, we described our proposal to refund money to parties directly injured by the violations alleged in the consent orders through the first stage of these refund proceedings. The Proposed Decision stated in very general terms that such parties

would be eligible to file Applications for Refund with the Office of Hearings and Appeals. In this Decision, we shall set forth in detail the procedures we will follow in the first stage. We will specify clearly the information a refund applicant should submit to demonstrate that it is entitled to a refund. As we will explain in greater detail below, however, it is not possible for us to articulate with precision how every conceivable applicant in these proceedings should document its refund application. We will therefore describe the issues which an applicant must address and the types of evidence which we believe will tend to support an applicant's claim for a refund. This discussion is not meant to be inclusive, and we will consider *all* evidence which an applicant submits to substantiate its claim. We will also address specific suggestions filed in response to those portions of the Proposed Decision which concern the implementation of the first stage of the refund process.

Since the issuance of the Proposed Decision, we have received numerous comments addressing the proposed first-stage refund mechanism. A number of comments were filed by refiners of crude oil, (*7*) such as Texas City Refining Inc., which objected to the discussion in the Proposed Decision which stated that refiners were generally able to pass on increased costs to their own customers, and that refiners might therefore not be able to qualify for direct refunds. These refiners claim that as a result of market forces, they were actually unable to pass through increased costs to their customers. In support of this contention, the refiners point out that until January 28, 1981, when crude oil and refined petroleum products were exempted from the DOE price and allocation regulations, the firms continuously maintained substantial banks of unrecovered costs. *See, e.g.,* Comments filed by Marathon Oil Company. One refiner, Mount Airy Refining Company, claimed that since it sold only uncontrolled products, it was forced to absorb the effects of any unlawful certifications because it usually sold its product at market prices. According to Mount Airy, it therefore could not have passed on any price increases due to miscertifications. Other refiners, such as Crown Central Petroleum Corporation, suggest that all refunds attributable to miscertified crude oil should be distributed directly to refiners through the Entitlements Program. In this regard, they refer to the mechanism established by the Economic Regulatory Administration for entitlement adjustments for periods prior to the decontrol of crude oil. 46 FR 36902 (July 13, 1981). The refiners point out that that mechanism will liquidate rights and obligations of participants in the Entitlements Program that accrued before decontrol, without regard to whether those participants were actually able to pass through increased costs that may have resulted from the erroneous issuance of entitlements benefits or obligations. Several refiners suggest that we should adopt a similar approach in this proceeding and return all refund moneys directly to them.

We cannot agree with the suggestion that all refunds should automatically be distributed directly to the refiners that purchased crude oil from the producers involved in this proceeding. While we recognize that it may well have been reasonable for the ERA to decide to rectify errors in the apportionment of entitlements benefits and obligations through the Entitlements Program itself, we are not persuaded that such a policy is appropriate with respect to moneys that the DOE has received as a result of consent orders settling enforcement matters involving alleged violations of the crude oil price regulations. Rather, we believe that the benefits associated with the moneys received as refunds for possible overcharges should be distributed in a manner that will inure to the maximum extent possible to those who were actually injured by the alleged overcharges. Nothing in the Proposed Decision and nothing in this decision is intended to foreclose the right of a refiner or any other party that believes that it can prove it was injured by the alleged violations to file an Application for Refund. Indeed, to the extent a refiner can demonstrate an injury, it will be eligible to receive an appropriate share of the refund pool. We wish to point out, however, that the burden in these proceedings is not on the DOE to demonstrate that a prospective claimant or class of claimants is ineligible for refunds. Rather, a claimant must affirmatively demonstrate that it has been injured by the alleged violation and that it should consequently receive a refund. A claimant that does no more than reiterate an argument which presumes the existence of injury without documenting it will not have met this burden.

We now turn to the question of what documentation a claimant must provide in order to establish eligibility for a portion of the consent order funds. In the Proposed Decision we identified certain classes of potentially injured parties that we believe would be able to demonstrate that they were in fact injured by the alleged violations. We wish to point out that the listing of potentially injured parties we gave in the Proposed Decision was intended to be representative rather than exclusive. *Any* party that believes it can prove an injury resulting from the alleged violations may file an Application for Refund. Secondly, while we still believe that many ultimate consumers of refined petroleum products were in all likelihood injured by the violations alleged in these proceedings, consumers cannot in our view show a direct link between the violations alleged in the consent orders and their injuries. Therefore it is not yet appropriate to determine how funds should be apportioned to such consumers. (*8*) That determination can be made only after we know how much of the proceeds must be given to first stage claimants who can prove injury from the alleged overcharges. Thus it would be premature for such consumers and consumer groups who would claim they incurred an injury from the alleged violations merely by virtue of being ultimate consumers to file Applications for Refund at this time. *See Vickers.*

We have recently issued three final determinations establishing special refund procedures. *See Office of Enforcement,* 9 DOE ¶ , No. BEF-0033 (December 28, 1981); *Office of Enforcement,* 9 DOE ¶82,508 (1981); *Vickers.* Each of those decisions provided detailed instructions for filing refund applications. For example, in *Vickers* we suggested a format for the submission of claims. *Vickers,* 8 DOE at 85,402-03. This was possible because the *Vickers* consent order involved only one type of product—motor gasoline. Moreover, the effects of the alleged overcharges were limited to a sixteen-state area in which Vickers marketed motor gasoline and also were limited to the parties within Vickers' distribution chain. Because Vickers' motor gasoline sales volume during the period covered by the consent order was known, it was possible to apportion a definite amount of the consent order fund to each gallon of gasoline purchased, and consequently to calculate refund amounts on a volumetric basis. *Id.* at 85,396 & n.4.

A markedly different situation exists here. Some of the consent orders involved in this proceeding involve both certification and non-certification violations alleged to have been committed by the same firm. The crude oil involved was then transformed into a multitude of refined products by the time it reached ultimate consumers. Indeed, many refined products were not used in their "raw" form but to manufacture other items produced in the national economy. Because of the Entitlements Program, the effects of the overcharges were not restricted to the distribution chain of the firms which purchased the crude oil involved, but were in fact spread among all refiners of crude oil and all consumers of refined products nationwide. Because the effects of the overcharges were diffused among all refiners it is entirely possible that the market reflected these changes by raising the price levels generally charged by all refiners in the United States.

Under these circumstances, it is not possible for us to specify how every potential applicant for refund should document its claims. Nor do we think such specification is necessary at this time. Rather than establishing general rules for the submission of refund applications in this proceeding, we will give some examples of the kinds of documentation certain classes of applicants should provide to prove entitlement to a refund. Applicants should bear in mind that the following examples are not intended to be comprehensive; applicants may find it appropriate to file additional or substitute information in support of their claims. All applicants must provide sufficient information to prove that the violations alleged in one of the consent orders had a direct, measurable impact on them and that this impact caused an injury that they were unable to minimize or eliminate by passing on to subsequent purchasers. The type of documentation a claimant must submit will vary depending on whether a claimant's injury was caused or affected by the Entitlements Program. (*9*) A claimant's injury was not caused or affected by the Entitlements Program if it was caused by violations other than certification violations, by violations which occurred prior to the inception of the Entitlements Program on

November 1, 1974, or if the claimant is a party that sells crude oil before it has been refined. A claimant of this type should first provide proof establishing it obtained crude oil from one of the parties that entered into one of the consent orders in this proceeding. That proof should include include the volume of crude oil obtained, the price for which it was obtained, and the time when it was obtained. The claimant should also present a detailed description of the nature of its alleged injury. In addition, we will require a showing that the claimant did not pass through price increases caused by the alleged violations to its own customers. Thus, a claimant in this group should submit data showing increased product costs (bank) for each calendar quarter for which it claims a refund, and market data and other relevant information which tends to show that the market would not permit it to recover the price increases involved by raising its own sales prices. If a claimant used its banked costs to increase its selling price at a later date, its refund might be appropriately reduced.

A claimant's injury was caused or affected by the Entitlements Program if the injury was caused by a certification violation occurring after November 1, 1974, and if the claimant is a refiner or a subsequent purchaser. We expect that claimants in this category will make two general types of claims. The first type would be made by a refiner or subsequent purchaser which obtained crude oil originally sold by one of the parties that entered into the consent orders involved in this proceeding. Such a claimant must be able to demonstrate that the product was originally produced or sold by one of the parties that entered into the consent orders. Barring a showing that a refiner obtained all its crude oil from a single reseller or producer, we are uncertain at this time how this showing can be made by a party in the distribution chain other than a refiner. An applicant with this type of claim must also provide the same information about time of purchase, quantity of purchase, and existence of banks that a claimant whose injury was not caused or affected by the Entitlements Program must provide. Moreover, this type of claimant must satisfactorily demonstrate why and to what extent the Entitlements Program did not operate to negate the effect of the violations.

As we stated in the proposed decision in this proceeding and repeated in our discussion here, the violations alleged in the consent orders could conceivably have directly caused all refiners to incur injury through the operation of the Entitlements Program. Thus, a refiner in this category which is able to quantify its individual injury and can show, through the existence of banks and the submission of market data or other relevant information, that it did not pass on those increased costs to subsequent purchasers may be eligible for a refund. Again, we are unable to specify what type of factual information could be used to document such an injury. We must reiterate however, that the burden of proving eligibility for a refund is on the refiner, not the DOE. Thus, it is the refiner that must provide information showing how and to what extent it was injured by the violations alleged in the consent orders. This cannot be done through the use of generalized, unsupported allegations, and the submission of material establishing simply that sizable product cost banks were maintained during the relevant periods is not sufficient. *See, e.g., Vickers,* 8 DOE at 85, 396–97.

Accordingly, this Decision announces that OHA will accept Applications for Refund from the consent order amounts pursuant to 10 CFR 205.283 beginning immediately. Applications must be filed no later than May 3, 1982. It should be noted that in establishing these procedures, we intend to avoid excessive processing costs that would be out of proportion to the amount of the consent order funds available for distribution. *See* 10 CFR 205.286(b). Consequently, because the cost of considering claims for small refund amounts may render such a process administratively inefficient, we may decide at some point in the future to establish a minimum amount for which an Application for Refund may be filed. That minimum amount could be based upon the administrative cost of processing a claim, issuing a check, and transmitting the check, which we are informed amounts to approximately $15.00. However, we will not impose a lower limit at this time, but will consider all Applications for Refund that are timely filed.

B. Distribution of the Remainder of the Consent Order Funds

Several comments addressed our proposed distribution of whatever consent order funds may remain after the first stage of the refunds process is completed. In this Decision, we are not implementing the second-stage refund procedure. This would be difficult to do before the analysis and processing of Applications for Refund, because the amount remaining after all meritorious claims have been paid directly affects the appropriateness of the second-stage distribution scheme. *See Vickers,* 8 DOE at 85, 397. However, we continue to believe that distribution of refunds to all consumers of petroleum products through state governments may well be appropriate if sufficiently large amounts remain after the claims process has been completed. In order for the public to be made aware of outstanding issues and be able to comment on them, we will summarize and address briefly the comments received concerning the proposed second-stage procedure. We continue to seek comments on those issues.

The comments received from nineteen States and the National Governors Association address in particular the portion of the Proposed Decision where we proposed that the refund proceeds be divided among product pools, and suggested several uses to which the refunds assigned to each pool might be put. (*10*) Many of the States pointed out that reductions in fees and utility charges made to individual citizens, such as those proposed, would provide an insignificant per capita benefit and involve disproportionately high administrative costs. Nearly all of the States filing comments contend that they should be allowed to disregard the pool plan, and that each State be permitted to develop its *own* plans for the disbursement of refund moneys. In this regard, many of the States have suggested numerous alternative uses to the proposals which we set forth in the Proposed Decision. For example, the States of Washington, Maine, Mississippi, and Idaho proposed that refunds be used generally to increase funding for or to implement energy conservation programs. The States of Minnesota, Arkansas, Oregon, and Kentucky proposed that the refunds could be directed to specific energy conservation programs, such as home weatherization, ride-sharing and mass transit. The States of Texas, Oregon, and Arkansas also suggest that the refunds be used to augment energy planning and development programs.

We believe that the States' suggestions for additional uses for the refunds have considerable merit. As noted above, the purpose of the "pools" in the Proposed Decision was to establish mechanisms which would funnel refunds to the class of persons who were likely to have been injured by the allegedly illegal pricing practices. Otherwise, the restitutionary goal of the second-stage proceeding would not be furthered. Nevertheless, the suggested distribution of refunds among the pools was not intended to preclude other appropriate restitutionary schemes, and other types of state plans for the use of the refunds could also be approved, provided a showing is made that the plan will not disproportionately benefit one class of consumers over another. *See* Proposed Decision, slip op. at 19 n.18, 46 FR at 26686 n.18.

Several states and individuals who submitted comments in this proceeding also suggested that refund moneys be used exclusively to assist the elderly and the poor in the payment of utility bills. Some states have also suggested that refund moneys be utilized to train new automobile drivers. While we have not doubt that these are useful and even commendable programs, we must reiterate that our authority to approve any state plan depends in part upon a showing that benefits from the plan will be equitably derived by citizens who are likely to have been overcharged. Refunding money to persons who were injured by overcharges is the focus of Subpart V. We therefore are not inclined to approve a plan whose benefits were unduly weighted in favor of one particular sector of the population, however needy that segment may be. (*11*) We also woud not be inclined to approve a plan, such as a new driver training program, whose primary beneficiaries were individuals who clearly would have made no gasoline purchases during the period in which the alleged violations occurred.

Finally, the funds remaining after the first-stage distribution is completed may be so small as to render a second-stage distribution impractical, or the schemes proposed not sufficiently cost-effective. As we stated on the Proposed Decision, we may then simply direct the deposit of the remainder of the funds into the miscellaneous receipts account of the United States Treasury. *See* 10 CFR 205.287(c); Proposed Decision, slip op. at 12–13, 46 FR at 26,688. We will consider this question after all claims are paid. That determination will be made in the form of a

Supplemental Order, notice of which will be provided through the Federal Register.

III. Conclusion

The refund mechanisms and procedures outlined above for claims filed with the DOE will be adopted. In addition, with respect to the second stage of the refund process, although we continue to believe that the plan for distribution of the remainder of the consent order funds outlined in the Proposed Decision is authorized by the DOE's statutory and regulatory provisions, and represents an equitable and efficient method of distributing the settlement funds, we have concluded that it would be premature at this time to authorize the implementation of that second-stage procedure.

We will therefore accept Applications for Refund of a portion of the consent order funds filed on or before May 3, 1982. *See* 10 CFR 205.283. We will consider all applications, although we may later impose a lower dollar limit on claims. *See* 10 CFR 205.286(b). Applications made on behalf of a class of claimants will be considered on a case-by-case basis. An application must be in writing, signed by the applicant, and specify that it pertains to the Matters of Alfred B. Alkek *et al.*, Case No. DFF–0002. Any application for a refund must be filed in duplicate, and a copy of that application will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street, NW., Washington, D.C. Any applicant who believes that his application contains confidential information must so indicate on the first page of his application and submit two additional copies of his application from which the information that the applicant claims is confidential has been deleted, together with a statement specifying why any such information is privileged or confidential. Each application shall indicate whether the applicant or any person acting on his instructions has filed or intends to file any other application or claim of whatever nature regarding the matters at issue in this proceeding or the underlying enforcement proceedings. Each application shall also include the following statement: I swear (or affirm) that the information submitted is true and accurate to the best of my knowledge and belief. *See* 10 CFR 205.283(c); 18 U.S.C. 1001.

It Is Therefore Ordered That:

The refund amounts provided in conjunction with the consent orders listed in Appendix A of this Decision and Order will be distributed in the manner set forth in the foregoing Decision.

Dated: January 6, 1982.

George B. Breznay,

Director, Office of Hearings and Appeals.

Footnotes

(*1*) The Economic Regulatory Administration has recently been reorganized. Under that reorganization, the Office of Enforcement has been integrated into the Office of Special Counsel. However, throughout this decision we will continue to refer to the Office of Enforcement.

(*2*) For purposes of convenience, the term "Consent Order" will be used below to encompass the Remedial Order issued to James Forgotson.

(*3*) This type of violation was alleged in the following cases: Beta Development Co., PGP Gas Products, Inc., J. R. Parten, Vaughn Petroleum, Inc., Lundell's Inc., Graner Oil Co., Hixon Development Co., Newmont Oil Co., Tipperary Oil and Gas Corp., Crystal Oil Co., Frank W. Michaux, McFarland Energy, Inc., Quintin Little Co., Union Texas Petroleum Corp., McCulloch Oil and Gas Corp., Gladys O'Donnell Co., Natomas North America, Inc., Shawnee Oil and Gas Corp., John H. Hendrix Corp., Delta Drilling Company, Enserch Exploration, Inc., and James M. Forgotson. These violations were alleged to have resulted from the producers' miscalculation of the "base production control level," misapplication of the definition of "property," or incorrect certification of a well as a "stripper well," as these are defined in the DOE regulations.

(*4*) This type of violation was alleged in the Crystal Oil Co., Vaughn Petroleum, Inc., Hixon Development Co., and McFarland Energy, Inc. cases.

(*4*) This type of violation was alleged in the Albert B. Alkek, Jack Guenther, and Coral Petroleum, Inc. cases.

(*6*) In the one case not involving a consent order, James M. Forgotson, a crude oil producer, paid DOE $76,201 pursuant to a Remedial Order which found that Forgotson charged prices for crude oil in excess of those permitted by the DOE regulations. *See* James M. Forgotson, Case No. DRW–0031 (August 9, 1979) (unpublished decision).

(*7*) Comments were filed by the following refiners: Crystal Petroleum Company, Inc., Golden Eagle Refining Company, Inc., Mount Airy Refining Company, Ergon Refining, Inc., Crown Central Petroleum Corporation, Marathon Oil Company, Sun Petroleum Production Company, Amoco Oil Company, Texas City Refining, Inc., Cities Service Company, Mobil Oil Corporation, and Atlantic Richfield Company.

(*8*) It would be appropriate for an ultimate consumer (or group of consumers) which believes that it can trace back an injury to the violations alleged in the consent orders to file an Application for Refund, however. To do this, of course, the ultimate consumer must be able to show that the product it purchased contained crude oil produced by one of the parties that entered into the consent orders.

(*9*) Information concerning which consent orders involve violations other than certification violations or violations alleged to have occurred before the inception of the Entitlements Program on November 1, 1974 is provided in the table in Appendix B.

(*10*) Comments were received from energy offices or other offices of the following states: Indiana, Minnesota, Wisconsin, Florida, Michigan, Texas, California, Idaho, Maine, New York, Tennessee, Arkansas, New Jersey, Kentucky, Vermont, Washington, Mississippi, Nebraska, and Colorado.

(*11*) The parties that receive benefits from the refunds will be current consumers of refined products. These parties may in some instances not be identical to the injured class, because the overcharges allegedly occurred during the period 1973 through 1978. We have found no administratively feasible technique for ensuring that proceeds go only to those parties who consumed refined products in the 1973 through 1978 period, as opposed to present consumers.

APPENDIX A

Name of petitioner	Date of filing	Case No.
Office of Enforcement, Economic Regulatory Administration: In the Matters of:		
Alfred B. Alkek	Apr. 19, 1979	DFF–0002.
Jack Guenther	May 14, 1979	DFF–0004.
Beta Development Co.	Nov. 17, 1980	BEF–0009.
PGP Gas Products, Inc.	Dec. 3, 1980	BEF–0010.
J.R. Parten	do	BEF–0011.
Vaughn Petroleum, Inc.	Dec. 5, 1980	BEF–0012.
Lundell's Inc	do	BEF–0013.
Graner Oil Co	do	BEF–0015.
Hixon Development Co.	do	BEF–0016.
Newmont Oil Co	do	BEF–0017.
Tipperary Oil and Gas Corp.	do	BEF–0018.
Crystal Oil Co	Dec. 8, 1980	BEF–0019.
Frank W. Michaux	Dec. 11, 1980	BEF–0020.
McFarland Energy, Inc.	Dec. 19, 1980	BEF–0023.
Quinton Little Co	Dec. 23, 1980	BEF–0024.
Union Texas Petroleum Corp.	do	BEF–0025.
McCulloch Oil and Gas Corp., McCulloch Oil Corp. of Texas.	Jan. 29, 1981	BEF–0028.
Coral Petroleum Inc	Feb. 3, 1981	BEF–0031.
Gladys O'Donnell, d.b.a. Gladys O'Donnell Co.	Feb. 24, 1981	BEF–0035.
Natomas North America Inc.	Mar. 16, 1981	BEF–0037.
Shawnee Oil and Gas Corp.	Mar. 20, 1981	BEF–0039.
John H. Hendrix Corp.	do	BEF–0040.
James M. Forgotson	Apr. 9, 1981	BEF–0043.
Delta Drilling Company.	do	BEF–0044.
Enserch Exploration, Inc.	do	BEF–0045.

APPENDIX B

Case	Period of alleged violation	Existence of non-certification violations	Refund amount
Alfred B. Alkek.	12/1/75–7/1/77	No	$3,240,000
Jack Guenther.	12/1/75–7/1/77	No	841,528
Beta Development Company.	9/1/73–12/31/75	No	[1] 128,000
PGP Gas Products, Inc.	5/1/74–5/1/75	No	[1] 25,484
J. R. Parten	11/1/73–8/31/76	No	275,000
Vaughn Petroleum, Inc.	9/1/74–8/31/76	Yes	1,250,000
Lundell's Inc.	9/1/73–12/31/76	No	71,083
Graner Oil Co.	6/3/75–5/31/79	No	[1] 77,536
Hixon Development Co.	7/1/73–12/31/77	Yes	45,000
Newmont Oil Co.	9/1/73–12/31/77	No	60,000
Tipperary Oil and Gas Corp.	9/1/73–9/1/76	No	213,533
Crystal Oil Co.	9/1/73–12/31/76	Yes	203,596

APPENDIX B—Continued

Case	Period of alleged violation	Existence of non-certification violations	Refund amount
Frank W. Michaux.	11/16/73–8/31/76	No	147,482
McFarland Energy, Inc.	9/1/73–6/31/79	Yes	353,132
Quintin Little Co.	9/1/73–4/30/77	No	1,700,000
Union Texas Petroleum Corp.	9/1/73–12/31/79	No	2,100,000
McCulloch Oil & Gas Corp.	9/1/73–9/30/77	No	437,806
Coral Petroleum Inc.	11/1/74–1/11/80	No	[1] 9,000,000
Gladys O'Donnell.	3/1/76–5/31/79	No	81,580
Natomas North America, Inc.	1/1/75–12/31/78	No	53,000
Shawnee Oil and Gas Corp.	9/1/73–1/31/77	No	680,000
John H. Hendrix Corp.	9/1/73–8/31/77	No	[1] 42,000
Delta Drilling Company.	9/1/73–6/30/77	No	275,000
Enserch Exploration, Inc.	9/1/73–12/31/77	No	495,000
James M. Forgotson.	9/1/73–1/1/77	No	76,201

[1] Plus interest.

[FR Doc. 82–2377 Filed 1–29–82; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[A–10–FRL–2040–7]

Intent to Approve Reduction in Non-Federal Match for Clean Air Act Grant to State of Washington Solicitation of Comments; Opportunity for Public Hearing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Solicitation of comments, opportunity for public hearing.

SUMMARY: The Environmental Protection Agency Region 10 (EPA) invites comments on and announces an opportunity for public hearing on EPA's intent to allow a reduction in the non-Federal matching share to the Section 105 (Clean Air Act) Air Programs Grant to the State of Washington's Department of Ecology. This reduction is a result of the Governor's request for uniform reductions in State spending and does not affect the State's ability to meet the minimum matching requirements for receiving Federal grant support.

DATE: Public hearing: March 4, 1982 (if hearing is requested) 7:30 p.m.

ADDRESS: WDOE Hearings Room, 4224, Sixth Avenue Southeast, Building 4, Lacey Washington 98504.

FOR FURTHER INFORMATION CONTACT: Al Ewing, U.S. Environmental Protection Agency, Washington Operations Office, 4224 Sixth Avenue Southeast, Building 1, Lacey, Washington 98504; Telephone: (206) 753–9437 (FTS 434–9437).

SUPPLEMENTARY INFORMATION:

Background Information

For several years, EPA has provided financial assistance to the Washington State Department of Ecology (WDOE) to aid in the development and implementation of its air pollution control program and the programs of seven local agencies. This financial assistance has been in the form of a Section 105 Clean Air Act (42 U.S.C. 7405(b)) grant. The Clean Air Act prevents award of such grants if the grantee's "Expenditures of non-federal funds for other than non-recurrent expenditures for air pollution control programs will be less than its expenditures were for such programs during the preceding fiscal year, unless the [Regional] Administrator, after notice and opportunity for public hearing, determines that a reduction in expenditures is attributable to a nonselective reduction in expenditures in the programs of all executive branch agencies of the applicable unit of Government." (42 U.S.C. 7405(b))

Due to a shortfall in revenues, the Governor of Washington has instituted a 10.13 percent reduction in the general fund biennium budget for the State of Washington. WDOE has provided EPA with information indicating that (1) the general fund budgets of all Washington executive branch agencies have been scheduled for reductions and that the average is no less than 10.1 percent and (2) that the general fund budget of the air pollution control program has been scheduled for a 10.1 percent reduction (and therefore the reduction in air is non-selective).

Intended Action

Based on the information received from WDOE, EPA is prepared to determine that the reduction in non-federal funding for the air program is non-selective. EPA is prepared to approve the $189,400 reduction in match for the WDOE FY 82 Section 105 air grant. Further, this reduction will not affect the State's ability to meet the minimum matching requirements for receiving Federal grant support. The information upon which EPA has based its preliminary determination is available to the public by writing or telephoning the office listed above.

Invitation of Comments-Opportunity for Public Hearing

Any person who desires to comment on this intended action may do so by writing to the above listed contact person. Comments must be received on or before March 3, 1982.

If No Timely Request for a Public Hearing Is Received, No Hearing Will Be Held

A public hearing will be held if (and only if) a request for a public hearing is received at that office listed above by March 3, 1982. The purpose of such a hearing would be to take testimony regarding whether the reduction in expenditures for the WDOE air program is or is not attributable to a non-selective reduction in expenditures in the programs of all Washington executive branch agencies. If a request for a public hearing is received, the hearing will be conducted in the time and place listed above.

It is suggested that anyone wishing to verify whether the public hearing is to be held should call the above listed office. A shorter notice period is being employed for this action (the usual period is 45 days) so the State will be aware of EPA's final decision on the reduction soon as possible.

Dated: January 21, 1982.

John R. Spencer,

Regional Administrator.

[FR Doc. 82–2450 Filed 1–29–82; 8:45 am]

BILLING CODE 6560–38–M

[OPTS–53033; TSH-FRL–2037–6]

Premanufacture Notices; Monthly Status Report for December 1981

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to publish a list in the Federal Register at the beginning of each month reporting the premanufacture notices (PMN's) pending before the Agency and the PMN's for which the review period has expired since publication of the last monthly summary. This is the report for December 1981.

DATE: Written comments are due no later than 30 days before the applicable notice review period ends on the specific chemical substance.

ADDRESS: Written comments to: Document Control Officer (TS–793),

Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M St., SW., Washington, D.C. 20460, (202–382–3532).

FOR FURTHER INFORMATION CONTACT: Kirk Maconaughey, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–208, 401 M St., SW., Washington, D.C. 20460, (202–382–3746).

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA (90 Stat. 2012 (15 U.S.C. 2604)) requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** on May 15, 1979 (44 FR 28558–Initial) and July 29, 1980 (45 FR 50544–Revised). The requirement to submit PMNs for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979. EPA has 90 days to review a PMN once the Agency receives it (section 5(a)(1)). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

The monthly status report published in the **Federal Register** as required under section 5(d)(3), will identify: (a) PMNs received during the month; (b) PMNs received previously and still under review at the end of the month; (c) PMNs for which the notice review period has ended during the month; (d) chemical substances for which EPA has received a notice of commencement to manufacture; and (e) PMNs for which the review period has been suspended. Therefore, EPA is publishing the December 1981 PMN Status Report.

Interested persons may submit written comments on the specific chemical substance no later than 30 days before the applicable notice review period ends to the Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M St., SW., Washington, D.C. 20460. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS–53033]" and the specific PMN number. Nonconfidential portions of the PMNs, written comments received on individual PMNs, and other documents in the public record may be seen in Rm. E–106 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

Dated: January 21, 1982.

Woodson W. Bercaw,

Acting Director for Management Support Division.

Premanufacture Notices Monthly Status Report, December 1981

I. 74 Premanufacture Notices Received During the Month

PMN NO.	Identify and generic name	FR citation	Expiration date
81–608	Polyethylene glycol di-2-ethylhexoate	46 FR 60496 (12/10/81)	Mar. 1, 1982.
81–609	Methoxy polyethylene glycol 2-ethylhexoate	46 FR 60496 (12/10/81)	Do.
81–610	Generic name: Urethane acrylate	46 FR 60496 (12/10/81)	Do.
81–611	Generic name: Modified polyurethane from a diisocyanate, substituted alkane diol and mixed polyether diols.	46 FR 60496 (12/10/81)	Do.
81–612	Generic name: Polester of a polybasic fatty acid and a polyoxyethylated polypropylene glycol	46 FR 60497 (12/10/81)	Do.
81–613	Generic name: Alkyl glucoside	46 FR 60497 (12/10/81)	Do.
81–614	Generic name: Polester urethane acrylate-blocked	46 FR 60497 (12/10/81)	Do.
81–615	Generic name: Aryl amine, epoxide polymer	46 FR 60497 (12/10/81)	Do.
81–616	1,7-naphthalenedisulfonic acide, 4-benzamido-5-hydroxy-6-((2-sulfooxyethyl)sulfonyl)-1-sulfonaphthalen-2-yl)azo)-, tetrasodium salt.	46 FR 60498 (12/10/81)	Mar. 3, 1982.
81–617	Generic name: Substituted benezene sulfonic acid	46 FR 60981 (12/14/81)	Do.
81–618	Generic name: Trisubstituted cellulose	46 FR 60981 (12/14/81)	Do.
81–619	Generic name: Trisubstituted cellulose salt	46 FR 60981 (12/14/81)	Do.
81–620	Generic name: Silicon substituted organic amine	46 FR 60982 (12/14/81)	Do.
81–621	Generic name: Polyester of propanediol, adipic acid, phthalic anhydride, aromatic aliphatic ester	46 FR 60982 (12/14/81)	Mar. 4, 1982.
81–622	Fumaric acid, maleic anhydride, isophthalic acid polymer of propylene glycol and ethylene glycol	46 FR 61350 (12/16/81)	Mar. 3, 1982.
81–623	Generic name: Copolymer of alkyl acrylates and methacrylates	46 FR 61530 (12/16/81)	Mar. 7, 1982.
81–624	Generic name: Modified polyester from alkanedioic acid, substituted alkane triol and a carbomonocyclic acid.	46 FR 61530 (12/16/81)	Do.
81–625	Generic name: Blocked isocyanate	46 FR 61505 (12/17/81)	Mar. 8, 1982.
81–626	Ethylene glycol acrylate trimellitate	46 FR 61505 (12/17/81)	Mar. 3, 1982.
81–627	Polymer of ethylene glycol acrylate mellitate and bisphenol-A epichlorohydrin	46 FR 61505 (12/17/81)	Mar. 8, 1982.
81–628	Adduct of toluene diisocyanate with 2-hydroxy-ethyl acrylate and caprolatum	46 FR 61506 (12/17/81)	Do.
81–629	Polymer of linseed oil, polymer with maleic anhydride and pentaerythritol, formaldehyde polymer with 4-(1,1-dimethyethyl) phenol, methyl phenol, and 4-nonyl phenol.	46 FR 61506 (12/17/81)	Do.
81–630	Generic name: Poly(ester)—Co-poly(ether)	46 FR 62312 (12/23/81)	Mar. 9, 1982.
81–631	Generic name: Polymer of mixed alkyl acrylates and methacrylates	46 FR 62312 (12/23/81)	Mar. 10, 1982.
81–632	Generic name: Methacrylate copolymer	46 FR 62312 (12/23/81)	Mar. 11, 1982.
81–633	Generic name: Hydroxy alkenyl borate	46 FR 62313 (12/23/81)	Do.
81–634	Generic name: Protein associated biopolymer	46 FR 62313 (12/23/81)	Mar. 14, 1982.
81–635	Generic name: Metal salt of the coupling product of amino naphthalene sulfonic acid and β-oxynaphthoic acid.	46 FR 62313 (12/23/81)	Do.
81–636	Generic name: Metal salt of the coupling product of amino naphthalene sulfonic acid and β-oxynaphthoic acid.	46 FR 62314 (12/23/81)	Do.
81–637	Generic name: Saturated dicarboxylic acid diamine polyamine	46 FR 62314 (12/23/81)	Do.
81–638	Generic name: Polyether reaction product with toluene diisocyanate-methacrylate terminated	46 FR 62687 (12/28/81)	Mar. 15, 1982.
81–639	Generic name: Aliphatic acid ester	46 FR 62688 (12/28/81)	Do.
81–640	Generic name: Disubstituted phenol	46 FR 62929 (12/29/81)	Mar. 16, 1982.
81–641	Generic name: Substituted tetradecaonoic acid derivative	46 FR 62929 (12/29/81)	Do.
81–642	Terpolymer of dimethyl diallyl ammonium chloride/acrylamide/sodium acrylate	46 FR 63107 (12/30/81)	Mar. 18, 1982.
81–643	Generic name: Cationic acrylamide copolymer	46 FR 63107 (12/30/81)	Mar. 21, 1982.
81–644	Generic name: Cationic acrylamide copolymer	46 FR 63107 (12/30/81)	Do.
81–645	Generic name: Organic salts of tertiary aliphatic amines	47 FR 337 (1/5/82)	Mar. 22, 1982.
81–646	Generic name: Organic salts of tertiary aliphatic amines	47 FR 337 (1/5/82)	Do.
81–647	Generic name: Organic salts of tertiary aliphatic amines	47 FR 337 (1/5/82)	Do.
81–648	Generic name: Tetrasubstituted benzenamide	47 FR 337 (1/5/82)	Do.

I. 74 Premanufacture Notices Received During the Month—Continued

PMN NO.	Identity and generic name	FR citation	Expiration date
81-649	Generic name: Tetrasubstituted benzene	47 FR 338 (1/5/82)	Do.
81-650	Polymer of hexanedioic acid and 2,2'-iminobis-ethanol	47 FR 338 (1/5/82)	Do.
81-651	Generic name: Tetrasubstituted benzene	47 FR 338 (1/5/82)	Do.
[1] 81-652	Generic name: Carboxylic diisocyanate	47 FR 1019 (1/8/82)	Mar. 23, 1982.
81-656	Generic name: Halogenated nitrotoluene derivative	47 FR 1020 (1/8/82)	Do.
81-657	Generic name: N-alkylated toluidine derivative	47 FR 1020 (1/8/82)	Do.
81-658	Generic name: Halogenated toluene derivative	47 FR 1020 (1/8/82)	Do.
81-659	3-carboxy-4-((4-(2-methoxy-5-(2-hydroxysulfonyloxy) ethylsulfonyl) phenyl) aminocarbonyl) phenylazo)-1-(4-sulfophenyl)-5-pyrazolone disodium salt.	47 FR 1021 (1/8/82)	Mar. 28, 1982.
81-660	4-hydroxy-3-(2-methoxy-5-methyl-4-(2-(hydroxysulfonyloxy)ethylsulfonyl)phenylazo)-1-naphthalene sulfonic acid disodium salt.	47 FR 1021 (1/8/82)	Do.
81-661	4-hydroxy-3-(2-methoxy-5-methyl-4-(2-(hydroxysulfonyloxy)ethylsulfonyl)phenylazo)-6-(3-sulfophenyl)amino-2-naphthalenesulfonic acid trisodium salt.	47 FR 1021 (1/8/82)	Do.
81-662	Generic name: Substituted propionamide	47 FR 1021 (1/8/82)	Do.
81-663	Generic name: Alkali metal salt of substituted benzoate	47 FR 1021 (1/8/82)	Do.
81-664	Generic name: Modified polyester from a substituted alkanediol, carbomonocyclic acids and carbomonocyclic anhydride.	47 FR 1022 (1/8/82)	Do.
81-665	Generic name: Substituted pyran	47 FR 1022 (1/8/82)	Do.
81-666	Generic name: Cycloalkyl araikyl ether	47 FR 1411 (1/13/82)	Mar. 29, 1982.
81-667	Generic name: Substituted furan	47 FR 1411 (1/13/82)	Do.
81-668	Generic name: Ester-diol	47 FR 1412 (1/13/82)	Do.
81-669	Benzene, ar-bromoethenyl-, polymer with diethenylbenzene	47 FR 1412 (1/13/82)	Do.
81-670	Generic name: Modified polymer of styrene, alkenoic acid, alkenoic ester and substituted alkenoic esters.	47 FR 1412 (1/13/82)	Do.
81-671	Phenyl mercury neodecanoate	47 FR 1412 (1/13/82)	Do.
81-672	Pheny acetic acid hydrazide	47 FR 1412 (1/13/82)	Do.
81-673	Generic name: Polyester from vegetable oil acids, alkane triol, carbomonocyclic anhydride and carbomonocyclic acid.	47 FR 1413 (1/13/82)	Do.
81-674	Generic name: Metal containing 2-hydroxy alkyl benzoate	47 FR 1413 (1/13/82)	Do.
81-675	Generic name: Acrylic copolymer	47 FR 1413 (1/13/82)	Do.
81-676	Generic name: Acrylic copolymer	47 FR 1413 (1/13/82)	Do.
81-677	Generic name: Acrylic copolymer	47 FR 1413 (1/13/82)	Do.
81-678	Generic name: Acrylic copolymer	47 FR 1413 (1/13/82)	Do.
81-679	Generic name: Acrylic copolymer	47 FR 1414 (1/13/82)	Do.
81-680	3,3-dimethylbicyclo (2.2.1) heptane-2-carboxylic acid	47 FR 1410 (1/13/82)	Mar. 30, 1982.
81-681	Decaonoic acid, octyl ester	47 FR 1410 (1/13/82)	Do.
81-682	Octanoic acid, heptyl ester	47 FR 1411 (1/13/82)	Do.
81-683	Generic name: Polymer of 1,1'-methylene bis (4-isocyanatocyclohexane); a polymer of e-caprolactone and an ethylene glycol derivative; 2-butanone oxime; and a polyalkyl hydroxy substituted heterocycle.	47 FR 1414 (1/13/82)	Mar. 31, 1982.
81-684	Generic name: Polymer of 1,1'-methylene bis (4-isocyanatocyclohexane); a polymer of e-caprolactone and an ethylene glycol derivative; and a substituted alkane.	47 FR 1414 (1/13/82)	Do.

II. 43 Premanufacture Notices Received Previously and Still Under Review at the End of the Month

PMN No.	Identity and generic name	FR citation	Expiration date
81-565	Generic name: Isocyanate modified polyester	46 FR 55558 (11/10/81)	Jan. 31, 1982.
81-566	Generic name: N,N disubstituted hetero monocyclic derivative	46 FR 55778 (11/12/81)	Feb. 1, 1982.
81-567	Benzene diazonium, 4-(phenylamino)-hexafluoro-phosphate	46 FR 55778 (11/12/81)	Do.
81-568	Generic name: Modified polyester from substituted alkanediols, carbomonocyclic acids and carbomonocyclic anhydrides.	46 FR 55778 (11/12/81)	Do.
81-569	Generic name: Polymer of substituted alkanediol, alkanedioic acid, carbomonocyclic acids and carbomonocyclic anhydride.	46 FR 55778 (11/12/81)	Do.
81-570	Generic name: Polycyclic sulfonic acid salt	46 FR 56038 (11/13/81)	Feb. 2, 1982.
81-571	Benzo(K,1,) thioxanthene 3,4-dicarboxylic anhydride	46 FR 56039 (11/13/81)	Feb. 3, 1982.
81-572	Magnesium alkyl (C_{14}-C_{18}) salicylate	46 FR 56039 (11/13/81)	Do.
81-573	Generic name: Polyacrylate	46 FR 56651 (11/18/81)	Feb. 4, 1982.
81-574	Generic name: Polyurethane thermoplastic resin	46 FR 56651 (11/18/81)	Do.
81-575	5-dodecyl-benzotriazole	46 FR 56652 (11/18/81)	Do.
81-576	Generic name: 1,2,4 substituted anthraquinone	46 FR 56652 (11/18/81)	Do.
81-577	Generic name: Modified polyester of a carbomonocyclic anhydride and a substituted alkanediol	46 FR 56652 (11/18/81)	Do.
81-578	Generic name: Modified polyethylene oxide	46 FR 57126 (11/20/81)	Feb. 7, 1982.
81-579	Generic name: Polyglycol styrene acrylic polymer	46 FR 57126 (11/20/81)	Do.
81-580	Poly(oxy-1,2-ethanediyl), alpha-(carboxymethyl)-omega-(4-nonylphenoxy)	46 FR 57127 (11/20/81)	Feb. 8, 1982.
81-581	Generic name: 2,5-dimethoxy-4-(p-tolythio) benzene diazonium salt	46 FR 57127 (11/20/81)	Do.
81-582	Generic name: Polymer of polymer diol, monocarboxylic acid diol, diamine and a diisocyanate	46 FR 57127 (11/20/81)	Do.
81-583	Generic name: Fatty acid esters with a polyol and oleic acid	46 FR 57127 (11/20/81)	Do.
81-584	Generic name: Sulfonated metallized heteropolycycle, salts	46 FR 57128 (11/20/81)	Feb. 10, 1982.
81-585	Generic name: N-(substituted organo functional) methanamine	46 FR 57128 (11/20/81)	Do.
81-586	Generic name: Polyester with both di and tri basic acids and diols	46 FR 57128 (11/20/81)	Do.
81-587	N,N'-Isophthaloyl-bis(trimethylene urea)	46 FR 57344 (11/23/81)	Feb. 14, 1982.
81-588	Generic name: 2-2'-thiodiethyl bis(alkyl succinic acid ester)	46 FR 57632 (11/24/81)	Feb. 15, 1982.
81-589	1,4-dihydro-9,10-anthracenedione	46 FR 57633 (11/24/81)	Do.
81-590	1,4,4a,9a-tetrahydro-9,10-anthracenedione	46 FR 57633 (11/24/81)	Do.
81-591	Generic name: Nitrogen-containing organic sulfide	46 FR 58178 (11/30/81)	Feb. 16, 1982.
81-592	Sorbitan nonanoate	46 FR 58718 (11/30/81)	Do.
81-593	Sorbitan nonanoate, poly(oxy-1,2-ethanediyl) derivative	46 FR 58718 (11/30/81)	Do.
81-594	Generic name: Mixed aromatic diazo dye	46 FR 58358 (12/1/81)	Do.
81-595	Generic name: Tall oil/soya/safflower-styrene/acrylic copolymer resin	46 FR 58358 (12/1/81)	Feb. 17, 1982.
81-596	Generic name: Phenylenediimino-bis(chlorotriazinyl imino-substituted phenyleneazo-naphthalene trisulfonic acid), hexasodium salt.	46 FR 58359 (12/1/81)	Do.
81-597	Butanamide, 2-((2-methoxyphenyl)azo)-N-(2,3-dihydro-2-oxo-1H-benzimiazol-5-yl)-3-oxo-	46 FR 58595 (12/2/81)	Feb. 18, 1982.
81-598	Generic name: A modified polymer of alkyl methacrylates, a substituted alkyl acrylate, a substituted alkane, an alkanoic acid and a vinyl aromatic compound.	46 FR 58595 (12/2/81)	Do.
81-599	Generic name: Substituted benzenesulfonic acid salt	46 FR 58734 (12/3/81)	Do.
81-600	Generic name: Dichroic tetra-azo ester dye	46 FR 58734 (12/3/81)	Do.

II. 43 Premanufacture Notices Received Previously and Still Under Review at the End of the Month—Continued

PMN No.	Identity and generic name	FR citation	Expiration date
81-601	Generic name: Dichroic tetra-azo-dye	46 FR 58734 (12/3/81)	Do.
81-602	Decanoic acid, decyl ester	46 FR 58735 (12/3/81)	Feb. 23, 1982.
81-603	Generic name: A modified polymer of substituted and unsubstituted alkyl methacrylates, a substituted alkane, an alkenoic acid and an alkyl acrylate.	46 FR 58735 (12/3/81)	Do.
81-604	2-chlorobenzamide	46 FR 60055 (12/8/81)	Feb. 25, 1982.
81-605	Generic name: Substituted benzophenone reacted with methyl silsequioxane	46 FR 60055 (12/8/81)	Do.
81-606	Generic name: Substituted-(2-hydroxy-benzo-phenone oxy)propane	46 FR 60056 (12/8/81)	Do.
81-607	Generic name: Acrylic copolymer	46 FR 60055 (12/8/81)	Feb. 28, 1982.

III. 71 Premanufacture Notices for Which the Notice Review Period Has Ended During the Month. (Expiration of the Notice Review Period Does Not Signify That the Chemical Had Been Added to the Inventory)

PMN No.	Identity and generic name	FR citation	Expiration date
81-182	Generic name: Alkanedioic acids mixed alkanolamine salt	45 FR 54425 (8/15/80)	Dec. 18, 1981.
81-427	Generic name: Epoxidized glyceride, either with polyoxyethylene	46 FR 45808 (9/15/81)	Dec. 29, 1981.
81-430	Generic name: Substituted aromatic amine	46 FR 45809 (9/15/81)	Dec. 1, 1981.
81-431	Generic name: Substituted aromatic amine	46 FR 45809 (9/15/81)	Do.
81-432	Generic name: Substituted aromatic amine	46 FR 45809 (9/15/81)	Do.
81-433	Generic name: Acrylic polymer	46 FR 45809 (9/15/81)	Do.
81-434	Generic name: Disubstituted cyclohexanol	46 FR 45809 (9/15/81)	Do.
81-435	1-(2-nitrophenyl) ethanone	46 FR 45995 (9/16/81)	Dec. 2, 1981.
81-436	Generic name: Disubstituted heteropolycycle	46 FR 45995 (9/16/81)	Do.
81-437	Generic name: Polynitro polyhalo alkyl aniline	46 FR 47003 (9/23/81)	Dec. 7, 1981.
81-438	Generic name: Substituted arylamino anthraquinone derivatives	46 FR 47003 (9/23/81)	Do.
81-439	Generic name: Alkyd resin	46 FR 47003 (9/23/81)	Do.
81-440	Generic name: Substituted 1,4-bis arylamino anthraquinone	46 FR 47003 (9/23/81)	Do.
81-441	Generic name: Mixed mono and dialkyl-dithio-thiadiazales	46 FR 47004 (9/23/81)	Do.
81-442	Generic name: Benzyl ester	46 FR 47004 (9/23/81)	Do.
81-443	Generic name: Poly[(amino alkyl)alkylene oxide]	46 FR 47004 (9/23/81)	Do.
81-444	Generic name: Substituted heterocyclic-phenylazo dye	46 FR 47004 (9/23/81)	Do.
81-445	Polyglycidyl-*m*-xylenediamine	46 FR 47004 (9/23/81)	Do.
81-446	Generic name: Polydimethylsiloxane, alkyl and terpenyl substituted	46 FR 47005 (9/23/81)	Do.
81-447	Generic name: Polyester based urethane	46 FR 47005 (9/23/81)	Dec. 8, 1981.
81-448	Generic name: Epoxy modified phenolic resin	46 FR 47295 (9/25/81)	Do.
81-449	Generic name: Fluoro methacrylate copolymer	46 FR 47005 (9/23/81)	Dec. 7, 1981.
81-450	Generic name: Di(aryl)polyhalosemi-metal	46 FR 47005 (9/23/81)	Do.
81-451	Generic name: Modified phenolic novolak resin	46 FR 47006 (9/23/81)	Dec. 9, 1981.
81-452	Generic name: Modified phenolic novolak resin	46 FR 47006 (9/23/81)	Do.
81-453	Generic name: Modified phenolic novolak resin	46 FR 47006 (9/23/81)	Do.
81-454	Generic name: Modified phenolic novolak resin	46 FR 47006 (9/23/81)	Do.
81-455	4-trifluoromethoxyphenylisocyanate	46 FR 47295 (9/25/81)	Dec. 12, 1981.
81-456	2-carbomethoxybenzene sulfonyl chloride	46 FR 47295 (9/25/81)	Do.
81-457	Generic name: Polymer of unsatuarated fatty acid, dimer fatty acid, unsubstituted anhydride, aliphatic diol, and hydroxy functional resins.	46 FR 47296 (9/25/81)	Do.
81-458	Monoethanolamine citrate in an aqueous solution	46 FR 47658 (9/29/81)	Dec. 14, 1981.
81-459	2,2-dimethylbicyclo[2.2.1]heptane-3-carboxylic acid, methyester	46 FR 47659 (9/29/81)	Do.
81-460	Generic name: Substituted heteropolycycle	46 FR 47658 (9/29/81)	Do.
81-462	Benzaldehyde, 3-methoxy-4-[3-propanamonium-2-hydroxy-N-N-N-trimethyl chloride	46 FR 47855 (9/30/81)	Dec. 20, 1981.
81-463	Benzenesulfonic acid, 4-[2-(trichlorosilyl) ethyl-], reaction product with silica	46 FR 47855 (9/30/81)	Do.
81-464	Generic name: Alkyl styrenated acrylate terpolymer	46 FR 47855 (9/30/81)	Do.
81-465	Generic name: Alkanedioic acid, (1-methyl, 5-hydroxymethyl heteromonocycle)diester	46 FR 47856 (9/30/81)	Do.
81-466	Generic name: Alkanedioic acid, bis(hydroxy-methyl heteromonocycle)ester	46 FR 47856 (9/30/81)	Do.
81-467	2-naphthalenesulfonic acid, 6-(acetylamino)-4-hydroxy-, sodium salt	46 FR 37856 (9/30/81)	Do.
81-468	4-chloronaphthalene 1,8-dicarboxylic acid anhydride	46 FR 47856 (9/30/81)	Do.
81-469	Generic name: Benzyl hetero polycyclic onium halide	46 FR 48319 (10/1/81)	Dec. 21, 1981.
81-470	Tris(tridecafluorohexyl)amine	46 FR 48319 (10/2/81)	Do.
81-471	Generic name: Urethane polymer	46 FR 48753 (10/2/81)	Dec. 22, 1981.
81-472	Generic name: Alicyclic alcohol	46 FR 48753 (10/2/81)	Do.
81-473	Generic name: Oxoarylpolyalkylbenzene alkyl nitrile	46 FR 48754 (10/2/81)	Do.
81-474	Generic name: Polyhaloalkylbenzene alkanoic acid ester	46 FR 48754 (10/2/81)	Do.
81-475	Generic name: Tris(substituted alkyl) phosphate	46 FR 48754 (10/2/81)	Do.
81-476	Generic name: Substituted mercaptophosphate	46 FR 48754 (10/2/81)	Do.
81-477	Generic name: Melamine-formaldehyde-polyethylene glycol resin	46 FR 48755 (10/2/81)	Do.
81-478	Generic name: Acrylic modified epoxy-ester resin	46 FR 48755 (10/2/81)	Do.
81-479	Generic name: Unsaturated acyl urea-urethane diol prepolymer	46 FR 48755 (10/2/81)	Do.
81-480	Generic name: Cationic acrylamide copolymer	46 FR 48752 (10/2/81)	Dec. 26, 1981.
81-481	Generic name: Polymer of linear glycols, aliphatic dicarboxylic acid, and aromatic dicarboxylic acid	46 FR 48752 (10/2/81)	Do.
81-482	Generic name: Polymer of linear glycols, aliphatic dicarboxylic acid, and aromatic di-(tri-) carboxylic acids.	46 FR 48753 (10/2/81)	Do.
81-483	4(2'-aminophenyl thio)1,8-naphthalic anhydride	46 FR 48979 (10/5/81)	Dec. 27, 1981.
81-484	Generic name: Aromatic diazo dye	46 FR 48979 (10/5/81)	Do.
81-485	Generic name: Polymer of a substituted alkanediol, a carbomonocyclic anhydride and a substituted alkanoic ester.	46 FR 48979 (10/5/81)	Do.
81-486	Generic name: Polyhaloalkylbenzene	46 FR 48980 (10/5/81)	Do.
81-487	Generic name: Aliphatic ester	46 FR 48980 (10/5/81)	Do.
81-488	Generic name: Polymer of vinyl acetate, substituted acrylic acid ester, substituted acrylic acid ester, and substituted acrylic acid.	46 FR 49197 (10/6/81)	Do.
81-489	Generic name: Acrylic modified epoxy-ester resin	46 FR 49945 (10/8/81)	Dec. 29, 1981.
81-490	2,2-dimethyl-1,3-propanediol, polymer with 2-ethyl-2-hydroxymethyl-1,3-propanediol, 1,4-cyclohexane dimethanol, 1,6-hexanedioic acid, 1,3-isobenzofurandione and tall oil acids.	46 FR 49945 (10/8/81)	Do.
81-491	Generic name: Amine salt of a phosphonic acid	46 FR 49945 (10/8/81)	Do.
81-492	1,3-bis(1-methylethenyl) benzene	46 FR 49945 (10/8/81)	Do.
81-493	Generic name: Co-polymeric organopolysiloxane	46 FR 49946 (10/8/81)	Do.
81-494	Generic name: (Alkylaminoalkyl)-(substituted) benzotriazole	46 FR 49946 (10/8/81)	Do.
81-495	Bis(3,5-di-*tert*-butyl-4-hydroxybenzy)malonic acid, diester with 1-acryloi-2,2,6,6-tetra-methyl-4-piperidinol.	46 FR 49946 (10/8/81)	Do.
81-496	3-hydroxy-1 propanesulfonic acid	46 FR 49946 (10/8/81	Dec. 30, 1981.

III. 71 PREMANUFACTURE NOTICES FOR WHICH THE NOTICE REVIEW PERIOD HAS ENDED DURING THE MONTH. (EXPIRATION OF THE NOTICE REVIEW PERIOD DOES NOT SIGNIFY THAT THE CHEMICAL HAD BEEN ADDED TO THE INVENTORY)—Continued

PMN No.	Identity and generic name	FR citation	Expiration date
81-497	Generic name: Polymers of alkylamines and aryl epoxides	46 FR 49947 (10/8/81)	Do.
81-498	Generic name: Disubstituted polycarbocycle	46 FR 50149 (10/9/81)	Do.
81-499	Generic name: Pentasubstituted benzopyran	46 FR 50149 (10/9/81)	Do.

IV. 27 CHEMICAL SUBSTANCES FOR WHICH EPA HAS RECEIVED NOTICES OF COMMENCEMENT TO MANUFACTURE

PMN No.	Chemical identification	FR citation	Date of commencement
79-5	Generic name: Ammonium salt of a polyfunctional aliphatic acid oligomer	44 FR 55416 (9/26/79)	Dec. 21, 1982.
79-6	Poly(vinyl acetate, acrylic acid, butyl acrylate, dioctyl maleate, 2-ethylhexyl acrylate)	44 FR 57489 (10/5/79)	Nov. 23, 1981.
80-62	Generic name: Polyester resin of aliphatic polyols, mixed aromatic diacids, and aliphatic diacid	45 FR 24701 (4/10/80)	Jan. 1, 1982.
80-368	Generic name: Metallic beta diketonate	46 FR 40323 (8/7/81)	Nov. 30, 1981
81-7	Generic name: Modified resorcinaol resin	46 FR 12315 (2/13/81)	Nov. 18, 1981.
81-112	Butanamide,-2-[(4(4-amino-carbonylphenyl)amino-carbonylphenyl)azo) N-(2,3-dihydro-2-oxo-1H-benzimidiazole-5-yl)-3-oxo.	46 FR 22646 (4/20/81)	Nov. 20, 1981.
81-141	Generic name: N,N-diethylaminobenzene diazonium sulfonate salt	46 FR 23797 (4/28/81)	Do.
81-145	Generic name: 4, N,N-dimethylaminobenzene diazonium sulfonate salt	46 FR 23798 (4/28/81)	Dec. 1, 1981.
81-242	Sodium 2,2,3,3,-tetrafluoropropionate	46 FR 31941 (6/18/81)	Jan. 16, 1982.
81-262	Generic name: 2,5-bis(alkyldithio)-1,3,4-thiadiazole	46 FR 35347 (7/8/81)	Sept. 21, 1981.
81-263	Generic name: Polyurethane millable gum	46 FR 35348 (7/8/81)	Dec. 7, 1981.
81-270	Azacyclotridecan-2-one, homopolymer with poly (oxy-1,4-butanediyl), alpha-hydro-omega-hydroxy-, copolymer.	46 FR 35348 (7/8/81)	Dec. 1981.
81-274	Poly[imino(1-oxo-1,6-hexanediyl)] with poly[oxy(methyl-1,2-ethanediyl)]. alpha-hydro-omega-hydroxy-, copolymer.	46 FR 35349 (7/8/81)	Do.
81-363	Generic name: Aliphatic acid ester	46 FR 40324 (8/7/81)	Jan. 4, 1982.
81-364	Generic name: Cycloaliphatic furan, tetrahydro	46 FR 40324 (8/7/81)	Do.
81-365	2-nitronaphthalene-4,8-disulfonic acid, diammonium salt	46 FR 39889 (8/5/81)	Nov. 30, 1981.
81-378	Poly(1,4 butane/neopentyl adipate)	46 FR 40803 (8/12/81)	Nov. 6, 1981.
81-385	Generic name: Copper phthalocyaninetrisulfonic acid, salt	46 FR 45752 (8/24/81)	Dec. 1, 1981.
81-387	Generic name: Polymer of alkyl methacrylates and N-substituted methacrylamide	46 FR 44046 (9/2/81)	Nov. 23, 1981.
81-393	Generic name: Substituted dithiocarbamic acid salt	46 FR 44048 (9/2/81)	Nov. 22, 1981.
81-411	Generic name: Polymer of benzene carboxylic acids and alkanediols	46 FR 44497 (9/4/81)	Jan. 1982.
81-413	Acrylate-methacrylate copolymer	46 FR 45412 (9/11/81)	Dec. 2, 1981.
81-421	Bisphenol A-epichlorohydrin resin mixed acrylic polymer	46 FR 45999 (9/16/81)	Dec. 14, 1981.
81-424	Polyurethane thermoplastic	46 FR 45999 (9/16/81)	Dec. 7, 1981.
81-439	Generic name: alkyd resin	46 FR 47003 (9/23/81)	Jan. 4, 1982.
81-459	2,2-dimethybicyclo[2.2.1]heptane-3-carboxylic acid, methylester	46 FR 47658 (9/29/81)	Dec. 15, 1981.
81-477	Generic name: Melamine-formaldehyde-poly-ethylene glycol resin	46 FR 48755 (10/2/8)	Dec. 24, 1981.

V. 8 PREMANUFACTURE NOTICES FOR WHICH THE REVIEW PERIOD HAS BEEN SUSPENDED

PMN No.	Identity and generic name	FR citation	Date suspended
80-137	Benzeneamine, 4,4'-methylene bis [*N*-(1-methybutylidene)	45 FR 48243 (7/18/80)	Sept. 22, 1981.
80-138	Benzeneamine, 4,4'-methylene bis [*N*-(1-methybutylidene)	45 FR 48243 (7/18/80)	Do.
80-146	Phosphorodithioic acid *O,O'*-di(isohexyl, isoheptyl, isooctyl, isononyl, isodecyl) mixed esters, zinc salt.	45 FR 49153 (7/23/80)	Sept. 17, 1980.
80-147	Phosphorodithioic acid *O,O'*-di(isohexyl, isoheptyl, isooctyl, isononyl, isodecyl) mixed esters	45 FR 49153 (7/23/80)	Do.
80-264	Generic name: Benzeneamine, [*N*-(1-methyl-hexylidene)-*N*-(1-methyl butylidene)-4,4'-methylene bis].	45 FR 73127 (11/4/80)	Dec. 24, 1980.
81-500	2-dodecyl-9-H-thioxanthen-9-one	46 FR 50147 (10/9/81)	Dec. 21, 1981.
81-534	2,3-epoxycyclohexanone	46 FR 53522 (10/29/81)	Nov. 2, 1981.
81-544	Generic name: Benzenesulfonic acid, 4-[[4-[(2hydroxy-1-naphthalenyl)azo]phenyl]azo]-salt	46 FR 54792 (11/4/81)	Dec. 2, 1981.

* PMN's 81-653, 81-654, and 81-655 were voided.

[FR Doc. 82-2221 Filed 1-29-82; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL COMMUNICATIONS COMMISSION

[BC Docket No. 82-23, File No. BPET-810619KF; BC Docket No. 82-24, File No. BPET-810903KF]

Rural California Broadcasting Corp. and Black Television Workshop; Applications

In the matter of Rural California Broadcasting Corporation, Cotati, California (BC Docket No. 82-23, File No. BPET-810619KF); Black Television Workshop, Cotati, California (BC Docket No. 82-24, File No. BPET-810903KF); Applications for construction permits; Hearings designation order designating applications for consolidated hearing on stated issues.

Adopted: January 18, 1982.

Released: January 20, 1982.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications for authority to construct a new educational television broadcast station on Channel 22, Cotati, California.

Rural California Broadcasting Corporation

2. The applicant estimates that $517,343 will be required to construct and operate for three months as proposed. Rural relies upon the following to finance the proposal: (1) NTIA grant of $338,590; (2) a $16,000 loan from Ed Kissam; (3) a $10,000 loan from John Kramer; (4) $20,000 from local governments; (5) $35,075 as gifts in kind; (6) $57,789 from corporations, foundations, individuals; and (7) $2,900 in existing capital.

3. Of these, only the NTIA grant of $338,590, and $2,900 in existing capital appear to be available. With respect to (2) and (3) above, Ed Kissam and John Kramer have not shown sufficient net liquid assets to meet their commitments. With respect to (4) above, there is no commitment from any local government to provide funds. Further, with respect to (5) above, applicant has not identified the donors or the nature and value of each gift. Finally, with respect to (6) above, applicant has not indicated from whom these funds will come, nor amounts to be donated, nor submitted any letters of commitment. Therefore, since only $341,490 is available and applicant requires $517,343, an issue will be specified to determine the availability of an additional $175,853.

Black Television Workshop [1]

4. Channel 22, Cotati, California is reserved in the Table of Assignments for non-commercial educational use. In response to questions 2a and 2b, page 3, Section II, FCC Form 340, applicant has indicated that it is not a non-profit educational institution; and, by its failure to respond to question 2b, indicated that it is not an educational organization. Therefore, a question arises as to whether it qualifies as a non-commerical educational applicant and an appropriate issue will be specified.

Conclusion and Order

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

6. Accordingly, it is ordered, that, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Rural California Broadcasting Corporation:

(a) The source and availability of an additional $175,853;

(b) Whether, in light of the evidence adduced pursuant to (a) above, applicant is financially qualified.

2. To determine with respect to Black Television Workshop:

(a) Whether the applicant qualifies as an educational institution or organization is accordance with § 73.621 of the Commission's Rules;

(b) Its costs to construct and operate for three months;

(c) The source and availability of funds to finance the costs determined in (b) above;

(d) Whether, in light of the evidence adduced pursuant to (b) and (c) above, applicant is financially qualified.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

7. It is further ordered, that the request of Black Television Workshop for waiver of the Commission's Rules is denied.

8. It is further ordered, that to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

9. It is further ordered, that the applicants herein, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's rules, shall give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 82-2482 Filed 1-29-82; 8:45 am]

BILLING CODE 6712-01-M

[1] The applicant proposes a subscription television (STV) service although it purports to be a noncommercial educational entity and it has requested a waiver of any Commission Rules or policies which proscribe STV operation by noncommercial educational permittees or licensees. The applicant has not set forth reasons sufficient, if true, to warrant a waiver of the rules. *United States v. Storer Broadcasting Company*, 351 U.S. 192, 76 S. Ct. 763, 13 RR 2161, and its waiver request will, therefore, be denied.

FEDERAL HOME LOAN BANK BOARD

Buffalo Savings and Loan Association; Houston, Tex.; Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in Section 406(c)(2) of the National Housing Act, as amended (12 U.S.C. 1729 (c)(2)), the Federal Home Loan Bank Board appointed the Federal Savings and Loan Insurance Corporation as receiver for Buffalo Savings and Loan Association, Houston, Texas, effective January 15, 1982.

Dated: January 27, 1982.

James J. McCarthy,

Acting Secretary.

[FR Doc. 82-2492 Filed 1-29-82; 8:45 am]

BILLING CODE 6720-01-M

Civic Savings and Loan Association, Irving, Tex.; Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in section 406(c)(2) of the National Housing Act, as amended (12 U.S.C. 1729(c)(2)), the Federal Home Loan Bank Board appointed the Federal Savings and Loan Insurance Corporation as receiver for Civic Savings and Loan Association, Irving, Texas, effective January 15, 1982.

Dated: January 27, 1982.

James J. McCarthy,

Acting Secretary.

[FR Doc. 82-2493 Filed 1-29-82; 8:45 am]

BILLING CODE 6720-01-M

First Savings and Loan Association, New Brunswick, N.J.; Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in section 406(c)(2) of the National Housing Act, as amended (12 U.S.C. 1729(c)(2)), the Federal Home Loan Bank Board appointed the Federal Savings and Loan Insurance Corporation as receiver for First Savings and Loan Association, New Brunswick, New Jersey, effective January 27, 1982.

Dated: January 27, 1982.

By the Federal Home Loan Bank Board.

James J. McCarthy,

Acting Secretary.

[FR Doc. 82-2494 Filed 1-29-82; 8:45 am]

BILLING CODE 6720-01-M

Republic of Texas Savings Association, Houston, Tex.; Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in Section 406(c)(2) of the National Housing Act, as amended (12 U.S.C. 1729(c)(2)), the Federal Home Loan Bank Board appointed the Federal Savings and Loan Insurance Corporation as receiver for Republic of Texas Savings Association, Houston, Texas, effective January 15, 1982.

Dated: January 27, 1982.

James J. McCarthy,

Acting Secretary.

[FR Doc. 82-2495 Filed 1-29-82; 8:45 am]

BILLING CODE 6720-01-M

Royal Federal Savings and Loan Association; Dallas, Tex.; Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in Section 5(d)(6)(A) of the Home Owners Loan Act, as amended (12 U.S.C. 1464(d)(6)(A) 1976)), the Federal Home Loan Bank Board appointed the Federal Savings and Loan Insurance Corporation as receiver for Royal Federal Savings Loan Association, Dallas, Texas, effective January 15, 1982.

Dated: January 27, 1982.

James J. McCarthy,

Acting Secretary.

[FR Doc. 82-2496 Filed 1-29-82; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

[Docket No. 81-74; Agreement No. 9718-8]

California-Japan/Korea Space Charter Agreement; Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Docket No. 81-74 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required. The proceeding will examine Agreement No. 9718-8 which applies to the trade between ports in California and ports in Japan and Korea, and permits the parties to charter space aboard each other's vessels, interchange equipment and jointly schedule sailings. The parties to the agreement are Japan Line, Ltd., Kawasaki Kisen Kaisha, Ltd., Mitsui O.S.K. Lines, and Yamashita-Shinnihon Steamship Co., Ltd. The agreement permits the parties to replace two old vessels with two new larger ones, thus, increasing their TEU capacity by 1,499.

This Finding of No Significant Impact (FONSI) will become final on or before February 22, 1982, unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessments are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Francis C. Hurney,

Secretary.

[FR Doc. 82-2439 Filed 1-29-82; 8:45 am]

BILLING CODE 6730-01-M

Certificates of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation Nos. P-134 and P-172 and Certificates of Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages Nos. C-1,134 and C-1,161; Revocation

The Shipping Partnership for M.S. Lindblad Explorer, United Cruising Co. Ltd., Lindblad Explorer S.A., Lindblad Cruising Expeditions S.A. and Lindblad Travel, Inc., 8 Wright Street, Westport, Connecticut 06880, have ceased to operate the passenger vessel LINBLAD EXPLORER to and from United States ports.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Order, Commission Order No. 1 (Revised), § 10.06 dated November 12, 1981;

It is ordered, that Certificates (Performance) Nos. P-134 and (Casualty) No. C-1,134, issued to The Shipping Partnership for M.S. Lindblad Explorer, United Cruising Co. Ltd., Lindblad Explorer S.A., Lindblad Cruising Expeditions S.A. and Lindblad Travel, Inc. and Certificates (Performance) No. P-172 and (Casualty) No. C-1,161 issued to Lindblad Travel, Inc., Lindblad Cruising Expeditions S.A. and United Cruising Co. Ltd. covering the LINDBLAD EXPLORER, be and are hereby revoked effective January 27, 1982.

It is further ordered, that a copy of this order be published in the Federal Register and served on the Certificants.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 82-2438 Filed 1-29-82; 8:45 am]

BILLING CODE 6730-01-M

Totem Ocean Trailer Express, Inc.; Petition for Declaratory Order; Revision of Briefing Schedule

The Honorable Tony Knowles, Mayor of the Municipality of Anchorage, Alaska has requested a 30-day enlargement of time within which to respond to the Order on Remand served December 29, 1981 in this proceeding.

Good cause appearing, the request is granted. The briefing schedule set forth in the Order on Remand is revised as follows:

All persons desiring to file comments shall do so on or before February 26, 1982.

Any person desiring to respond to comments shall file such responses on or before March 26, 1982.

Parties are reminded that all documents filed herein are to be served on each carrier listed in the Appendix to the Order on Remand.

Francis C. Hurney,

Secretary.

[FR Doc. 82-2440 Filed 1-29-82; 8:45 am]

BILLING CODE 6730-01-M

[Agreement No. T-4016]

City of Long Beach and Pacific Marine Services; Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Agreement No. T-4016 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required. The agreement is between City of Long Beach (The City) and Pacific Maritime Services (PMS). Under the terms of the agreement, the City will lease to PMS the wharf at Berths 245-247, Pier J and water area adjacent thereto for berthing vessels as well as 23.5 acres of land area for marine terminal operations.

This Finding of No Significant Impact (FONSI) will become final within 20 days unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Francis C. Hurney,

Secretary.

[FR Doc. 82-2472 Filed 1-29-82; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expedcted to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than February 16, 1982.

A. **Federal Reserve Bank of Boston** (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

First National Boston Corporation, Boston, Massachusetts (portfolio investment advisory activities; nationwide): to engage *de novo* through its existing subsidiary, First of Boston Mortgage Corporation, in providing portfolio investment advice to other persons primarily for the investment of funds in real estate interests, except where the real property is to be used in the trade or business of the person being advised. This activity would be conducted from an existing office located in Boston, Massachusetts, and the geographic area to be served is nationwide. Comments on this application must be received not later than February 12, 1982.

B. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *The Chase Manhattan Corporation,* New York, New York (consumer lending, related lending and insurance brokerage activities and sale of travelers checks at retail; Texas): To engage through its subsidiary, Chase Manhattan Financial Services, Inc., in the following activities: to make or acquire, for its own account and for the account of others, loans and other extensions of credit, both secured and unsecured, including but not limited to, consumer and business lines of credit, installment loans for personal, household and business purposes and mortgage loans secured by real property; to service loans and other extensions of credit; to sell travelers checks at retail; to act as insurance agent or broker for credit life insurance and credit accident and health insurance directly related to such lending and servicing activities. These activities will be conducted from a *de novo* office in Dallas, Texas, and will service the State of Texas.

2. *Citicorp,* New York, New York (financing and leasing activities; Oregon, Nevada, Northern California): To engage through its subsidiary Citicorp Industrial Credit, Inc. in making or acquiring, for its own account or for the account of others, commercial loans and other extensions of credit; and leasing personal or real property or acting as agent, broker or advisor in leasing such property and servicing such leases, in accordance with the Board's Regulation Y. Such activities would be conducted from an office in El Segunda, Califirnia serving the area identified in the caption above.

3. *Citicorp,* New York, New York (finance company activities; Texas): To expand the activities of an existing office of its subsidiary, Citicorp Acceptance Company, Inc., to include the proposed *de novo* activity of: making loans to individuals and businesses to finance the purchase of mobile homes, modular units or related manufactured housing, together with the real property to which such housing is or will be permanently affixed, such property being used as security for the loans. Such activity would be conducted from an office in San Antonio, Texas serving the entire State of Texas.

C. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

Heritage Bancorporation (financing and insurance activities; New Jersey): To engage through its subsidiary, Heritage Mortgage Finance Company, in consumer finance activities including the arranging, making or acquiring for its own account or for the account of others, loans and other extensions of credit secured by a residential or commercial mortgage (first or other junior lien) such as would be made by a consumer finance company, servicing such loans and other extensions of credit for any person; acting as an agent or broker for the sale of credit life, accident and health insurance which is directly related to such loans and extensions of credit. These activities would be conducted from offices of Heritage Mortgage Finance Company in New Jersey, Pennsylvania, Virginia, Delaware, and Florida and would serve these states.

D. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

Harris Bankcorp, Inc., Chicago, Illinois (trust company activities; Arizona, California, Colorado, Nevada, New Mexico, and Utah): To engage through its subsidiary, Harris Trust Company of Arizona, in soliciting, performing or carrying on one or more of the functions or activities that may be performed or carried on by a trust company, including activities of a fiduciary, agency or custodian nature, to be located at 17220 Boswell Boulevard, Sun City, Arizona. The area to be served will be Arizona, California, Colorado, Nevada, New Mexico, and Utah.

E. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Assistant Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Consolidated Bancshares, Inc.,* Abilene, Texas (mortgage lending activities; Texas): To engage, through an additional office of its subsidiary, Consolidated Bankers' Mortgage Company ("CBMC") in making and acquiring for its own account, loans and other extensions of credit such as would be made by a mortgage company, including, as examples, origination, purchase, sale and servicing of all types of mortgage loans (both long-term and short-term); construction and development loans; issuance of standby and firm take-out commitments for residential, commercial, construction and development loans; operation of a management consultant department for the purpose of assisting nonaffiliated banks in the running of a mortgage loan operation; buying, selling, and dealing in GNMA mortgage-backed securities, GNMA options, conventional mortgage-backed securities (if approval is

obtained on its application to deal in conventional mortgage-backed securities, such application having been filed on September 24, 1981), loan participation, and other types of secondary market activities related to the mortgage banking industry. These activities are conducted from CBMC's principal office, located at 3402 North First Street, Abilene, Texas 79603, and would be conducted from an additional office to be located at San Miguel Square, Suite 262, 3303 North Midkiff, Midland, Midland County, Texas 79701, serving the cities of Abilene, Austin, Dallas, Fort Worth, Houston, Lubbock, Midland-Odessa, San Antonio and Wichita Falls, Texas, and the counties in which such cities are located. Comments on this application must be received not later than February 12, 1982.

2. *Consolidated Bancshares, Inc.*, Abilene, Texas (mortgage lending activities; Texas): To engage, through an additional office of its subsidiary, Consolidated Bankers' Mortgage Company ("CBMC") in making and acquiring for its own account, loans and other extensions of credit such as would be made by a mortgage company, including, as examples, origination, purchase, sale and servicing of all types of mortgage loans (both long-term and short-term); construction and development loans; issuance of standby and firm take-out commitments for residential, commercial, construction and development loans; operation of a management consultant department for the purpose of assisting nonaffiliated banks in the running of a mortgage loan operation; buying, selling, and dealing in GNMA mortgage-backed securities, GNMA options, conventional mortgage-backed securities (if approval is obtained on its application to deal in conventional mortgage-backed securities, such application having been filed on September 24, 1981), loan participation, and other types of secondary market activities related to the mortgage banking industry. These activities are conducted from CBMC's principal office, located at 3402 North First Street, Abilene, Texas 79603, and would be conducted from an additional office to be located at an address to be determined in Odessa, Ector County, Texas, serving the cities of Abilene, Austin, Dallas, Fort Worth, Houston, Lubbock, Midland/Odessa, San Antonio and Wichita Falls, Texas, and the counties in which such cities are located.

3. *First Mexia Bancshares, Inc.*, Mexia, Texas (mortgage lending and servicing activities; Texas): To engage, through its subsidiary, First Mexia Mortgage Co., in mortgage lending activities, involving making or acquiring, for its own account or for the account of others, loans and other extensions of credit such as would be made by a mortgage company, and the servicing of loans and other extensions of credit made by any person. These activities will be conducted from offices located in Mexia, Texas, serving Limestone County and surrounding counties.

F. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *Bancorp Hawaii, Inc.*, Honolulu, Hawaii (insurance underwriting; Hawaii, Guam): To engage, through its subsidiary, Bancorp Life Insurance Company of Hawaii, Inc., in underwriting as a reinsurer the credit life and credit accident and health insurance sold by the Bank of Hawaii, a wholly-owned subsidiary of Bancorp Hawaii, Inc., in conjunction with its short term consumer lending activities. Bancorp Life will be formed as an Arizona subsidiary. These activities will be conducted from an office in Phoenix, Arizona, serving the Bank's retail customers in the states of Hawaii and Guam. Comments on this application must be received not later than February 11, 1982.

2. *BankAmerica Corporation*, San Francisco, California (financing, servicing, and insurance activities; *de novo* office; Louisiana and Texas): To engage, through its indirect subsidiary, FinanceAmerica Corporation, a Louisiana corporation, in the activities of making or acquiring for its own account loans and other extensions of credit such as would be made or acquired by a finance company, servicing loans and other extensions of credit and offering credit-related life insurance, credit-related accident and health insurance and credit-related property insurance. Such activities will include, but not be limited to, making loans and other extensions of credit to consumers as well as small businesses, making loans and other extensions of credit secured by real property, and the offering of credit-related life, credit-related accident and health and credit-related property insurance in connection with the extensions of credit made or acquired by FinanceAmerica Corporation. These activities will be conducted from a *de novo* office located in Shreveport, Louisiana, serving the entire States of Louisiana and Texas.

3. *BankAmerica Corporation*, San Francisco, California (financing, servicing, and insurance activities; expansion of geographic scope; Nevada): To continue to engage, through its indirect subsidiary, FinanceAmerica Corporation, a Nevada corporation, in the activities of making or acquiring for its own account loans and other extensions of credit such as would be made or acquired by a finance company; servicing loans and other extensions of credit; and offering credit-related life insurance, credit-related accident and health insurance, and credit-related property insurance. Such activities will include, but not be limited to, making consumer installment loans; purchasing installment sales finance contracts; making loans and other extensions of credit to small businesses; making loans and other extensions of credit secured by real and personal property; and offering credit-related life, credit-related accident and health and credit-related property insurance directly related to extensions of credit made or acquired by FinanceAmerica Corporation. These activities will be conducted from an existing office located in Las Vegas, Nevada, serving the entire State of Nevada.

4. *U.S. Bancorp*, Portland, Oregon (financing and insurance activities; Colorado): To engage through its subsidiary, U.S. Bancorp Financial, Inc., in making, acquiring and servicing loans and other extensions of credit either secured or unsecured for its own account or for the account of others, including making consumer installment loans, purchasing consumer installment and real estate sales finance contracts and evidences of debt, making consumer home equity loans secured by real estate and making industrial loans; acting as an insurance agent with regard to credit life and disability insurance, solely in connection with extensions of credit by its subsidiary, U.S. Bancorp Financial, Inc. These activities would be conducted from an office in Boulder, Colorado, serving the city of Boulder, Colorado, as well as portions of Boulder County, north and east of Boulder, including the towns of Louisville, Niwot and Erie. Comments on this application must be received not later than February 12, 1982.

G. Other Federal Reserve Banks. None.

Board of Governors of the Federal Reserve System, January 25, 1982.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 82-2449 Filed 1-29-82; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers For Disease Control

Annual Report; Availability of Filing

Notice is hereby given that pursuant to Section 13 of Pub. L. 92–463 (5 U.S.C. Appendix I), the fiscal year 1981 annual report for the following Federal advisory committee utilized by the Centers for Disease Control has been filed with the Library of Congress:

Mine Health Research Advisory Committee

Copies are available to the public for inspection at the Library of Congress, Newspaper and Current Periodical Reading Room, Room 1026, Thomas Jefferson Building, Second Street and Independence Avenue, SE., Washington, D.C. (telephone: 202/287–6310). Additionally, on weekdays between 9:00 a.m. and 4:30 p.m. copies will be available for inspection at the Department of Health and Human Services, Department Library, HHS North Building, Room 1436, 300 Independence Avenue, SW., Washington, D.C. (telephone: 202/245–6791).

Dated: January 25, 1982.

William C. Watson, Jr.,

Acting Director, Centers for Disease Control.

[FR Doc. 82–2462 Filed 1–29–82; 8:45 am]

BILLING CODE 4160–18–M

Work Group To Revise Isolation Manual for Hospital Infection Control Committees; Open Meeting

On February 25 and 26, 1982, the Centers for Disease Control will convene an open meeting of a work group to revise the isolation manual to provide the most reasonable and practical guidance to infection control committees in hospitals. The meeting is open to the public, limited only by space available.

The meeting is scheduled to begin at 8:30 a.m., in Classroom 1, Building 2, Center for Disease Control, 1600 Clifton Road, NE., Atlanta, Georgia.

For further information, please contact: Bryan P. Simmons, M.D., Hospital Infections Branch, Center for Infectious Disease, Centers for Disease Control, 1600 Clifton Road, NE., Atlanta, Georgia, Telephones: FTS: 236–3408, Commercial: 404/329–3408.

Dated: January 25, 1982.

William C. Watson, Jr.,

Acting Director, Centers for Diseases Control.

[FR Doc. 82–2463 Filed 1–29–82; 8:45 am]

BILLING CODE 4160–18–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Environment and Energy

[Docket No. NI–92]

Willow Heights Development; Intended Environmental Impact Statement

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared under HUD programs as described in the appendix: The Willow Heights Development in Orangeville, Utah. This Notice is required by the Council on Environmental Quality under its rules (40 CFR Part 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the project to the specific persons or address indicated in the appropriate part of the appendix.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a Notice in the **Federal Register** a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the **Federal Register**, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C., January 25, 1982.

Francis G. Haas,

Deputy Director, Office of Environment and Energy.

Appendix.—Environmental Impact Statement on the Willow Heights Subdivision, Orangeville, Utah

The HUD Area Office in Denver, Colorado, intends to prepare an EIS on the Willow Heights Subdivision, described below, and requests information and comments for consideration in the EIS.

Description: Approximately 2,030 dwelling units (single-family and multi-family) will be built in Orangeville, Utah, in the northwest area of the community.

Need: An EIS is required because the total number of dwelling units exceeds a HUD established threshold.

Alternatives: The alternatives are HUD participation in the development as proposed by the developer, participation in the development provided that HUD required modifications are implemented by the developer, or rejection of participation in the development.

Scoping: A scoping meeting will not be held. HUD will request input from the appropriate government agencies and service organizations. This notice will also appear in a paper of local circulation in Price, Utah.

Comments: Comments should be forwarded on or before February 22, 1982, to: Mr. Carroll F. Goodwin, Area Environmental Clearance Officer, U.S. Department of Housing and Urban Development, 1405 Curtis Street, Denver, Colorado 80202.

[FR Doc. 82–2454 Filed 1–29–82; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F–14938–A and F–14938–B]

Alaska Native Claims Selections

On April 23 and October 23, 1974, the St. Michael Native Corporation, for the Native village of St. Michael filed selection applications F–14938–A and F–14938–B under the provisions 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 St. Michael.

As to the lands described below, the applications submitted by the St. Michael Native Corporation, 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), aggregating approximately 109,060 acres, is considered proper for acquisition by

the St. Michael Native Corporation and is hereby approved for conveyance pursuant to Sec. 14(a) of the Alaska Native Claims Settlement Act:

Kateel River Meridian, Alaska (Unsurveyed)

T. 23 S., R. 15 W.,
Sec. 25 (fractional), excluding Native allotment F–18433;
Secs. 28, 30, and 31 (fractional);
Sec. 32 (fractional), excluding Native allotment F–18505 Parcel C;
Sec. 33 (fractional), excluding Native allotments F–15587 and F–15602;
Sec. 34 (fractional), excluding Native allotments F–15587 and F–18300 Parcel B;
Sec. 35 (fractional), excluding Native allotments F–15604 and F–16412 Parcel B;
Sec. 36 (fractional), excluding Native allotment F–18433.
Containing approximately 2,625 acres.

T. 24 S., R. 15 W.,
Sec. 2, excluding Native allotment F–15604;
Sec. 3, excluding Native allotment F–15587;
Sec. 4, excluding Native allotments F–15587 and F–15602;
Sec. 5 to 11, inclusive;
Sec. 14 to 23, inclusive;
Sec. 26 to 35, inclusive;
Containing approximately 18,924 acres.

T. 23 S., R. 16 W.,
Sec. 25 (fractional), excluding Native allotment F–18505 Parcel B;
Sec. 26,31, and 32 (fractional);
Sec. 33 (fractional), excluding Native allotment F–16413 Parcel A;
Sec. 34 (fractional), excluding Native allotment F–18504;
Sec. 35 (fractional);
Sec. 36.
Containing approximately 2,105 acres.

T. 24 S., R. 16 W.,
Sec. 1 to 4, inclusive;
Secs. 5 and 6 (fractional);
Secs. 7 to 36, inclusive.
Containing approximately 22,849 acres.

T. 25 S., R. 16 W.,
Secs. 1 to 24, inclusive.
Containing approximately 15,192 acres.

T. 23 S., R. 17 W.,
Sec. 19 (fractional), excluding U.S. Survey No. 854, U.S. Survey No. 855, U.S. Survey No. 4100, Townsite Petition F–935 and ANCSA Sec. 3(e) application AA–44796;
Sec. 20 (fractional), excluding U.S. Survey No. 4209;
Sec. 31 and 32 (fractional);
Sec. 33 (fractional), excluding Native allotment F–15603 Parcel A;
Sec. 34 (fractional);
Sec. 35 (fractional), excluding Native allotment F–15588 Parcel A;
Sec. 36.
Containing approximately 372 acres.

T. 24 S., R. 17 W.,
Sec. 1;
Sec. 2 (fractional);
Sec. 3 (fractional), excluding Native allotment F–15588 Parcel B;
Sec. 4 (fractional), excluding Native allotment F–15603 Parcels A and B;
Sec. 5 (fractional), excluding Native allotment F–16412 Parcel A;
Sec. 6 (fractional);
Sec. 7 and 8;
Sec. 9, excluding Native allotment F–15603 Parcel B;
Secs. 10 to 36, inclusive.
Containing approximately 22,064 acres.

T. 25 S., R. 17 W.,
Secs. 1 to 6, inclusive.
Containing approximately 3,795 acres.

T. 23 S., R. 18 W.,
Secs. 4, 5, and 6 (fractional);
Secs. 7 and 8;
Secs. 9 to 14 (fractional), inclusive;
Secs. 15 to 23, inclusive;
Sec. 24 (fractional), excluding U.S. Survey No. 4100 and Townsite Petition F–935;
Sec. 25 (fractional), excluding Townsite Petition F–935 and Native allotment F–16239 Parcels A and B;
Sec. 26 (fractional), excluding Native allotment F–16241;
Secs. 27 and 28, excluding Native allotment F–16234;
Secs. 29 and 30;
Secs. 31, excluding North Branch of the Little St. Michael Canal;
Sec. 32;
Secs. 33 and 34, excluding Native allotment F–16233;
Sec. 35 (fractional), excluding Native allotment F–16412 Parcel C;
Sec. 36 (fractional).
Containing approximately 16,374 acres.

T. 24 S., R. 18 W.,
Sec. 1 (fractional), excluding Native allotment F–18505 Parcel D;
Sec. 2 (fractional), excluding Native allotments F–16235 Parcel A and F–16412 Parcel C;
Secs. 3 and 10 (fractional);
Sec. 11 (fractional), excluding Native allotment F–16235 Parcel A;
Secs. 12, 13, and 14;
Secs. 23 and 24.
Containing approximately 4,670 acres.
Aggregating approximately 109,060 acres.

The lands excluded in the above description are not being approved for conveyance at this time and have been excluded for one or more of the following reasons: Lands are no longer under Federal jurisdiction; lands are under applications pending further adjudication; lands are underlying water bodies determined to be navigable and/or tidally influenced; lands are pending a determination under Section 3(e) of ANCSA, or lands were previously rejected by decision. Lands within U.S. Surveys which are excluded are described separately in this decision if they are available for conveyance. These exclusions *do not* constitute a rejection of the selection application, unless specifically so stated.

Within the above-described lands, only the following inland water body is considered to be navigable:

North Branch of the Little Saint Michael Canal.

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.

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 case file F–14938–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.

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)).

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.

Utility Purposes—The uses allowed for a utility easement are those activities which are necessary for construction, operation, and maintenance of a powerline utility.

a. (EIN 1 D1, D9) An easement for an existing combined access trail and buried powerline thirty (30) feet in width from the village of St. Michael in Sec. 19, T. 23 S., R. 17 W., Kateel River Meridian, northwesterly to the village of Stebbins. The uses allowed are those listed above for a trail and those uses allowed for utility purposes.

b. (EIN 2 D1, D9) An easement for an existing access trail twenty-five (25) feet in width from the village of St. Michael and trail EIN 1 D1, D9 in Sec. 24, T. 23 S., R. 18 W., Kateel River Meridian, southwesterly to public land and surrounding villages. The uses allowed are those listed above for a twenty-five

(25) foot wide trail. The season of use will be limited to winter.

c. (EIN 2a D1, D9) An easement for an existing access trail twenty-five (25) feet in width from trail EIN 2 D1, D9 in Sec. 25, T. 23, S., R. 18 W., Kateel River Meridian, easterly to public land and on to Unalakleet. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

d. (EIN 5 C5) A one (1) acre site easement upland of the mean high tide line in Sec. 6, T. 23 S., R. 18 W., Kateel River Meridian, on the south shore of Norton Sound. The uses allowed are those listed above for a one (1) acre site.

e. (EIN 6 C5) A one (1) acre site easement upland of the mean high tide line in Sec. 35, T. 23 S., R. 17 W., Kateel River Meridian, at Five-Mile Cove near Five-Mile Point. The uses allowed are those listed above for a one (1) acre site.

f. (EIN 6a C5) An easement for a proposed access trail twenty-five (25) feet in width from site EIN 6 C5 in Sec. 35, T. 23 S., R. 17 W., Kateel River Meridian, southerly to trail EIN 2a D1, D9. The uses allowed are those listed above for a twenty-five (25) foot wide trail. The season of use will be limited to winter.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent after approval and filing by the Bureau of Land Management of the official plat of survey confirming the boundary description and acreage of the lands hereinabove granted;

2. Valid existing rights therein, if any, including but not limited to those created by any 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 as is now provided for under existing law; and

3. 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.

St. Michael Native Corporation is entitled to conveyance of 115,200 acres of land selected pursuant to Sec. 12(a) of the Alaska Native Claims Settlement Act. To date, approximately 109,060 acres of this entitlement have been approved for conveyance; the remaining entitlement of approximately 6,140 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of the Alaska Native Claims Settlement Act, conveyance of the subsurface estate of the lands described above shall be granted to Bering Straits Native Corporation when conveyance is granted to St. Michael Native Corporation for the surface estate, and shall be subject to the same conditions as the surface conveyance.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for 4 consecutive weeks, in the Anchorage Times.

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 Bureau of Land Management concerning navigability of water bodies.

Appeals should be filed with 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 March 3, 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 and 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 to be taken, the adverse parties to be served are:

St. Michael Native Corporation, St. Michael, Alaska 99659

Bering Straits Native Corporation, P.O. Box 1008, Nome, Alaska 99762

Barbara A. Lange

Acting Chief, Branch of ANCSA Adjudication.

[FR Doc. 82-2456 Filed 1-29-82; 8:45 am]

BILLING CODE 4310-84-M

[F-14952-A, F-14952-B]

Alaska Native Claims Selection

On May 20 and October 2, 1974, the Unalakleet Native Corporation, for the Native village of Unalakleet, filed selection applications F-14952-A and F-14952-B under the provisions 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 Unalakleet.

On December 17, 1975, Bering Straits Native Corporation filed selection application AA-10699 pursuant to Sec. 14(h)(1) of ANCSA. Section 14(h) and Departmental regulations issued thereunder authorize the Secretary of the Interior to withdraw and convey only unreserved and unappropriated public lands. Since a portion of the lands encompassed in the subject Sec. 14(h)(1) application had been properly selected by the Unalakleet Native Corporation under Sec. 12 of ANCSA, these lands were not unreserved or unappropriated at the time of selection by the Bering Straits Native Corporation. Therefore, selection application AA-10699 must be and is hereby rejected as to the following described lands:

Kateel River Meridian, Alaska (Surveyed)

T. 21 S., R. 12 W.,
Sec. 34 (fractional).
Containing 160.00 acres.

Further action on Sec. 14(h)(1) application AA-10699 as to those lands not rejected herein will be taken at a later date.

As to the lands described below, the applications submitted by the Unalakleet Native Corporation, 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), aggregating approximately 107,849 acres, is considered proper for acquisition by the Unalakleet Native Corporation and is hereby approved for Conveyance

pursuant to section 14(a) of the Alaska Native Claims Settlement Act:

Kateel River Meridian, Alaska (Surveyed)

T. 16 S., R. 9 W.,
Sec. 13;
Secs. 22 to 28, inclusive;
Secs. 33, 34, and 35.
Containing approximately 7,040 acres.

T. 17 S., R. 9 W.,
Secs. 4 and 5;
Secs. 7, 8, and 9;
Secs. 16 to 20, inclusive;
Secs. 30 and 31.
Containing approximately 7,479 acres.

T. 18 S., R. 9 W.,
Secs. 6 to 12, inclusive;
Secs. 15 to 21, inclusive.
Containing approximately 8,835 acres.

T. 19 S., R. 9 W.,
Secs. 7 and 8.
Containing approximately 1,259 acres.

T. 17 S., R. 10 W.,
Sec. 13;
Secs. 24, 25, and 26;
Secs. 35 and 36.
Containing approximately 3,840 acres.

T. 18 S., R. 10 W.,
Secs. 1 to 9, inclusive;
Secs. 12 and 13;
Secs. 16, 17, and 18;
Secs. 24, 25 and 26.
Containing approximately 10,783 acres.

T. 19 S., R. 10 W.,
Secs. 10, 11, and 12;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
Containing approximately 9,537 acres.

T. 20 S., R. 10 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28, 29, and 30;
Secs. 33 and 34.
Containing approximately 10,846 acres.

T. 21 S., R. 10 W.,
Secs. 4, 5, 8, and 9;
Secs. 16 and 17.
Containing approximately 3,840 acres.

T. 16 S., R. 11 W.,
Sec. 1;
Secs. 5 to 8, inclusive;
Secs. 11 to 15, inclusive;
Secs. 17 to 24, inclusive;
Secs. 26 to 33, inclusive.
Containing approximately 16,604 acres.

T. 17 S., R. 11 W.,
Secs. 5, 8, and 17;
Sec. 19 (fractional);
Secs. 20 and 21;
Secs. 27, 28, and 29;
Secs. 30, 31, and 32 (fractional);
Secs. 33 and 34.
Containing approximately 7,581 acres.

T. 18 S., R. 11 W.,
Secs. 1, 2, and 3;
Secs. 11, 12, 13, and 14;
Sec. 34 (fractional), excluding Quitclaim Deed F–035091;
Sec. 35, excluding Quitclaim Deed F–035091 and Native allotment F–18249.
Containing approximately 4,645 acres.

T. 19 S., R. 11 W.,
Sec. 2, excluding Quitclaim Deed F–035091;
Sec. 3 (fractional), excluding amended U.S. Survey No. 800 Tracts A, B, and C, U.S. Survey No. 1535, U.S. Survey No. 3553, U.S. Survey No. 4394, and ANCSA Sec. 3(e) applications AA–41190 and AA–41191.
Containing approximately 451 acres.

T. 20 S., R. 11 W.,
Sec. 13;
Sec. 22 (fractional);
Secs. 23, 24, 25, and 26;
Secs. 27, 28, 32, and 33 (fractional);
Secs. 34 and 35.
Containing approximately 5,941 acres.

T. 21 S., R. 11 W.,
Sec. 4;
Secs. 5 and 6 (fractional);
Secs. 8 and 9;
Secs. 17, 18, 19, and 20;
Sec. 30.
Containing approximately 5,766 acres.

T. 16 S., R. 12 W.,
Secs. 1, 12, 13, and 24 (fractional);
Secs. 25 and 36 (fractional).
Containing approximately 1,290 acres.

T. 21 S., R. 12 W.,
Secs. 12, 13, 23, and 24 (fractional);
Sec. 25;
Sec. 34 (fractional);
Sec. 36.
Containing approximately 2,112 acres.
Aggregating approximately 107,849 acres.

Excluded from the above-described lands herein conveyed are the submerged lands, up to the ordinary high water mark, beneath all water bodies determined by the Bureau of Land Management to be navigable because they have been or could be used in connection with travel, trade and commerce, or are tidally influenced. Those water bodies are identified on the attached navigability maps, the original of which will be found in the easement case file F–14952–EE.

All other water bodies not depicted as navigable on the attached maps within the lands to be conveyed were reviewed. Based on existing evidence, they were determined to be nonnavigable.

The lands excluded in the above description are not being approved for conveyance at this time and have been excluded for one or more of the following reasons: Lands are no longer under Federal jurisdiction; lands are under applications pending further adjudication; lands are pending a determination under Section 3(e) of ANCSA, or lands were previously rejected by decision. Lands within U.S. Surveys which are excluded are described separately in this decision if they are available for conveyance. These exclusions *do not* constitute a rejection of the selection application, unless specifically so stated.

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 case file F–14952–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.

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-wheels vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

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.

Utility Purposes—The uses allowed for a utility easement are those activities which are necessary for construction, operation, and maintenance of a powerline or pipeline utility.

a. (EIN 1 C1, D1, D9) An easement for an existing access trail twenty-five (25) feet in width from Unalakleet in Sec. 3, T. 19 S., R. 11 W., Kateel River Meridian, easterly to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.

b. (EIN 2 C1, D1) An easement for an existing access trail twenty-five (25) feet in width from road EIN 31 C5, in Sec. 21, T. 18 S., R. 11 W., Kateel River Meridian, northerly to public land and Shaktoolik. The uses allowd are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.

c. (EIN 2a C1, D1) An easement for an existing access trail twenty-five (25) feet in width from trail EIN 2 C1, D1 in Sec. 6, T. 16 S., R. 11 W., Kateel River Meridian, northeasterly to public land.

The uses allowed are those listed above for a tweny-five (25) foot wide trail easement. The season of use will be limited to winter.

d. (EIN 28a C5) An easement for a proposed access trail twenty-five (25) feet in width from site EIN 28 C5 in Sec. 1, T. 19 S., R., 10 W., Kateel River Meridian, southeasterly to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

e. (EIN 312 C5) An easement sixty (60) feet in width for an existing road from Unalakleet in Sec. 34, T. 18 S., R. 11 W., Kateel River Meridian, northerly and easterly to the Air Force facility in Sec. 36, T. 18. S., R. 10 W., Kateel River Meridian. The uses allowed are those listed above for a sixty (60) foot wide road easement.

f. (EIN 34a C5) An easement for a proposed access trail twenty-five (25) feet in width from site EIN 34 C5 in Sec. 1, T. 17 S., R. 12 W., Kateel River Meridian, easterly to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

g. (EIN 36 I) An easement thirty (30) feet in width for an existing pipeline from the Air Force site in Sec. 36, T. 18 S., R. 10 W., Kateel River Meridian, northerly to a water well. The uses allowed are those associated with the construction, operation, and maintenance of the pipeline. Use will be limited to the U.S. Air Force, its licensees and assignees.

h. (EIN 37 I) An easement sixty (60) feet in width for an existing road from road EIN 31 C5 in Sec. 36, T. 18 S., R. 10 W., Kateel River Meridian, northerly to the well site. The uses allowed are those listed above for a sixty (60) foot wide road easement. Use is limited to the U.S. Air Force, its licensees and assignees.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent after approval and filing by the Bureau of Land Management of the official supplemental plat of survey confirming the boundary description and acreage of the lands hereinabove granted;

2. Valid existing rights therein, if any, including but not limited to those created by any 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 as is now provided for under existing law;

3. The following third-party interests, if valid, created and identified by the Bureau of Indian Affairs as provided by Sec. 14(g) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(g)):

a. Lease 14–20–0300–1486, issued to the State of Alaska, Department of Public Works, Division of Aviation, for airport purposes, located within Sec. 34, T. 18 S., R. 11 W., and Sec. 3, T. 19 S., R. 11 W., Kateel River Meridian.

b. Lease 14–20–0300–1516, issued to Unalakleet Fisheries, Inc., on May 13, 1966, for a seafood processing facility, located within Sec. 3, T. 19 S., R. 11 W., Kateel River Meridian;

4. A right-of-way AA–11204, located within Sec. 3, T. 19 S., R. 11 W., Kateel River Meridian, issued to RCA Alaska Communications, Inc., pursuant to P.L. 94–579 (October 21, 1976) Title V. 90 Stat. 2743; and

5. 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.

Reindeer Grazing Permit, F–839, issued to Gustoff Sagoonick on January 1, 1982, located within lands herein approved for conveyance, will terminate upon conveyance of these lands in accordance with Sec. 9, Additional Condition or Stipulation No. 1 of the permit.

Unalakleet Native Corporation is entitled to conveyance of 161,280 acres of land selected pursuant to Sec. 12(a) of the Alaska Native Claims Settlement Act. To date, approximately 107,854 acres of this entitlement have been approved for conveyance; the remaining entitlement of approximately 53,426 acres will be conveyed at a later date.

Pursuant to section 14(f) of the Alaska Native Claims Settlement Act, conveyance of the subsurface estate of the lands described above shall be granted to Bering Straits Native Corporation when conveyance is granted to Unalakleet Native Corporation for the surface estate, and shall be subject to the same conditions as the surface conveyance.

In accordance with Departmental 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 *Anchorage Times*.

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 Public Law 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 March 3, 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 and 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 to be taken, the adverse parties to be served are:

Unalakleet Native Corporation, P.O. Box 100, Unalakleet, Alaska 99684

Bering Straits Native Corporation, P.O. Box 1008, Nome, Alaska 99762.

Barbara A. Lange,

Acting Chief, Branch of ANCSA Adjudication.

[FR Doc. 82–2457 Filed 1–29–82; 8:45 am]

BILLING CODE 4310–84–M

Cedar City District; Request for Public and Industry Input Regarding Their Estimate of Each Wilderness Study Area's Mineral Resource Potential

The Bureau of Land Management, Cedar City District, is soliciting industry input into the energy and minerals inventory currently taking place in twenty-three Wilderness Study Areas (WSAs) and three Instant Study Areas (IASs) in southwest Utah. The purpose of this inventory is to assist the BLM in

developing a land use recommendation to Congress regarding the suitability of these WSAs as wilderness.

In order to structure the input of the energy and minerals industry, the Rocky Mountain Oil and Gas Association and Minerals Exploration Coalition, in cooperation with the BLM, have developed an energy and mineral resource rating system. This system is intended to encourage industry to rate particular tracts of land (WSAs in this case) according to the favorability of the geologic environment to contain quantities of mineral and energy resources.

It should be noted that this is not the formal mineral survey conducted by the U.S. Geological Survey and the Bureau of Mines that is required for those WSAs that have been recommended for wilderness designation. This is a preliminary inventory to be used by the BLM in comparing potential resource values prior to making such a recommendation.

The twenty-three WSAs and the three ISAs to be studied are located in Kane, Garfield, Washington, Beaver, and Iron Counties, Utah, within the Kanab, Dixie, Beaver, and Escalante Resource Areas.

The names and wilderness inventory number of each WSA are as follows:

Steep Creek	UT-040-061
Carcass Canyon	UT-040-076
Mud Spring Canyon	UT-040-077
Fifty-Mile Mountain	UT-040-080
Scorpion	UT-040-082
Red Mountain	UT-040-132
Canaan Mountain	UT-040-143
Orderville Canyon	UT-040-145
Deep Creek	UT-040-146
Red Butte	UT-040-147
Spring Canyon	UT-040-148
The Watchman	UT-040-149
North Fork Virgin River	UT-040-150
LaVerkin Creek Canyon	UT-040-153
Taylor Creek Canyon	UT-040-154
Goose Creek Canyon	UT-040-176
Beartrap Canyon	UT-040-177
Moquith Canyon	UT-040-217
Parunuweap Canyon	UT-040-230
Paria-Hackberry	UT-040-247
The Blues	UT-040-268
North Escalante Canyon, The Gulch, Escalante Canyon	ISA
Phipps-Death Hollow	ISA
Escalante Canyons (tract 5)	ISA

A packet of information on the mineral rating system and the forms and maps necessary to rate the mineral resources by individual WSA may be obtained by contacting Paul Carter, District Geologist, at the following address, or by calling him at (801) 586-2401: Bureau of Land Management, Cedar City District Office, P.O. Box 724, Cedar City, Utah 84720.

Anyone or any firm with geologic information on these lands is encouraged to participate in this mineral inventory rating process.

Morgan S. Jensen,

District Manager.

January 21, 1982.

[FR Doc. 82-2464 Filed 1-29-82; 8:45 am]

BILLING CODE 4310-84-M

New Mexico and Colorado San Juan River Regional Coal Team Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of regional coal team meeting and a request for public comment on tract ranking factors and subfactors and methods of tract ranking and selection.

SUMMARY: In accordance with the responsibilities outlined in the Federal coal management regulations (43 CFR Part 3400), the Regional Coal Team for the San Juan River Federal Coal Production Region will hold a meeting to review and discuss delineated tracts and review status of site-specific analysis reports, to discuss and select tract ranking factors and a tract ranking system, to discuss summary of public hearings on adopted DOE coal leasing goals and establishment of preliminary leasing targets and other related matters, if any.

The Regional Coal Team is also requesting public comment on what should be included in tract ranking factors and subfactors and on methods to be used for tract ranking and selection.

DATE: The Regional Coal Team will be held on March 10, 1982 at 9:00 a.m.

ADDRESS: Inn of Loretto, 211 Old Santa Fe Trail, Santa Fe, New Mexico 87501, telephone (505) 988-5531.

FOR FURTHER INFORMATION CONTACT: S. Gene Day, San Juan River Project Manager, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501. Telephone (505) 988-6226, (FTS) 476-6226.

SUPPLEMENTARY INFORMATION: At the Regional Coal Team meeting, the Regional Coal Team will discuss the tract delineation reports and the data contained in them. The Regional Coal Team will also receive a briefing on the status of the site-specific analysis reports. The Regional Coal Team will discuss the tract ranking factors and will determine the emphasis to be placed on and the degree of importance of each of the factors and subfactors. The possible tract ranking factors and subfactors being considered for use by the Regional Coal Team are as follows:

I. Coal Economics
- A. Coal Quality
- B. Coal Quantity
- C. Coal Conservation and Maintenance
- D. Energy Production

II. Impacts to the Natural Environment
- A. Air Quality
- B. Minerals Other Than Coal
- C. Water
- D. Wildlife
- E. Cultural Features
- F. Amenity Values
- G. Special Management Areas/Unique Resource Impacts
- H. Other Land Use and Transportation
- I. Reclamation Potential
- J. Unsuitability Criteria

III. Social and Economic
- A. Economic Changes
- B. Community Service Assessment
- C. Public Attitudes
- D. Lifestyle and Social Structure
- E. Agricultural Operations
- F. Consistency With Other Plans and Policies

The subfactors selected by the Regional Coal Team at the March 10 meeting will be used to rank potential leasing tracts in the San Juan River Region.

The Regional Coal Team will also discuss method or methods of tract ranking and selection procedures to be used in the San Juan River Coal Production Region.

The public is invited to make comments on (1) tract ranking factors and subfactors, (2) method or methods of tract ranking on selection and any other topics listed in this notice. Written comments should be addressed to State Director, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501. The written comment period will extend until March 3, 1982, in order that the comments can be made ready for use by the Regional Coal Team.

Larry L. Woodard,

Associate State Director.

[FR Doc. 82-2428 Filed 1-29-82; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

Ninety Six National Historic Site, South Carolina; Establishment

Section 1 of the Act of August 19, 1976, (90 Stat. 1196) established Ninety Six National Historic Site.

Notice is given that sufficient property to constitute an administrable unit has been acquired. The boundary of Ninety Six National Historic Site is therefore established, pursuant to the Act, to include the land depicted on boundary

map numbered 463/80,001, dated May 1981, prepared by the Land Resources Division of the Southeast Regional Office of the National Park Service.

This map is on file and available for inspection in the administrative office of the Ninety Six National Historic Site and in the offices of the National Park Service, Department of the Interior, Washington, D.C. 20240.

Dated: October 21, 1981.

Neal G. Guse, Jr.,

Acting Regional Director, Southeast Region, National Park Service.

[FR Doc. 82-2022 Filed 1-29-82; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no 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-186

The following applications were filed in Region I: Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 134806 (Sub-1-25TA), filed January 20, 1982. Applicant: B-D-R TRANSPORT, INC., P.O. Box 1277, Vernon Drive, Brattleboro, VT 05301. Representative: Edward T. Love, 4401 East West Highway, Suite 404, Bethesda, MD 20814. *Contract carrier:* Irregular routes: *Games, toys and hobby items; and parts, supplies and equipment pertaining thereto,* (1) from points in CT and MA to points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA and WY, and (2) from points in CA to Lee, MA under continuing contract with Kay-Bee Toy & Hobby Shops, Inc., Lee, MA. Supporting shipper: Kay-Bee Toy & Hobby Shops, Inc., Route 102, Lee, MA 01238.

MC 160128 (Sub-1-1TA), filed January 18, 1982. Applicant: ROBERT E. GIORDANI d.b.a. B & G TRUCKING CO., 147 Coolidge Road, Worcester, MA 01602. Representative: William F. Mix, 21 A Muzzey Street, Lexington, MA 02173. *Contract Carrier:* irregular routes: *Petroleum and Petroleum products, in bulk,* between points in MA, RI, and NH, under continuing contract(s) with C. K. Smith Company, Inc., Worcester, MA. Supporting shipper: C. K. Smith Company, Inc., 99 Crescent Street, Worcester, MA 01605.

MC 109875 (Sub-1-2TA), filed January 18, 1982. Applicant: VALLEY TRANSPORTATION, INC. t/a CONNECTICUT AMERICAN CHARTERS, 516 Oxford Road, Oxford, CT 06483. Representative: Jeffrey A. Vogelman, 6121 Lincolnia Road, P.O. Box 11278, Alexandria, VA 22312. *Passengers and their baggage in the same vehicle, in special operations,* beginning and ending at points in Westchester County, NY and extending to Atlantic City, NJ. Supporting shipper(s): The Tropicana Hotel and Casino, Iowa Avenue & Boardwalk, Atlantic City, NJ 08404; Louis Gicaniglia, 1612 Mamaroneck Avenue, Mamaroneck, NY; Patrick Onlando, 125 2nd Street, New Rochelle, NY 10801; Barry Vigder, 44 Berrian Road, New Rochelle, NY 10804; Renee Mittler, 29 Reyna Lane, New Rochelle, NY 10804.

MC 142603 (Sub-1-32TA), filed January 14, 1982. Applicant: CONTRACT CARRIERS OF AMERICA, INC., 1071 Dwight Street, P.O. Box 179, Springfield, MA 01101. Representative: Barbara J. Withers (same address as applicant). *Contract carrier:* irregular routes: *Equipment, furniture and fixtures, raised access computer floors* from Grand Rapids, MI to points in NC, GA, and FL, under continuing contract(s) with Data Supplies, Inc., Norcross, GA. Supporting shipper: Data Supplies, Inc ., P.O. Box 747, Norcross, GA 30091.

MC 155235 (Sub-1-2TA), filed January 19, 1982. Applicant: WILLIAM A. DAVIDSON d.b.a. DAVIDSON TRUCKING COMPANY, 140 Canal Street, Malden, MA 02148. Representative: Robert M. Murphy, 40 Court Street, Boston, MA 02108. *Contract carrier:* irregular routes: *General commodities,* between points in the U.S. under continuing contract(s) with Bellesteel Industries, Inc., Boston, MA. Supporting shipper: Bellesteel Industries, Inc., 150 McClellan Highway, East Boston, MA 02128.

MC 150987 (Sub-1-8TA), filed January 15, 1982. Applicant: DYSART'S TRANSPORTATION, INC., MRC 156, Bangor, ME 04412. Representative: John F. O'Donnell, Barrett and O'Donnell, 60 Adams Street, P.O. Box 238, Milton, MA 02187. *General commodities (except Classes A & B explosives and hazardous waste* between points in the U.S. (except AK and HI). Supporting shipper(s): There are 37 statements of support attached to this application which may be examined at the Regional Office of the ICC in Boston, MA.

MC 160087 (Sub-1-1TA), filed January 14, 1982. Applicant: JAMES J. GRANT CO. INC., Rear 28 Wolcott Street, Readville, MA 02137. Representative: David A. Grant (same address as applicant). *Construction debris, industrial and hazardous waste* between points in U.S. east of Mississippi River. Supporting shipper: Westinghouse Electric Corp., Damon Street, Hyde Park, MA.

MC 160127 (Sub-1-1TA), filed January 15, 1982. Applicant: FLAGSHIP LIMOUSINE, 31 William Street, North Haven, CT 06473. Representative: Vincent C. Buonocore (same address as applicant). *Passengers* between points in CT to New York, NY and its Commercial Zone, Boston, MA and its Commercial Zone, Newark Airport, Newark, NJ and Atlantic City, NJ. Supporting shipper: Quinnipiac Travel Agency, Ltd., 1818 Dixwell Avenue., Hamden, CT 06514.

MC 160183 (Sub-1-1TA), filed January 20, 1982. Applicant: LONE STAR TRANSPORTATION, INC., 369 Passaic Ave., Fairfield, NJ 07006. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *(1) New furniture and (2) materials, equipment, and*

supplies used in the manufacture of new furniture, between the facilities used by the Duralite Co., its subsidiaries, divisions, or vendors at points in the U.S., on the one hand, and, on the other, points in the U.S. Supporting shipper: Duralite Co., Barbour Ave., Passaic, NJ 07055.

MC 160092 (Sub-1–1TA), filed January 15, 1982. Applicant: R.C.S. TRANSPORT, INC., 9130 Griffith-Morgan Lane, Pennsauken, NJ 08110. Representative: George R. Partridge, Jr., 1600 North American Building, 121 S. Broad Street, Philadelphia, PA 19107. *Processed and packaged pet food, as well as bulk raw materials including steel and aluminum cans and other commodities* between points in Pennsauken, NJ and all states east of the Mississippi River. Supporting shipper: Cadillac Pet Food, Inc., 9130 Griffith-Morgan Lane, Pennsauken, NJ 08110.

MC 142114 (Sub-1–10TA), filed January 13, 1982. Applicant: RETAIL EXPRESS, INC., 9 Stuart Road, Chelmsford, MA 01824. Representative: Frank M. Cushman, 36 South Main Street, Sharon, MA 02067. *Contract carrier:* irregular routes: *Such commodities as are dealt in by retail department stores* between points in the U.S. (except AK and HI). Supporting shipper: Hills Department Stores, Division of SCOA Industries, Inc., 15 Dan Road, Canton, MA 02021.

MC 160191 (Sub-1–1TA), filed January 20, 1982. Applicant: ESSIE M. ELLIS & KEVIN B. ELLIS d.b.a. SILVER LIMITED BUS SERVICE, 41 Fowler Street, Dorchester, MA 02121. Representative: Kevin B. Ellis (same as applicant). *Passengers and their baggage* beginning and ending at Boston, MA and extending to points in ME, MA, NH, NJ, NY, VT, and DC. Supporting shipper(s): Black Ski Association, 16 Terrace Road, Brookline, MA 02129; Scorpians Club, 275 Norwell Street, Boston, MA 02121; St. John's Missionary Baptist Church, 230 Warren Street, Roxbury, MA.

MC 148917 (Sub-1–1TA), filed January 18, 1982. Applicant: KEN STAUB JR. TRUCKING, INC., 4786 East River Road, Grand Island, NY 14072. Representative: Kenneth W. Staub, Jr. (same as applicant). *Metal products and building material* between Buffalo, NY on the one hand, and, on the other, points in MI. Supporting shipper: R. S. McMannus Steel Construction Co., Inc., 1254 E. Ferry St., Buffalo, NY.

MC 160160 (Sub-1–1TA), filed January 19, 1982. Applicant: TIV CORP., 225 Private Lane, Lakewood, NJ 08701. Representative: Sidney J. Leshin, Esq., 3 East 54th Street, New York, NY 10022. *Contract carrier:* Irregular routes: *Passengers and their baggage* between Lakewood, NJ and Boroughs of Brooklyn and Manhattan, City of New York, NY, under continuing contract(s) with Congregation Yethev Lev, Lakewood, NJ. Supporting shipper: Congregation Yethev Lev, 405 Forest Avenue, Lakewood, NJ.

MC 154631 (Sub-1–13TA), filed January 13, 1982. Applicant: TRANSPORT SPECIALISTS, INC., 545 Front Street, Woonsocket, RI 02895. Representative: Richard J. Wood, 357 Arnold Street, Woonsocket, RI 02895. *Contract carrier:* Irregular routes: *(1) Plastic articles* from Leominster, MA and Wheeling, IL, to points in the U.S. (except AK and HI), and *(2) Equipment materials and supplies used in manufacture, distribution and sale of plastic articles* from the above-named destinations to the above-named origins under continuing contract(s) with Clearshield Plastics Corporation of Leominster, MA. Supporting shipper: Clearshield Plastics Corporation, 177 Florence Street, Leominster, MA. 01453.

The following applications where filed in region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St. Rm. 620, Philadelphia, PA 19106.

MC 2110 (Sub-II–3TA), filed January 19, 1982. Applicant: BOWLUS TRUCKING CO., INC., 200 County Rd. 143, Fremont, OH 43420. Representative: Richard H. Brandon, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017. *Empty beverage cans* from Fremont, OH to Allentown, PA. An underlying ETA seeks 120 days authority. Supporting shipper: Stroh Container, Inc., 2145 Cedar St., Fremont, OH 43420.

MC 159917 (Sub-II–1TA), filed January 20, 1982. Applicant: BURCO CHEMICAL SERVICES, INC., 1689 Columbus Rd., Cleveland, OH 44113. Representative: Lynn R. Delnoce, 10219 Brecksville Rd., Brecksville, OH 44141. *Liquid and Dry Chemicals; Lumber; and Building Materials* between points in DE; IL; IN; KY; MD; ME; MI; MO; NH; NY; OH; PA; VA; & WV for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Ohio Burial Case Company, 1720 Columbus Rd., Cleveland, OH 44113; Chemix Corporation, 55 1st Ave., Berea, OH 44017; Reliance Brooks, Inc., 3302 East 87th St., Cleveland, OH 44127; Young Chemical Company, 24700 Center Ridge Rd., Westlake, OH 44145.

MC 139875 (Sub-II–2TA), filed January 21, 1982. Applicant: DONALD E. GERALD, INC., 2210 E. Randolph Rd., Silver Spring, MD 20904. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21710. Contract, irregular: *Cement, in bags and in bulk, and bagged mortar,* between Martinsburg, WV, including its commerical zone, on the one hand, and, on the other, points in Maryland, for 270 days, under a continuing contract or contracts with Maisel Brothers, Inc., Carruth & Son, Inc. and Entwisle's Concrete Block, Inc. An underlying ETA seeks 120 days authority. Supporting shippers: Maisel Brothers, Inc., P.O. Box 267, Glen Burnie, MD 21061; Carruth & Son, Inc., P.O. Box 657, Waldorf, MD 20601 and Entwisle's Concrete Block, Inc., 3709 Forestville Rd., Forestville, MD 20747.

MC 160201 (Sub-II–1TA), filed January 21, 1982. Applicant: MOUTAIN EMPIRE SERVICES, INC., d.b.a. MOUNTIN EMPIRE DELIVERY SERVICES, P.O. Box 516, 100 N. Ridge Rd., Pound, VA 24279. Representative: Dan Mullins (same as applicant). Contract, irregular: *Replacement mine parts,* from Wise, VA to pts. in WV, PA, under continuing contract with Lee-Norse Co., Pittsburgh, PA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Lee-Norse Co., 6600 Steubenville, Pike, P.O. Box 2863, Pittsburgh, PA 15230.

MC 109448 (Sub-II–19TA), filed January 18, 1982. Applicant: PARKER TRANSFER COMPANY, P.O. Box 256, Elyria, OH 44036. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *Such commodities as are dealt in or used by manufacturers and distributors of heating and air conditioning units* (except commodities in bulk) between Evansville, IN, including points in its Commerical Zone, on the one hand, and, on the other, point in the U.S. (except AK and HI) for 270 days. Supporting shipper: Arkla Industries, Inc., P.O. Box 534, Evansville, IN 47704.

MC 145067 (Sub-II–6TA), filed January 18, 1982. Applicant: LAWRENCE E. SPAIDE, INC., P.O. Box 111, Avoca, PA 18641. Representative: Edward F. V. Pietrowski, 430 Scranton Life Building, Scranton, PA 18503. *Liquid propane gas,* from Delaware City, DE to point in NJ and PA. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Berwick Gas Sales, 320 W. 9th Street, Berwick, PA 18603, Modern Gas Sales, RD #2-Route 502, Moosic, PA 18507.

MC 145996 (Sub-II–1TA), filed January 18, 1982. Applicant: STERLING FREIGHT LINE, INC., P.O. Box 217, N.D. Station, 1273 Deeds Ave., Dayton, OH 45404. Representative: David M. Andrews, 183 N. Upper St., Lexington, KY 40507. Contract, irregular: *Rubber and plastic products,* between

Montgomery County, OH, on the one hand, and, on the other, points in IL, IN, MI, and KY, under continuing contract(s) with Kadon Corp., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Kadon Corp., 3031 Drydon Rd., Dayton, OH 45439.

MC 152848 (Sub-II–1TA), filed January 19, 1982. Applicant: TIGER TRANSPORTATION, INC., 301 Crescent St., Scottdale, PA 15683. Representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, PA 15219–2383. *Drafting, engineering and graphic art supplies,* from Bloomfield and Windsor, CT to Dallas and Fort Worth, TX for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Alvin & Company, Inc., 1335 Blue Hills Ave. Ext., Bloomfield, CT.

MC 140104 (Sub-II–2TA), filed January 18, 1982. Applicant: TOLEDO FRIGID LINE, INC., 4060 Fitch Rd., Toledo, OH 43613. Representative: Jerry B. Sellman, 50 W. Broad St., Columbus, OH 43215. *Such commodities as are dealt in or used by manufacturers and distributors of food and related products,* between Watsonville, CA; Caldwell, ID; Kansas City, KS; Park Rapids, MN; Vineland, NJ; Clark, SD; and Plover, WI, on the one hand, and, on the other, all points in the U.S. An underlying ETA seeks 120 days authority. Supporting shipper(s): F.A.B., Inc., 6400 Atlantic Blvd., Norcross, GA 30071.

MC 158613 (Sub-II–5TA), filed January 20, 1982. Applicant: TRICOR BUSINESS GROUP, INC., 1242 Tatamy Rd., Easton, PA 18042. Representative: Roger D. Hershman, 22 Olde Mill Run, Medford, NJ 08055. *Such commodities as are dealt in or used by manufacturers or distributors of transportation equipment or machines,* between pts. in the U.S., for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are 5 supporting shippers. Their statements may be examined at the ICC Reg. Ofc., Phila., PA.

MC 141091 (Sub-II–1TA), filed January 20, 1982. Applicant: VIRGINIA TANK LINES, INC., 814 Warrenton Rd., P.O. Box 5249, Fredericksburg, VA 32401. Representative: Calvin F. Major, 200 W. Grace St., P.O. Box 5010, Richmond, VA 23220. Contract, irregular: *Petroleum products, in bulk, in tank vehicles,* between points in VA and points in MD, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Solv-X U.S.A., Inc., 6715 Lowell Ave., McLean, VA 22101.

MC 160097 (Sub-II–1TA), filed January 22, 1982. Applicant: A. D. WEAVER, T/A WEAVER MOTOR SERVICE, 460 Rodi Rd., Pittsburgh, PA 15235. Representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, PA 15219. Contract, irregular: *Scrap metal, in dump vehicles,* between Heidelberg, PA, on the one hand, and, on the other, pts. in OH and WV, under continuing contract with Sanford Steel Products Co. of Heidelberg, PA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Sanford Steel Products Co., Industry Way, Heidelberg, PA 15106.

MC 160150 (Sub-II–1TA), filed January 19, 1982. Applicant: WEAVERTOWN TRANSPORT LEASING, INC., 206 Weavertown Road, Canonsburg, PA 15317. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219. Contract, irregular: *General commodities (except household goods and Classes A and B explosives)* between the facilities of Petromark, Inc. in Pittsburgh, PA, on the one hand, and, on the other, points in WV, OH, MI and NY, under a continuing contract(s) with Petromark, Inc. of Pittsburgh, PA for 270 days. Supporting shipper: Petromark, Inc., 100 River Road, McKees Rock, PA 15136.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 153984 (Sub-3–1TA), filed January 20, 1982. Applicant: CHESS HESTER TRUCKING COMPANY, P.O. Box 567, Russellville, AL 35653. Representative: Carl E. Johnson, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203. *Dry granular fertilizer,* from the facilities of International Minerals & Chemical Corp. at points in AL to points in TN and MS. Supporting shipper: International Minerals & Chemical Corp., P.O. Box 158, #1 Commerce Street, Florence, AL 35630.

MC 52704 (Sub-3–18TA), filed January 20, 1982. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H", LaFayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. *Charcoal briquettes* from Dothan, AL, Burnside, KY, Belle, MO and Parsons, WV to points in the U.S. in and east of ND, SD, NE, KS, OK and TX. Supporting shipper: The Kingsford Company, 10300 Linn Station Rd., Louisville, KY 40233.

MC 154732 (Sub-3–3TA), filed January 20, 1982. Applicant: HARPER TRANSPORT, INC., 3313 Concord Corner, Conyers, GA 30208. Representative: Clayton R. Byrd, 2870 Briarglen Drive, Doraville, GA 30340. *Contract:* Irregular: *Computer machine paper, ruled, not otherwise printed, on skids, wrapped,* between Columbus, OH, on the one hand, and, on the other, Birmingham, AL, Tampa, FL, Atlanta, GA, Detroit, MI, Greensboro, NC, Lancaster, PA, and Nashville, TN. Supporting shipper: Star Forms Inc. of Ohio, 3915 Zane Trace Drive, Columbus, OH 43228.

MC 129537 (Sub-3–18TA), filed January 20, 1982. Applicant: REEVES TRANSPORTATION CO., Route 5, Dews Pond Road, Calhoun, GA 30701. Representative: John C. Vogt, Jr., 406 N. Morgan St., Tampa, FL 33602. *Paper, paper products, materials, supplies and equipment used in the manufacture and distribution thereof.* Between points in SC, GA, FL, AL, MS, LA, AR, MO, KS, IL, WI, MI, IN, OH, TN, KY, NC, VA, WV, PA, NJ, MD. Supporting shipper: Stone Container Corp., 360 N. Michigan Ave., Chicago, Illinois 60601.

MC 119917 (Sub-3–6TA), filed January 19, 1982. Applicant: DUDLEY TRUCKING COMPANY, INC., 724 Memorial Drive, SE, Atlanta, GA 30316. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. *Charcoal, charcoal briquettes, activated carbon, hickory chips, lighter fluid and related products* between the facilities of Husky Industries, Inc., located at points in the U.S., on the one hand, and, on the other, points in the U.S. Supporting shipper: Husky Industries, Inc., 62 Perimeter Center, East Atlanta, GA 30346.

MC 3–1TA, filed January 19, 1982. Applicant: H. E. SMITH AND ASSOCIATES, INC., P.O. Box 971, Carrollton, GA 30117. Representative: Mr. William P. Johnson, 306 Tanner Street, Carrollton, GA 30117. *Contract carrier,* Irregular Route, *Transporting Coke, Limestone and Silica Sand Gravel* between Birmingham, AL; Holt, AL; Longview, AL; Montgomery, AL; North Birmingham, AL; Shorters, AL; and on the other hand, Carrollton, GA. Support shipper: Southwire Company; address: P.O. Box 1000, Carrollton, GA 30117.

MC 152458 (Sub-3–4TA), filed January 19, 1982. Applicant: KNOWLES TRUCKING COMPANY, P.O. Box 309, Tyrone, GA 30290. Representative: Virgil H. Smith, 74 Highway N. Box 245, Tyrone, GA 30290. *Clothing and Material, equipment and supplies* used in the manufacture thereof, between points in the U.S. for the account of Bayly Corp. and wholly owned subsidiaries. Supporting shipper: Bayly Corp., P.O. Box 5148, Denver, Colorado 80218.

MC 158414 (Sub-3–2TA), filed January 19, 1982. Applicant: HUB TRUCKING, INC., P.O. Box 190, Wedowee, AL 36278. Representative: Wade H. Brown, P.O.

Box 217, Bessemer, AL 35020. *Kitchen Cabinets and Materials and Supplies used in the manufacture and distribution thereof,* between points in Clay County, AL, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Wellborn Cabinet Company, Inc., Mellow Valley Highway, Route 1, Ashland, AL 36251.

MC 158365 (Sub-3–2TA), filed January 19, 1982. Applicant: J & J SERVICES, INC., 122 West Central Ave., Lake Wales, FL 33853. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203. *Sterilizing and refrigerating chemicals and empty containers used for the transportation thereof;* between the facilities of Pennsylvania Engineering Company, at or near Philadelphia, PA, Los Angeles, CA, Dallas, TX, Chicago, IL and Atlanta, GA, on the one hand, and, on the other, points in the U.S. Supporting shipper: Pennsylvania Engineering Company, 1107–21 North Howard Street, Philadelphia, PA 19123.

MC 160141 (Sub-3–1TA), filed January 18, 1982. Applicant: CAIL & CAIL, INC., 237 Wickham Drive, Columbus, GA 31907. Representative: C. E. Walker, P.O. Box 1085, Columbus, GA 31902. *Asphalt, rock, gravel, crushed stone, lime, lime materials and lime granulars, in dump vehicles,* between points in Muscogee, Chattahoochee, Marion and Sumter Counties, GA, on the one hand, and, on the other, Russell, Lee and Barbour Counties, AL. Supporting shippers are Dozier Farms, Route 2, Box 146, Plains, GA 31780, Reeves Construction Co., Inc., P.O. Box 547, Americus, GA, 31709 and M. B. Wells, Jr., Route 1, Buena Vista, GA, 31803.

MC 123325 (Sub-3–1TA), filed January 18, 1982. Applicant: WRIGHT MOTOR LINES, INC., 135 Thompson St., Asheville, NC 28803. Representative: S. P. Wright (same address as applicant). *Fertilizer and fertilizer ingredients,* between points in NC, SC, GA, VA, and TN. Supporting shipper: Kaiser Agricultural Chemicals, P.O. Box 599, Waynesville, NC 28786.

MC 160198 (Sub-3–1TA), filed January 20, 1982. Applicant: COX MOTOR EXPRESS INC., 1465 Alamance Church Road, Greensboro, NC 27406. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. (1)(a) *Hosiery,* (b) *materials, supplies and equipment used in the manufacture, sale, and distribution of hosiery,* between points in Guilford County, NC, on the one hand, and, on the other, AL, CT, DE, FL, GA, IL, IN, KY, MD, NC, NJ, NY, OH, PA, SC, TN, and VA; (2)(a) *computers, machinery, machinery parts, meters, and metal products, and* (b) *materials, supplies, and equipment used in the manufacture, sale, and distribution of the commodities in (a) above,* between points in Guilford County, NC, on the one hand, and, on the other, points in AL, AZ, AR, CA, CT, DE, FL, GA, IL, IN, KS, KY, LA, MD, MA, MS, MO, NJ, NY, NM, NC, OH, PA, RI, SC, TN, TX, VA, and WV; (3)(a) *animal tallow and animal tallow by products,* (b) *materials, supplies, and equipment used in the manufacture, sale, and distribution of the commodities named in (a) above,* between points in Guilford County, NC, on the one hand, and, on the other, points in AL, CT, DE, GA, FL, IL, IN, KY, MA, MD, NC, NJ, NY, OH, PA, RI, SC, TN, and VA. Supporting shippers: Troxler Hoisery Mill, Inc., 2400 Montreal Ave., Greensboro, NC 27409, Gilbarco Inc., 7300 W. Friendly Ave., Greensboro, NC 27409, Chemol Inc., Division Carolina By Products Inc., 2410 Randolph Avenue, Greensboro, NC 27402.

MC 160199 (Sub-3–1TA), filed January 21, 1982. Applicant: COOKE TRUCKING COMPANY, INC., Rt. 1, Box 128–A, Mount Airy, NC 27030. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. *Metal products and materials and supplies used in the manufacture, sale, and distribution of metal products* between the facilities of Rappahannock Wire Company at Fredericksburg, VA on the one hand, and, on the other, points in OH, GA, MA, PA, CT, MI, NC, KY, FL, IN, IL, CA, SC, TN, NY, NJ, and AL. Supporting shipper: Rappahannock Wire Company, P.O. Box 7508, Fredericksburg, VA 22401.

MC 85530 (Sub-3–1TA), filed January 21, 1982. Applicant: BLALOCK TRUCK LINE, INC., P.O. Box 734, Charleston, SC 29402. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. *Contract Carrier;* Irregular; *Lumber, wood products, and building materials,* between points in AL, AR, DE, FL, GA, IL, IN, KY, LA, MD, MS, NJ, NC, OH, PA, SC, TN, TX, VA, WV, and DC, under continuing contract(s) with Georgia-Pacific Corp., Augusta, GA. Supporting shipper: Georgia-Pacific Corp., P.O. Box 1808, Augusta, GA 30903.

MC 138308 (Sub-3–26TA), filed January 21, 1982. Applicant: KLM, INC., P.O. Box 6098, Jackson, MS 39208. Representative: Robert L. McArty, P.O. Box 22628, Jackson, MS 39205. *Materials, equipment and supplies used in the manufacture, sale and distribution of electrical resistance wire or rod, magnetic welding wire or rod, and thermocouple alloys* from the facilities of Hoskins Manufacturing Company at or near Charlevoix, Detroit, Hamburg and Mio, MI to New Paris, IN. Supporting shipper: Hoskins Manufacturing Company, 4445 Lawton Avenue, Detroit, MI 48208.

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 16499 (Sub-4–5TA), filed January 11, 1982. Applicant: ROHDE CARTAGE, INC., P.O. Box 475, Mundelein, IL 60060. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. *Paper and printed matter* from points in IL to points in IN, IA, KY, MI, MO, OH, TN and WI. Supporting shipper: Norwood Industries, 6547 N. Avondale, Chicago, IL.

MC 123074 (Sub-4–4TA), filed January 11, 1982. Applicant: M. L. ASBURY, INC., 141 S. Main St., Romeo, MI 48065. Representative: Robert E. McFarland, 2855 Coolidge, Ste. 201A, Troy, MI 48084. *Asphalt and asphalt products* between points in Allen County, IN, and Detroit, MI. Supporting shipper: Trumbull Asphalt, Inc., 59th and Archer Rd., Summit, IL 60501.

MC 124170 (Sub-4–9TA), filed January 11, 1982. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. *Contract,* irregular, *meats, meat products, meat by-products, articles and supplies used by meat packing houses* between the facilities of or used by Swift Independent Packing Company and points in the United States. Supporting shipper: Swift Independent Packing Company, 115 W. Fackson Blvd., 7th Floor, Chicago, IL 60604.

MC 128837 (Sub-4–23TA), filed January 11, 1982. Applicant: TRUCKING SERVICE, INC., P.O. Box 229, Carlinville, IL 62626. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. *Contract,* irregular, *Electrical appliances, televisions and receivers, radio receivers, video and audio recorders, computers, stereos, speakers and cabinets,* between Springfield, MO on the one hand, and on the other, Houston and Dallas, TX; Des Moines, IA; Los Angeles and Fresno, CA; Portland, OR; Seattle, WA: Pittsburgh, PA: Grand Rapids and Taylor, MI; Jacksonville, FL; Green Bay and Milwaukee, WI. Restricted to traffic moving under continuing contracts with Zenith Radio Corporation. An underlying ETA seeks 120 days authority. Supporting shipper: Zenith

Radio Corporation, 1900 No. Austin Ave., Chicago, IL 60639.

MC 129087 (Sub-4–1TA), filed January 6, 1982. Applicant: L. A. BELL MOTOR LINES, INC., P.O. Box F, Chesterton, IN 46304. Representative: Lorain A. Bell, 111 Sexton St., Porter, IN 46304. *General Commodities (except such commodities in bulk or requiring tank vehicles),* between Cook, Lake and Dupage Counties, IL on the one hand, and on the other, Lake, Porter, and LaPorte Counties, IN, restricted to shipments originating at and destined to Kiss-McDermott Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Kiss-McDermott Inc., P.O. Box 615, Chesterton, IN 46304.

MC 141459 (Sub-4–8TA), filed January 12, 1982. Applicant: AGS ENTERPRISES, INC., #1 Clyde Avenue, Litchfield, IL 62056. Representative: Michael R. Solomon (same address as applicant). (1) *Pulp, paper and allied products; printed matter; plastic articles; rubber products and metal products; and* (2) *commodities used in the manufacture, sale and distribution of commodities listed in* (1) between points in Marion and Jefferson Counties, IL, on the one hand, and, on the other, points in CA, and points in the U.S. in and east of MN, IA, NE, KS, OK and TX. Supporting shippers: Midwest Stoves, Inc., 1 Old Timer Dr., P.O. Box 1704, R.R. 5, Mt. Vernon, IL 62864; Plastiflex Company, 823 North Brooks Dr., P.O. Box 1040, Centralia, IL 62801; and Jiffy Packaging Corporation, P.O. Box 469, Salem, IL 62881. An underlying 120 day ETA filed.

MC 151663 (Sub-4–2TA), filed January 11, 1982. Applicant: CLINGON TRUCKING, INC., 11 Superior Ave., Rockford, IL 61111. Representative: Steven D. Bennett, 1924 23rd Ave., Rockford, IL 61101. *Iron and Steel Articles, Rubber Products, Metal Fittings, Empty Steel Bins, Plastic Products, Paper Products, Paper Roll Stock, Printed Matter,* from Rockford, IL; Cook and Dupage Counties, IL; Warsaw, IN; Cleveland, OH; St. Louis, MO; Kansas City, MO; Kansas City, KS; Decorah, IA; Iola, KS; Detroit, MI; Milwaukee and Delavan, WI; to points in IL, CO, NE, IA, MO, WI, IN, KY, MI, and OH. An underlying ETA has been filed. There are (12) supporting shippers.

MC 152744 (Sub-4–1TA), filed January 12, 1982. Applicant: CITADEL TRANSPORT, INC., 180 N. Michigan Avenue, Chicago, IL 60603. Representative: Daniel C. Sullivan, Sullivan & Associates, Ltd., 10 S. LaSalle Street, Suite 1600, Chicago, IL 60603. *Contract, irregular: Such commodities as are dealt in by manufacturers and distributors of foodstuffs and pet foods,* from the facilities of The Quaker Oats Company at Cedar Rapids, IA; Lawrence, KS; St. Joseph, MO; Marion, OH; Pascagoula, MS; Shiremanstown, PA; Chattanooga, TN; and, Danville, Pekin and Rockford, IL to points in and east of MN, IA, MO, KS, OK and TX under continuing contract or contracts with The Quaker Oats Company. Supporting shipper: Quaker Oats Company, Merchandise Mart, Chicago, IL 60654.

MC 152935 (Sub-4–10TA), filed January 7, 1982. Applicant: HILL-ROM COMPANY, INC., Highway 46, Batesville, IN 47006. Representative: Steve A. Oldham, Hillenbrand Industries, Inc., Highway 46, Batesville, IN 47006. *Contract,* irregular: *Metallic pool furniture* between Brandenton, FL and points in Crystal Lake, Decatur, Freeport, Highland Park, Oak Park, Peoria and Rockford, IL; Indianapolis, IN; Lexington and Louisville, KY; Cincinnati and Columbus, OH; and Chattanooga, Knoxville and Nashville, TN. An underlying ETA seeks 120 days' operating authority. Supporting shipper: Tropitone Furniture Company, Inc., Post Office Box 3197, Sarasota, FL 33578.

MC 154568 (Sub-4–3TA), filed January 11, 1982. Applicant: CLARENCE DEAN KVALEVOG, d.b.a. C. D. KVALEVOG, Rural Route 7, Box 266–17, Bemidji, MN 56601. Representative: James B. Hovland, 525 Lumber Exchange Bldg., Minneapolis, MN 55402. *Such commodities as are dealt in by farm supply wholesale houses,* from (1) Kansas City and Wichita, KS; Perry, IA; New Orleans, LA; Des Moines, IA; Denver, CO; Bozeman, MT; Kansas City and St. Louis, MO; points in TX and GA to Woonsocket, SD; Fargo, ND and points in MN; and (2) South St. Paul, MN to points in ND and SD. Supporting shippers: Minnesota Farm Bureau Business Corp., 1976 Wooddale Drive, St. Paul, MN 55165; Central Warehouse Company, Woonsocket, SD 58785; North Dakota Farm Bureau, 1101 1st Ave. N., Fargo, ND 58107.

MC 157909 (Sub-4–3TA), filed January 12, 1982. Applicant: MIDLAND-RAIL-WATER TRANSPORT, INC., 3014 S. Laramie Street, Chicago, IL 60650. Representative: Stephen H. Loeb, Suite 2027, 33 North LaSalle Street, Chicago, IL 60602. *General Commodities (except Classes A & B explosives),* between Chicago, IL, and points in its commercial zone, on the one hand, and, on the other, points in MI, OH, IA, IN, IL, and WI, restricted to traffic having a prior or subsequent movement by rail. Supporting shippers: GTLC, Inc., 4511 S. Kedzie, Chicago, IL 60632; D.J. Martwrana Co., Inc., 6 W. Busse Ave., Mt. Prospect, IL 60056; New England Forwarding Co., 3400 W. 51st Street, Chicago, IL 60632; Trans-Rail, Inc., 1499 Dayshore, Burlingame, CA 94010.

MC 158300 (Sub-4–3TA), filed January 11, 1982. Applicant: GERALD COSSETTE, d.b.a. GERALD COSSETT TRUCKING, 2202 5th Avenue North, Fargo, ND 58102. Representative: Charles E. Johnson, P.O. Box 2056, Bismarck, ND 58502. *Contract* irregular: *Foodstuffs* from the facilities of The Creamette Company near Minneapolis, MN, to points in the U.S. (except AK and HI). Supporting shipper: The Creamette Company, 7300 36th Avenue North, New Hope, MN 55427.

MC 159794 (Sub-4–1TA), filed January 12, 1982. Applicant: WILSON'S TRUCKAWAY, INCORPORATED, 120 West Madison Street, Suite 14N, Chicago, Illinois 60602. Representative: Brady J. Langford, Attorney at Law, One N. LaSalle St., Suite 2265, Chicago, Illinois 60602, (312) 641–2260. *Transportation equipment* and materials, equipment and supplies used in the manufacture, sale or distribution thereof between points in the United States. There are 6 supporting shippers.

MC 159968 (Sub-4–1TA), filed January 6, 1982. Applicant: BORCULO GARAGE, INC., 6410 96th Avenue, Zeeland, MI 49464. Representative: D. Richard Black, Jr., 7610 Cottonwood Drive, P.O. Box 294, Jenison, MI 49428. *Contract,* irregular: *Such commodities, materials, supplies and equipment as are dealt with and used by manufacturers and distributors of food products* between the facilities of Bil-Mar Foods, Inc., in Zeeland, MI on the one hand, and, on the other, points in IL, IN, OH, PA, NY, TN, KY, MO, KS, OK, TX, IA, WI, MN. Restricted to traffic moving under continuing contract with Bil-Mar Foods, Inc. Supporting shipper: Bil-Mar Foods, Inc., 8300 96th Avenue, Zeeland, MI 49464.

MC 159973 (Sub-4–1TA), filed January 7, 1982. Applicant: APPLE CITY EXPRESS, INC., P.O. Box AB, Murphysboro, IL 62966. Representative: L. W. Ward (same address as applicant). *Common,* Regular. *General commodities—(except A and B explosives, household goods as defined by the Commission and commodities in bulk),* between: St. Louis, MO, and Brookport, IL; from St. Louis, MO over Interstate Hwy 64 to the junction of U.S. Hwy 51, then over U.S. Hwy 51 to the junction of IL Hwy 146, then over IL Hwy 146 to the junction of U.S. Hwy 45, thence over U.S. Hwy 45 to Brookport, IL, and return over the same route, serving all intermediate points and

points in St. Clair, Clinton, Marion, Wayne, Edwards, Wabash, Monroe, Washington, Jefferson, Hamilton, White, Perry, Randolph, Franklin, Jackson, Hamilton, Williamson, Saline, Gallatin, Union, Johnson, Pope, Hardin, Alexander, Johnson, Massac and Pulaski Counties, IL as off-route points. Supporting shipper(s): Fifty-seven shipper certifications have been filed with the application.

MC 160026 (Sub-4–1TA), filed January 11, 1982. Applicant: C & W TRUCKING, INC., 505 No. 18th, Grand Forks, ND 58201. Representative: Lloyd Corbit, 505 No. 18th, Grand Forks, ND 58201. *Transporting food products and related items,* between points in ND and TX. Supporting shipper: Quality Boneless Beef Co., Inc., Box 337, West Fargo, ND 58078.

MC 160034 (Sub-4–1TA), filed January 12, 1982. Applicant: T. M. TRANSIT, LTD., 2828 Wayne Street, Stevens Point, WI 54481. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Such merchandise as is dealt in by wholesale, retail, chain grocery, food business houses and department stores* between Brown, Portage, and Wood Counties, WI on the one hand, and, on the other, points in IA, IL, IN, MI, MN, MO, OH and WI. Supporting shipper: The Copps Corporation, 2828 Wayne Street, Stevens Point, WI 54481.

MC 111310 (Sub-4–13TA), filed January 18, 1982. Applicant: MILLIS TRANSFER, INC., Box 352, Black River Falls, WI 54615. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. *Contract,* irregular. *Cleaning compounds, toilet preparations, personal care products, and gift items (except commodities in bulk) and materials, equipment and supplies used or useful in the manufacture and distribution of the above-named commodities* between points in GA, IL, IN, IA, KY, MI, MN, MO, NJ, NY, NC, OH, PA, SC, TN, and WI under a continuing contract(s) with Minnetonka, Inc. for 270 days. Supporting shipper: Minnetonka, Inc., P.O. Box 1A, Minnetonka, MN 55343.

MC 135410 (Sub-4–46TA), filed January 18, 1982. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, North 6th Street Road, P.O. Box 266, Monmouth, IL 61462. Representative: Daniel O. Hands, Attorney at Law, Suite 200–A, 205 West Touhy Avenue, Park Ridge, IL 60068. *Household appliances* from St. Cloud, MN and points in its commercial zone to the facilities of Gamble Stores, Division of Wickes Companies, Inc., at points in IA, IL, IN, KS, KY, MI, MO, NE and WI. Supporting shipper: Gamble Stores, Division of Wickes Companies, Inc., 5100 Gamble Drive, Minneapolis, MN 55440.

MC 147546 (Sub-4–3TA), filed January 19, 1982. Applicant: DEPENDON, INC., 875 East Rand Road, Des Plaines, IL 60016. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, Il 62701. *Contract,* irregular: *Hardware items, electrical components, water pumps, power units and diesel electric generating sets,* between Itasca, IL to points in the U.S. Restricted to traffic moving under continuing contract(s) with Western Engine Corporation. Supporting shipper: Western Engine Corporation, 500 So. Lombard Rd., Addison, IL 60101.

MC 150341 (Sub-4–8TA), filed January 15, 1982. Applicant: HOOVESTOL, INC., 3110 Mike Collins Dr., St. Paul, MN 55121. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. *Meat and Meat Products,* between Minneapolis, MN, and its Commercial Zone, and points in the U.S. Supporting shippers: Goldberger Foods, Inc., Minneapolis, MN, and Sunstar Foods, Inc., South St. Paul, MN.

MC 155175 (Sub-4–2TA), filed January 18, 1982. Applicant: CAPITAL CITY TRUCKING, INC., 13th and Front Avenue, Bismarck, ND 58501. Representative: Charles E. Johnson, P.O. Box 2056, Bismarck, ND 58502. *Contract:* Irregular: (1) *alcoholic beverages, carbonated beverages, confectionery, and materials, equipment and supplies used in the bottling, production, sale and distribution of such commodities,* from points in the U.S. (except AK and HI) to Glendive, MT under contract with Glendive Coca Cola Bottling Co., Inc., Glendive, MT; (2) *lumber, lumber products, wood products and building materials* from WA, OR, ID, and MT to Mandan, ND under contract with Jennings Lumber Co., Mandan, ND; (3) *alcoholic beverages* from CA, IL, MI, KY, MY, NY, NJ to Bismarck, ND under contract with Congress, Inc.; underlying ETA seeks 120-day authority. Supporting shippers: Glendive Coca Cola Bottling Co., Glendive, MT: Jennings Lumber Co., Mandan, ND and Congress Inc., Bismarck, ND.

MC 160104 (Sub-4–1TA), filed January 18, 1982. Applicant: GENERAL GENERICS CORPORATION, 210 Junior Achievement Drive, Elkhart, IN 46516. Representative: Paul D. Borghesani, Katz & Borghesani, 300 Communicana Bldg., 421 So. Second Street, Elkhart, IN 46516. *Contract* irregular: *General commodities* (except classes A and B explosives, household goods, and commodities in bulk), (1) between Elkhart County, IN, on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, KS, OK, and TX; (2) from Douglassville, PA, to Detroit, MI, and Itasca, IL; and (3) from Clevelend, OH, to Chicago, IL, under continuing contracts with (1) Accra Pac, Inc., of Elkhart, IN; (2) Kiwi Polish Company Proprietary Ltd., of Douglassville, PA; and (3) Magic American Chemical Corp. of Cleveland, OH, respectively. Supporting shippers: Accra Pac, Inc., P.O. Box 878, 2730 Middlebury Street, Elkhart, Indiana 46515; Kiwi Polish Company Proprietary Ltd., Route 662-North, Douglassville, PA; and Magic American Chemical Corp., 23700 Mercantile Road, Cleveland, OH 44122.

MC 160106 (Sub-4–1TA), filed January 18, 1982. Applicant: A & L TRUCKING, INC., 145 N. 3rd Street, Beech Grove, IN 46107. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *Food and related products,* between points in IA, IN, and KY. Supporting shipper: Geo. A. Hormel & Co., P.O. Box 800, Austin, MN 55912.

MC 160154 (Sub-4–1TA), filed January 19, 1982. Applicant: DOUGLAS NORD, 1401 Texas Avenue, St. Louis Park, MN 55426. Representative: Richard D. Howe, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Lumber or wood products,* from Sonoma, Humboldt, and Mendocino Counties, CA, to points in IA, MN, ND, SD, and WI. Supporting shipper: Canton Redwood Yard, Inc., Canton Redwood Sales Company, 9110 83rd Street, P.O. Box 9328, Brooklyn Park, MN 55440.

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 18080 (Sub-5–3TA), filed January 18, 1982. Applicant: CONLEY TRUCK LINE, INC., P.O. Box 2312, Grand Island, NE 68802–2312. Representative: Johnnie Walker, P.O. Box 313, Wood River, NE 68883. *General Commodities, except classes A and B explosives, household goods, and commodities in bulk.* Between Prattsburg (Steuben County), NY. and Kinston, NC., on the one hand, and, on the other, points in the U.S., except AK & HI, restricted to traffic originating at or destined to the facilities of McConnell Manufacturing Co., Inc. at or near Prattsburg, NY. and Kinston, NC. Supporting shipper: McConnell Manufacturing Co., Inc., Prattsburg, NY.

MC 34027 (Sub-5–4–TA), filed January 18, 1982. Applicant: GEETINGS, INC., P.O. Box 82, Pella, IA 50219.Representative: Ronald R. Adams or Larry D. Knox, Myers, Knox & Hart,

600 Hubbell Building, Des Moines, IA 50309. *Meat, meat products, meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk),* from Marion County, IA, to pts in IL, WI, and MN. Supporting shipper: Pella Packing Incorporated, R.R. #3, Pella, IA 50219.

MC 121572 (Sub-5–1), filed January 18, 1982. Applicant: TRANS STATE BUS, INC., Route 1, Hwy 156, Larned, KS 67550. Representative: Eugene W. Hiatt, Hiatt, Hiatt & Carpenter, Chartered, 207 Casson Building, 603 Topeka Boulevard, Topeka, KS 66603. Common; regular. *Passengers and their baggage, express and newspapers in the same vehicle with passengers.* Between Liberal, KS to Stratford, TX on Hwy U.S. 54, and between Stratford, TX and Liberal, KS on Hwy U.S. 54. Supporting shippers: Nine (9). Applicant intends to tack and interline.

MC 144592 (Sub-5–4–TA), filed January 19, 1982. Applicant: WAYDENS HEAVY HAULERS, INC., 1400 North 6th Avenue, Hiawatha, IA 52233. Representative: James M. Hodge, 3730 Ingersoll Avenue, Des Moines, IA 50312. Contract irregular *Such merchandise as is dealt in or used by wholesalers of building materials, from* pts in AL, AR, CA, CO, ID, LA, MS, MT, OK, OR, TX, WA and WY to pts in IA, IL and WI, under continuing contract(s) with Iowa Lumber Dealers, Inc. Supporting shipper(s): Iowa Lumber Dealers, Inc., 55—43rd Avenue SW., Cedar Rapids, IA 52404.

MC 151819 (Sub-5–24–TA), filed January 15, 1982. Applicant: CARGO-MASTER, INC., 2815 Gaston Av., Dallas, TX 75226–1306. Representative: Jackson Salasky (same as applicant). *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; Trinidad Wholesale Liquor Company, 416 N. Commercial, Trinidad, CO 81082.

MC 151383 (Sub-5–12–TA), filed January 18, 1982. Applicant: NICKELL TRUCKING CO., 4901 W. 51st St., Tulsa, OK 74107. Representative: Fred Rahal, Jr., Suite 305 Reunion Center, 9 E. Fourth St., Tulsa, OK 74103. Contract, irregular; (1) *Canopies, awning materials, steel tubing, pipe, iron, and steel articles, ceiling panels, plywood and lumber; and materials and supplies used in the manufacture and distribution thereof* under continuing contract with Ventair Corp., Tulsa, OK. (2) *Oil well drilling tools and industrial weighing systems and materials and supplies used in the manufacture and distribution thereof* under continuing contract with Geolograph-Pioneer Drilling Equipment and Service Div. of Geosource, Inc., Oklahoma City, OK. (3) *Steel floodlight poles and materials and supplies used in the production and distribution thereof* under continuing contract with Area Lighting Standards, Inc., Tulsa, OK. (4) *Hot rolled steel products, iron and steel articles and materials and supplies used in the production and distribution thereof* under continuing contract with Yaffe Iron and Metal Co., Inc., Muskogee, OK. (5) *Meter provers and measuring stations and materials and supplies used in the manufacture and distribution thereof* under continuing contract with Arrow Engineering, Inc., Tulsa, OK, between points in the U.S. Supporting shipper: 5 supporting shippers.

MC 155107 (Sub-5–3 TA), filed January 18, 1982. Applicant: GEORGE R. BUCHANON, d.b.a. SUPER "B" EXPRESS, P.O. Box 1195, Sherman, TX 75090. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. Contract: Irregular, *General Commodities (except classes A and B explosives or hazardous materials)* between points in CA, OR, WA, AR, KS, MO, LA, OK or TX. Under continuous contract(s) with Acme Fast Freight, Inc. Supporting shipper: Acme Fast Freight, Inc., 2110 Alhambra Ave., Los Angeles, CA 90031.

MC 159474 (Sub-5–2 TA), filed January 19, 1982. Applicant: U.S. EXPRESS, INC., P.O. Box 9652, Little Rock, AR 72219. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* from Omaha, NE and Sioux City and Des Moines, IA, to points in AL, AR, FL, GA, LA, MS, NC, SC, TN and TX. Supporting shipper: Glenn Bros. Meat Company, 558 South Central Expressway, Suite 312, Richardson, TX.

MC 160110 (Sub-5–1 TA), date filed January 18, 1982. Applicant: GARRETT, ALEXANDER and GARRETT CORP., R.R. 4, Marshalltown, IA 50158. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Contract, irregular; *meat, meat products, meat byproducts and articles distributed by meat packinghouses* between pts in the U.S. under contract with Swift Independent Packing Co., supporting shipper, Swift Independent Packing Co., Box 716, Chicago, IL 60690.

MC 160114 (Sub-5–1 TA), filed January 18, 1982. Applicant: CHAPKOR, INC., P.O. Box 472, Keller, TX 76248. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Food and related products, except in bulk in tank vehicles,* between Delta County, CO, on the one hand, and, on the other, points in AL, AR, GA, IA, ID, KS, LA, MS, MO, NE, NM, NV, NC, OK, OR, SC, TX and WA. Supporting shipper: Skyland Foods, Inc., 9th & Dodge Street, Delta, CO 81416.

MC 160136 (Sub-5–1 TA), filed January 18, 1982. Applicant: CHARLES D. ALDER, d.b.a. DEADSTOCK TRUCKING, 416 Market Place, Norfolk, NE 68701. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Contract, Irregular. *Food and related products (except in bulk),* from the facilities of Dugdale of Nebraska, Inc., at or near Norfolk, NE, to pts in CO, IL, IA, KS, MN, MO, TX and WI, under a continuing contract(s) with Dugdale of Nebraska, Inc. of Norfolk, NE. Supporting shipper: Dugdale of Nebraska, Inc., 1500 South Logan, Norfolk, NE 68701.

MC 160138 (Sub-5–1TA), filed January 18, 1982. Applicant: MARGARET L. STEWART, d.b.a. J M & F HOTSHOT SERVICE, 3109 Chetwood, Del City, OK 73115. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154. *Machinery, materials, equipment and supplies used in replacing, servicing and repairing machinery, equipment and supplies used in or in connection with the discovery, development, refining, manufacture, processing, storage, and transmission of natural gas and petroleum and their products and by-products,* between points in Oklahoma County, OK on the one hand, and, on the other, points in AR, CO, KS, LA, NM, TX and WY. Supporting shippers: Oilfield Specialty Distributors, Inc., Oklahoma City, OK; Specialty Mfg., Inc., Oklahoma City, OK, Red Beaver Box Company, Inc., Oklahoma City, OK.

MC 160145 (Sub-5–1TA), filed January 18, 1982. Applicant: TOMMIE STEVENS, d.b.a. NATIONAL WRECKER SERVICE, 1517 Pine Street, Abilene, TX 79601. Representative: TIMOTHY MASHBURN, P.O. Box 2207, Austin, TX 78768–2207. *Wrecked, disabled, repossessed or replacement motor vehicles and trailers, in wrecker service only,* between points in Archer, Baylor, Borden, Brown, Coke, Callahan, Coleman, Comanche, Concho, Cottle, Dickens, Earth, Eastland, Fisher, Foard,

Garza, Glasscock, Hamilton, Haskell, Howard, Irion, Jack, Jones, Kent, King, Knox, McCulloch, Menard, Mills, Mitchell, Noland, Palo Pinto, Runnels, San Saba, Schleicher, Scurry, Shackelford, Stephens, Sterling, Stonewall, Taylor, Throckmorton, Tom Green, Wilbarger and Young Counties, on the one hand, and, on the other, points in the United States. Supporting shippers: ETMF Freight System, P.O. Box 2019, Abilene, TX; Clarence Cornish Wrecker Service, 2557 S. Riverside, Fort Worth, TX 76104.

MC 26825 (Sub-5–22TA), filed January 22, 1982. Applicant: ANDREWS VAN LINES, INC., P.O. Box 1609, Norfolk, NE 68701. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. Contract; Irregular. *General commodities (except household goods),* between pts in the U.S., under a continuing contract(s) with United Forwarding, Inc., of Omaha, NE. Supporting shipper: United Forwarding, Inc., 7000 Building, Suite 445, 7000 West Center Road, Omaha, NE 68106.

MC 34027 (Sub-5–5TA), filed January 20, 1982. Applicant: GEETINGS, INC., P.O. Box 82, Pella, IA 50219. Representative: Ronald R. Adams or Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. *(1) Empty containers for nonalcoholic beverages, and (2) nonalcoholic beverages and dry ingredients for nonalcoholic beverages (mixes),* (1) from Valpraiso, IN, to Haskell, OK, and (2) from Haskell, OK, to Hutchinson and Kansas City, KS and Kansas City, MO. Supporting shipper: Coca-Cola Company, Foods Division, P. O. Box 2079, Houston, TX 77001.

MC 34027 (Sub-5–6TA), filed January 22, 1982. Applicant: GEETINGS, INC., P.O. Box 82, Pella, IA 50219. Representative: Ronald R. Adams or Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. *(1) Empty containers for nonalcoholic beverages and (2) nonalcoholic beverages and dry ingredients for nonalcoholic beverages (mixes),* (1) from Valparaiso, IN; Paw Paw, MI; Auburndale, FL; and Chicago, IL, to Pella, IA and (2) from Pella, IA to pts in IA, KS, NE, MO and IL. Supporting shipper: Pella Canning & Processing, Inc., 200 South Street, P.O. Box 83, Pella, IA 50219.

MC 139973 (Sub-5–13TA), filed January 20, 1982. Applicant: J. H. WARE TRUCKING, INC., P.O. Box 398, Fulton, MO 65251. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. *(1) Electrical machinery, (2) metals, and (3) equipment, materials, and supplies used in the manufacture, distribution, or sale of the commodities in (1) and (2),* between point in Nassau County, NY, on the one hand, and, on the other, points in the United States (except IA, MN, ND, SD, WI, NE, RI, MA, NJ, DC, MI, OH, IN, IL, MD, DE, PA, KS, MO, CO, CT, MT, VA, and WV). Supporting shipper: Slant/Fin Corporation, 100 Forest Drive, Greenville, NY 11548.

MC 141255 (Sub-5–2TA), filed January 22, 1982. Applicant: TANDY TRANSPORTATION, INC, 2560 E. Long Avenue, Fort Worth, TX 76111. Representative: Donnie Brogdon (same as applicant). Contract, Irregular; *Boxes or crates, including fiberboard, paper or pulpwood, bottles, or cans and related articles for the manufacturing of the same* (except commodities in bulk), between St. Louis, MO and its commercial zone on the one hand, and, on the other, Sherman, TX, and Ft. Worth, TX, and their commerical zones. Supporting shipper: Sonoco Products Company, 5663 Anglum Ct., Hazelwood, MO, 63042.

MC 142831 (Sub-5–3TA), filed January 20, 1982. Applicant: HAMRIC TRANSPORTATION, INC., P.O. Box 1124, Grand Prairie, TX 75051. Representative: Thomas L. Cook, 5801 Marvin D. Love Frwy., Suite 301, Dallas, TX 75237. *Metal products, and materials and supplies for the manufacture and fabrication of metal products,* between the facilities of Bayou Steel Corp. at or near LaPlace, LA, on the one hand, and, on the other, points in the U.S.

MC 144603 (Sub-5–46TA), filed January 22, 1982. Applicant: F.M.S. TRANSPORTATION, INC., 2564 Harley Drive, Maryland Heights, MO 63043. Representative: Raymond C. Dougherty (same address as applicant). *Textiles and textile products* between Griffin, GA, and its commerical zone, and Seguin, TX, and its commerical zone (for the account of United Cotton Goods Company, Inc.). Supporting shipper: United Cotton Goods Company, Inc., 1903 North Austin St., Seguin, TX 78155.

MC 149152 (Sub-5–3TA), filed January 20, 1982. Applicant: L & L MOTOR FREIGHT, INC., 1911 N.W. 1st Street, Oklahoma City, OK 73106. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154. *Steel castings,* from Muskogee, OK to Odessa, TX. Supporting shipper: Green Country Castings Corporation, 612 S.E. 48th Street, Muskogee, OK 74401.

MC 15189 (Sub-5–25TA), filed January 22, 1982. Applicant: CARGO-MASTER, INC., 2815 Gaston Ave., Dallas, TX 75226–1306. Representative: Jackson Salasky (same as applicant). *Batteries* from the facilities of the Douglas Battery Manufacturing Company in Winston-Salem, NC to Wallingford, CT; Manchester, PA; Canton, OH; Nicholasville, KY; Altamonte, FL; Newman, GA; Clinton, MS; Temple, TX and Arnold, MO. Supporting shipper(s): Douglas Battery Manufacturing Company, 500 Battery Drive, Winston-Salem, NC 27107.

MC 156836 (Sub-5–3TA), filed January 22, 1982. Applicant: MURRY JOHNSON, INC., P.O. Box 158, Widener, AR 72394. Representative: Earl Mills (same as above), *(1) Farm machinery and equipment, materials and supplies used in the manufacture thereof; (2) Tool boxes and equipment and supplies used in the manufacture thereof; (3) Wood Products; (4) Food and related items utilized in grocery, restaurant, food businesses and hotel operations.* (1) between points in IL, IN, OH, MO, WI, TX, AL, TN, & LA; (2) between points in AL, AZ, AR, CA, CO, CT, FL, GA, ID, IL, IA, KS, KY, LA, MA, ME, MI, MN, MS, MO, MT, NE, NM, NC, OH, TN, OK, OR, UT, VA, WA, & WY; (3) from Memphis, TN to points in CA; (4) from points in AR, AZ, CA, FL, ID, IL; to Nashville, TN. Supporting shippers: Forrest City Machine Works, Forrest City, AR; DeSoto Hardwood Flooring Co., Memphis, TN; H. G. Distributors, Nashville, TN; Storall Manufacturing Co., Inc., Jonesboro, AR.

MC 159032 (Sub-5–1TA), filed January 21, 1982. Applicant: JAY CARLLEY, INC., 3615 N. Emporia St., Wichita, KS 67219. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215. Contract, Irregular; *Meat, meat products, meat by-products and articles and supplies used by meat packing houses,* between points in the U.S. under continuing contract with Swift Independent Packing Company. Supporting shipper: Swift Independent Packing Company, 115 W. Jackson Blvd., 7th Flr., Chicago, IL 60604.

MC 159251 (Sub-5–2TA), filed January 22, 1982. Applicant: WRIGHT-WAY EXPRESS, LTD., 616 3rd Street N.E., Independence, IA. Representative: James M. Hodge, 3730 Ingersoll Avenue, Des Moines, IA 50312. *General commodities (except Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk)* between pts in IA, IL, MN, MO, NE and WI, restricted to traffic originating at or destined to the facilities of or used by Ardan, Inc. Supporting shipper(s): Ardan, Inc., 2320 Euclid Avenue, Des Moines, IA 50310.

MC 160200 (Sub-5–1TA), filed January 21, 1982. Applicant: ANTHONY'S TRUCKING, INC., 350 Brookes Drive, Suite E, Hazelwood, MO 63042. Representative: Orville L. Handshy, Jr.

(same address as applicant). *Household appliances, furniture, insulation, and materials, equipment and supplies used in their manufacture, distribution, sale and repair,* between points in MO, on the one hand, and, on the other, points in AR, IL, IN, KS, KY, MO, OH and TN. Supporting shipper(s): MC Distributors, Inc., 223 Cedar Street, St. Louis, MO 63102; Central Glass Insulations, Inc., 5603 Anglum Ct., Hazelwood, MO 63042; Custom Foam Molders, Inc., P.O. Box 100, Foristel, MO 63348; and Town House Furniture, Ltd., 7901 Michigan Ave., St. Louis, MO 63111.

The following applications were filed in region 6. Send protests to: Interstate Commerce Commission, Region 6, Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 160162 (Sub-6–1TA), filed January 18, 1982. Applicant: ALPHONSO BLACKWELL d.b.a. MR. AL'S TRUCKING, 2432 N.W. 57th, Seattle, WA 98107. Representative: Bruce A. Wolf, 2120 Pacific Building, Seattle, WA 98104. *Contract Carrier,* Irregular routes: *Building Materials,* between points in WA and OR, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: The Weyerhaeuser Company, Quad North Building, Tacoma, WA 98477.

MC 143229 (Sub-6–1TA), filed January 13, 1982. Applicant: ANDERSON CARTAGE CO., INC., 4040 Holly St., Unit #10 Denver, CO 80216. Representative: James P. Kirkhope, P.O.B. 15296, Fort Wayne, IN 46899. *Contract carrier,* irregular routes: *General commodities,* when moving under freight forwarder bills of lading, between Denver, CO and its commercial zone on the one hand, and, on the other hand, Chicago, IL and its commercial zone, and points in AZ, IA, NE, NM, UT and WY, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: American Shippers, Inc., P.O.B. 9726 Fort Wayne, IN 46885.

MC 160185 (Sub-6–1TA), filed January 18, 1982. Applicant: GALE M. RASMUSSEN d.b.a. B & D TRAILER MOVERS, 670 W 1100 S, Vernal, UT 84078. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110. *Mobile homes and office trailers,* between Daggett, Duchesne Uintah Counties, UT and points in CO, ID, MT, NV, ND, SD, UT, WY, AZ, and NM for 270 days. An underlying ETA seeks 120 days authority. Supporting Shipper(s): There are 11 shippers. Their statements may be examined at the Regional Office listed above.

MC 158592 (Sub-6–1TA), filed January 14, 1982. Applicant: B & J CAR HAULING, 10613 N.E. 124 Ave., Vancouver, WA 98662. Representative: Gawain Johnson, (same as applicant). *Contract carrier,* Irregular routes: *wrecked or disabled vehicles in truckaway service,* between OR and WA, for the account of Portland Salvage Pool, for 270 days. Supporting shipper: Portland Salvage Pool, 1032 Sundial Rd., Troutdale, OR 97060.

MC 145872 (Sub-6–2TA), filed January 18, 1982. Applicant: TREVIS BERRY TRANSPORTATION, P.O. Box 1802, Gilroy, CA 95020. Representative: Eugene Q. Carmody, 15523 Sedgeman St., San Leandro, CA 94579. *Contract Carrier,* Irregular routes, *fibreboard or pulpboard boxes* from Salinas, CA and Alameda, CA, to Yuma, AZ, for the account of Weyerhaeuser Company, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Weyerhaeuser Company, 1801 Hibbard, Alameda, CA 94501.

MC 160091 (Sub-6–1TA), filed January 11, 1982. Applicant: BLUE AND WHITE TRANSPORT, INC., 914 Royal Blvd., Boise, ID 83706. Representative: Kevin M. Clark, 1003 N. 8th St., Suite 200, Boise, ID 83702. *Bulk Petroleum,* between points in ID, OR, WA and MT, for 270 days. Supporting shipper: Tabish Brothers, P.O. Box 8448, Missoula, MT 59807; Jackson Oil, Inc., P.O. 280, Canyon City, OR 97820.

MC 160116 (Sub-6–1TA), filed January 13, 1982. Applicant: CT TRANSPORTATION, INC., 3955 High St., Denver, CO 80205. Representative: Nancy P. Bigbee, 745 E. 18th Ave., #101, Denver, CO 80203. *Contract carrier,* irregular route, (1) *foodstuffs and materials, equipment and supplies* used in the manufacture, sale and distribution of commodities dealt in by grocery, bakery, and food business houses, from points in Denver and Adams Counties, CO to points in El Paso County, TX; Bernalillo County, NM; Maricopa County, AZ; and Los Angeles County, CA; under a continuing contract with Rustco Products Co., Denver, CO; (2) *materials handling equipment and supplies* between points in Auglaize County, OH; Livingston County, NY; Livingston County, IL; San Bernardino and Orange Counties, CA; Denver County, CO; Laramie County, WY; and Bernalillo County, NM, under a continuing contract with Murray Equipment Company, Denver, CO; and (3) *carbon dioxide, solidified (dry ice)* from points in Harding County, NM, to points in Denver, Adams, Boulder, Weld, Larimer, and El Paso Counties, CO, under a continuing contract with Carbo Therm, Ltd., Denver, CO; for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Rustco Products, Co., 1485 E. 61st Avenue, Denver, CO; Murray Equipment Company, 1800 A Bassett St., Denver, CO 80201; and Carbo Therm, Ltd., 3955 High Street, Denver, CO 80205.

MC 145979 (Sub-6–2TA), filed January 15, 1982. Applicant: CALIFORNIA EXPRESS, LTD., 1315 E. Holt Blvd., Ontario, CA 91761. Representative: Robert Fuller, 13215 E. Penn St., Ste. 310, Whittier, CA 90602. *Canned or preserved foodstuffs, coffee and glacé,* from points in CA to points in AL, AR, AZ, CN, CO, DC, FL, GA, IA, IL, IN, KS, KY, LA, MA, MD, MI, MN, MO, MS, ND, NE, NJ, NM, NY, OH, OK, OR, PA, SD, TN, TX, UT, WA and WI for 270 days. Supporting shipper: S & W Fine Foods, Inc., 1730 S. El Camino Real, San Mateo, CA 94402; Tri-Valley Growers, 100 California St., San Francisco, CA 94106; California Canners and Growers, 3100 Ferry Bldg., San Francisco, CA 94406.

MC 142140 (Sub-6–2TA), filed January 18, 1982. Applicant: CITY TRANSFER AND STORAGE OF CONRAD INC., P.O.B. 1432, Conrad MT 59425. Representative: Eugene D. Riewer (same as applicant). *Dry Fertilizer (in bulk),* from ports of entry on the International Boundary line between U.S. and Canada located in MT on to all points in MT for 270 days. Supporting shipper: ConAgra, Inc., P.O.B. 2548, Great Falls, MT 59403.

MC 160161 (Sub-6–1TA), filed January 18, 1982. Applicant: COASTMASTER TRANSPORT, 4904 Lacey Blvd. S.E., Lacey, WA 98503. Representative: Kenneth R. Mitchell, 2320A Milwaukee Wy, Tacoma, WA 98421. *Contract Carrier,* Irregular routes: *General Commodities (except Classes A and B explosives, household goods, and commodities in bulk),* between points in the U.S., for 270 days. Supporting shipper: Neifer Installations (1968) Ltd., 3220 Heather St., Vancouver, B.C., CD V5Z 3K5.

MC 159830 (Sub-6–1TA), filed January 8, 1982. Applicant: TIMOTHY G. ABBOTT, JOHN S. JOHNSON, AND W. L. DAVIS TRUCKING, INC., a partnership d.b.a. W. L. DAVIS TRUCKING, INC., P.O.B. 2657, Sparks, NV 89431. Representative: Armand Karp, 743 San Simeon Dr., Concord, CA 94518. *Contract Carrier,* Irregular routes: *Frozen Foods, Food and Kindred Products,* from Ontario, OR and Burley, ID to points in AZ, CA and NV, for the accout of Ore-Ida Foods, for 270 days. An underlying ETA seeks 30 days authority. Supporting shipper: Ore-Ida Foods, P.O.B. 10, Boise, ID 83707.

MC 146300 (Sub-6–3TA), filed January 13, 1982. Applicant: J–LOR TRUCKING, Box 5908, Kent, WA 98031.

Representative: Janet Gudgel, Box 5906, Kent, WA 98031. *Foodstuffs and related products,* between points in WA, OR, CA, ID, NV, UT and WY, for 270 days. Supporting shippers: There are 6 supporting shippers. Their statements may be examined at the regional office listed above.

MC 144963 (Sub-6–3TA), filed January 13, 1982. Applicant: JOBBERS FREIGHT SERVICE, INC., 111 N College St., Grangeville, ID 83530. Representative: Timothy R. Stivers, P.O.B. 1576, Boise, ID 83701. *Contract Carrier,* Irregular routes: *Such commodities as are dealt in by auto and truck part supply houses,* between Spokane, WA and points in its commercial zone, on the one hand, *And,* on the other, points in ID and Malheur County, OR, for the account of Genuine Parts Company, for 270 days. Supporting shipper: Genuine Parts Company, SACK No. TAF C–12, Spokane, WA 99220.

MC 155784 (Sub-6–2TA), filed January 8, 1982. Applicant: KEN GRAVES, d.b.a. KPS TRUCKING CO., 504 Florham Ave., San Dimas, CA 90773. Representative: David B. Rosenman, 315 S. Beverly Dr., Ste. 315, Beverly Hills, CA 90212. *Contract Carrier,* Irregular Routes: *Corrugated cardboard and wooden containers, and related products,* between points in the U.S. under a continuing contract(s) with Calpine Containers, Inc. of Walnut Creek, CA, for 270 days. Supporting shipper: Calphine Containers, Inc., 239 Orange Ave. (P.O.B. 740), El Centro, CA.

MC 155040 (Sub-6–3TA), filed January 18, 1982. Applicant: FRANK A. KAISER, III and LENA D. KAISER, a partnership, d.b.a. L & D TRANSPORT, 10383 Avenue 408, Dinuba, CA 93618. Representative: Dwight L. Koerber, Jr., P.O. Box 1320, Clearfield, PA 16830. *Rubber products and metal products,* between points in Fresno and Stanislaus Counties, CA, on the one hand, and, on the other, points in the U.S., for 270 days. Supporting shippers: Utility Trailer Sales, Subsidiary, First Far West Corp., P.O. Box 11845, Fresno, CA 93775; Lee's Service, 1445 I Street, Reedley, CA 93654.

MC 128527 (Sub-6–12TA), filed January 13, 1982. Applicant: MAY TRUCKING COMPANY, P.O. Box 400, Payette, ID 83661. Representative: Timothy W. Wilson, P.O. Box 9039, Salem, OR 97305. *Metal Computer Cabinets,* from Chicago IL and Rochester MN to Boise ID for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Hewlett Packard, P.O. Box 15, Boise, ID 83707.

MC 128527 (Sub-6–13TA), filed January 19, 1982. Applicant: MAY TRUCKING COMPANY, P.O. Box 400, Payette, ID 83661. Representative: Timothy W. Wilson, P.O. Box 9039, Salem, OR 97305. *Clay and Related Articles,* from Ripley, MS and Ochlocknee, GA to points in AL, AR, CO, CT, DE, DC, FL, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MO, NE, NV, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VA, WV, and WI. Supporting shipper: Oil-Dri Corporation of America, 520 N. Michigan Ave., Chicago, IL 60611.

MC 138505 (Sub-6–6TA), filed January 18, 1982. Applicant: METROPOLITAN CONTRACT SERVICES, INC., 6000 S. Ulster, suite 206, Englewood, CO 80111. Representative: K. R. Cunningham, Jr. (same as applicant). *Contract Carrier:* Irregular Routes: *such commodities as are dealt in by retail department stores* between points in MO and IL for the account of Sears, Roebuck & Co., for 270 days. An underlying ETA seeks 120 day authority. Supporting shipper: Sears, Roebuck & Co., Department 754 MW, 7447 Skokie Blvd, Skokie, IL 60077.

MC 159095 (Sub-6–1TA), filed January 14, 1982. Applicant: ARTHUR R. SNELL d.b.a. MILE HIGH TOURS, 65 W. Green St., Pasadena, CA 91105. Representative: Arthur R. Snell, P.O. Box 3465, Pasadena, CA 91103. *Passengers and their baggage* in charter or special operations from Los Angles County, CA to points in Washoe and Clark Counties, NV for 180 days. Supporting shipper: Jackie Robinson Senior Citizens Club. 1020 N. Fair Oaks, Pasadena, CA 91103.

MC 134370 (Sub-6–1TA), filed January 5, 1982. Applicant: OSBORNE TRUCKING COMPANY, INC., Paradise Valley Route, Box 2409, Riverton, WY 82501. Representative: John T. Wirth, 717—17th St., Ste 2600, Denver, CO 80202. *Contract carrier,* irregular routes: *Lumber and wood products,* from points in WA, OR, ID and MT to points in CO and WY, under continuing contract(s) with Potlatch Corporation, for 270 days. Supporting shipper: Potlatch Corporation, P.O.B. 15308, Lakewood, CO 80215.

MC 151418 (Sub-6–3TA), filed December 16, 1981. Applicant: ROY L.T. TRUCKING, INC., 7117 E. Firestone Blvd., Downey CA 90241. Representative: Roy Tyra (same as applicant). *Contract Carrier;* Irregular Routes: *Fireplaces, grills and ventilators and parts and accessories* thereto from Fullerton CA to Phoenix and Tucson AZ, Denver CO, San Francisco and San Diego CA, Boise and Pocatello ID, Missoula MT, Las Vegas NV, Albuquerque NM, Portland OR, Seattle and Tacoma WA, Salt Lake City UT, Casper WY and EL Paso TX for 270 days. Supporting shipper: Superior Fireplace Co., 4325 Artesia Ave., Fullerton CA.

MC 160112 (Sub-6–1TA), filed January 14, 1982. Applicant: S & S TRANSPORTATION CO., 169 E. Multon Hollow Rd, Kaysville, UT 84037. Representative: William S. Richards, P.O. Box 2465, Salt Lake City, UT 84110. *Contract Carrier,* Irregular routes: *Chemicals, drilling mud and related products,* between points in the U.S., for the account of REP, Inc., d.b.a. Western Briquette Company and REP Chemicals Company, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: REP, Inc., d.b.a. Western Briquette Company and REP Chemicals Company, 733 Genessee Avenue, Salt Lake City, UT 84104.

MC 148083 (Sub-6–6TA), filed January 11, 1982. Applicant: SELLARS TRANSPORT SERVICE INC., 1620 Parnell Dr., Eugene, OR 97404. Representative: Robert W. Sellars (same as applicant). *Time dated advertising, newspaper circulars and inserts and related products* from the facilities of Northwest Web Co. Eugene, OR to points in CA, ID, UT, WA, MT, AZ, NV, and OR for 270 days. Supporting shipper: Northwest Web, 3592 W. 5th Ave., Eugene, OR 97402.

MC 160044 (Sub-6–1TA), filed January 19, 1982. Applicant: SOUTHERN NEVADA FREIGHT LINES, INC., 123 West Colorado, Las Vegas, NV 89102. Representative: David B. Rosenman, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212. (1) *Food and related products* from points in Los Angeles and Orange counties, CA to points in Clark, Lincoln and Nye counties, NV; (2) *Alcoholic beverages* from Los Angeles, Orange, Napa, and Sonoma counties, CA to Clark county, NV and (3) *Restaurant supplies* from Los Angeles and Orange counties, CA to Clark county, NV, for 270 days. Supporting shippers: There are ten supporting shippers. Their statements may be examined at the Regional Office listed.

MC 160090 (Sub-6–1TA), filed January 7, 1982. Applicant: SPILLERS MOVING & STORAGE CO., POB 1408, Mills, WY 82644. Representative: Jack Spillers (same as applicant). *Contract carrier,* irregular routes; *Used household goods* for the Federal Government—Warren A.F.B. within state of WY, from points in WY to further an interstate shipment, for 270 days. Supporting shipper: U.S. Government, Bldg., 208, Francis E. Warren A.F.B., WY 82001.

MC 160126 (Sub-6–1TA), filed January 14, 1982. Applicant: STARLINE SIGHTSEEING TOURS, INC., 6845 Hollywood Blvd., Los Angeles, CA

90028. Representative: James H. Lyons, 523 West 6th Street, Suite 1216, Los Angeles, CA 90014. *Passengers and their baggage, in the same vehicle with passengers, in round-trip charter and special operations,* From points in Los Angeles and Orange Counties, CA, to points in AZ, ID, NM, NV, OR, UT and WA, for 180 days. Supporting shippers: There are 8 supporting shippers. Their statement may be examined in the Regional Office listed.

MC 147083 (Sub-6–2TA), filed January 14, 1982. Applicant: TANKS, INC., P.O.D. 1179, Gillette, WY 82716. Representative: Leon L. Brady (same as applicant). *Drilling mud compounds and completion materials in sack form* from the facilities of Milchem Inc's Argenta Grinding Plant 12 miles East of Battle Mountain NV to points in Natrona County WY for 270 days. Supporting shipper: Milchem Inc., P.O.B. 693, Casper WY 82602.

MC 148791 (Sub-10TA), filed January 15, 1982. Applicant: TRANSPORT–WEST, INC., 2125 North Redwood Rd., Salt Lake City, UT 84116. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110. *Contract Carrier,* Irregular routes: *Glassware, glass bottles and jars and related materials and supplies, including caps, covers, stoppers and equipment used in the manufacture of the same,* from Shreveport, LA and its Commercial Zone to Dallas and Fort Worth, TX and their Commercial Zones, for 270 days. Supporting shipper: Libby Glass, Division of Owens Illinois, Inc., P.O. Box 919, Toledo, OH 43693.

MC 148791 (Sub-6–11TA), filed January 14, 1982. Applicant: TRANSPORT–WEST, INC., 2125 N. Redwood Rd., Salt Lake City, UT 84116. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110. *Contract Carrier,* Irregular routes: *Pulp, paper and related products,* between points in OR, WA, CA, NV, ID, UT, AZ, MT, WY, CO, NM, and TX, for the account of General Products Manufacturing, Inc., of Wilsonville, OR for 270 days. Supporting shipper: General Products Manufacturing, Inc. Wilsonville, OR 97070.

MC 151225 (Sub-6–9TA), filed January 12, 1982. Applicant: DON WARD, INC., 241 W. 56th Ave., Denver, CO 80216. Representative: Same as applicant. *Perlite in bulk,* from Antonito, CO to Sweetwater County, WY, for 270 days. Supporting shipper: General Refractories Co., on behalf of its wholly owned subsidiary, Grefco, Inc., 225 City Line Ave., Bala Cynwyd, PA 19004.

MC 143821 (Sub-6–1TA), filed December 30, 1981. Applicant: KRIS'S TRUCK TRANSPORT, INC., 37521 Willow St., Newark, CA 94560. Representative: Bertha Kristiansen (same as above). *Heavy duty trucks* in the driveaway and/or truck away methods between Newark CA on the one hand, and on the other Montgomery AL and points in KS, MN, NE, NM, WI; between Madison, TN on the one hand, and on the other, points in CA, NM; between Denton, TX on the one hand, and on the other, points in CA & NM for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are seven (7) supporting shippers whose statements may be reviewed at the Regional Office listed above.

MC 142189 (Sub-6–2TA), filed January 15, 1982. Applicant: C. M. BURNS, d.b.a. WESTERN TRUCKING, P.O. Box 980, Baker, MT 59313. Representative: James B. Hovland, 525 Lumber Exchange Bldg., 10 S. Fifth St., Minneapolis, MN 55402. *Lime,* from Rapid City, SD to points in MT, WY and Salt Lake City, UT, for 270 days. Shipper: Dyce Sales & Engineering Service Co., Inc., P.O. Box 30176, Billings, MT 59107.

MC 150461 (Sub-6–1TA), filed January 18, 1982. Applicant: DONALD WILSON, d.b.a. WILSONS HOT SHOT SERVICE, 1015 South Willow, Casper, WY 82601. Representative: Donald Wilson (same as applicant). (1) *Machinery, materials, 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 and their products and by products, and (2) *Machinery, materials, equipment and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, restricted against the transportation of complete oil drilling rigs; between points in WY, CO, MT, ND, SD, KS, TX, UT, OK, NM, ID, and NE, for 270 days. Supporting shippers: Tesoro, Land & Marine Rental Company, P.O. Box 2862, CASPER, WY 82602; Marathon Oil Company, P.O. Box 2659, CASPER, WY 82602.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–2444 Filed 1–29–82; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPI–10

Decided: January 20, 1982.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier.

MC 160001, filed January 7, 1982. Applicant: VESEY DELIVERY SERVICE, INC., 56 U.S. Hwy, Rte 22, Hillside, NJ 07205. Representative: Jack L. Schiller, 123–60 83rd Ave., Kew Gardens, NY 11415, (212) 263–2078. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 160010, filed January 8, 1982. Applicant: MAX L. WHITE, 2629 S.E. 166th, Portland, OR 97236. Representative: Max L. White, (same address as applicant), (503) 233–5766. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 160030, filed January 8, 1982. Applicant: A. T. GOULD, d.b.a. GOULD TRUCKING, 528 N. Union Ext., Canton, MS 39046. Representative: A. T. Gould (same address as applicant), (601) 859–3307. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OP1–13

Decided: January 21, 1982.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier. Member Parker not participating in part.

MC 61620 (Sub-21), filed January 15, 1982. Applicant: M & G TRANSPORTATION CO., INC., Route 3, Box 234, Gloucester, VA 23061. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168, (703) 629–2818. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 160130, filed January 15, 1982. Applicant: MARTIN GRAIN CO., R. D. 1, Box 96A, Mount Joy, PA 17552. Representative: J. Dwight Martin (same address as applicant), (717) 653–1085. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 160131, filed January 15, 1982. Applicant: JACK S. SMITH, 7937 N. Smith St., Portland, OR 97207. Representative: Jack S. Smith (same address as applicant), (503) 233–5766. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OP2–15

Decided: January 18, 1982.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier. Member Fortier not participating.

MC 159632, filed December 10, 1981. Applicant: JACK D. BAILEY TRUCKING, P.O. Box 245, Dade City, FL 33525. Representative: Jack D. Bailey (same address as applicant), 904–567–9553. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between Weston and Parriott, GA, Alexandria, Kahoka, Wayland, Memphis, Downing, and Lancaster, MO, Arm, Oakville, Hathorn, Columbia, Michigan City, Lamar, Hudsonville, Waterford, Abbeville, Oxford, Taylor, Water Valley, Velma, and Coffeeville, MS, Henrietta, NC, Harlan, Irwin, Garwin, and Toledo, IA, Astoria, Richmond, Dunkel, Oconee, Hanson, Vera, Shobonier, Vernon, Pataka, Graymont, Flagana, Equality, and Shawneetown, IL, Lake Geneva and Genoa, WI, Edgar and Nelson, NE, Benton, Oak Ridge, Philpot, Deanefield, Thompsonville, Masonville, Edgoten, and Lewisburg, KY, Kenwood, Hickory Point, Doddsville, Fox Bluff, Chapmansboro, Malesus, Medon, Toone, Bolivor, Hickory Valley, and Lexington, TN, Painesville, Chardon, Middlefield, OH, Paris and Paris Crossing, IN, South Haven, MI, Furman and Edgefield, SC, Monticello, FL, Clyde, WA, Hosston, LA, Elsinore, CA, Mottville, NY, and Brisbin, MT, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier service for abandoned rail carrier service.

MC 159983, filed January 5, 1982. Applicant: LARRY INSELMAN, 9002 N.E. 95th St., Vancouver, WA 98662. Representative: Larry Inselman (same address as applicant), (206) 256–4716. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OP4–25

Decided: January 21, 1982.

By the Commission, Review Board Number 2, Members Carleton, Fisher and Williams.

MC 160147, filed January 18, 1982. Applicant: CITY TRANSFER CO., INC., 4580 Oakman Blvd., Detroit, MI 48204. Representative: Ronald J. Mastej, 900 Guardian Bldg., Detroit, MI 48226, (313) 963–3750. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 160107, filed January 15, 1982. Applicant: DONALD CARRIER, 7002 NW 304th, Ridgefield, WA 98642. Representative: Donald Carrier (same address as applicant), (503) 233–5766 (Irene). Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OP5–17

Decided: January 22, 1982.

By the Commission, Review Board Number 3, Members Krock, Joyce and Dowell.

MC 48958 (Sub-226), filed January 11, 1982. Applicant: ILLINOIS–CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver, CO 80216. Representative: Morris G. Cobb, P.O. Box 9050, 601 Ross St., Amarillo, TX 79189, (806) 374–1641. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 65088 (Sub-7), filed January 8, 1982. Applicant: FAYARD MOVING AND TRANSPORTATION CORPORATION, 2615 25th Ave., Gulfport, MS 39501. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205, (601) 948–8820.

Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S., and (2) *used household goods* for the account of the United States Government, incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 158629 (Sub-1), filed January 11, 1982. Applicant: ROBERT E. BERNARD and DANNY A. BERNARD, d.b.a. BERNARD TRUCKING, 1500 Topaz, Missoula, MT 59801. Representative: William E. Seliski, 2 Commerce St., P.O. Box 8255, Missoula, MT 59801, (406) 543–8369. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 160028, filed January 7, 1982. Applicant: ROBERT E. MILLER, d.b.a. WTS TRUCKING, 490 Tacchino St., Reno, NV 89512. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701, (702) 882–5649. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 160029, filed January 7, 1982. Applicant: RONALD S. EMBLETON, 409 West Chase Ave., El Cajon, CA 92020. Representative: Ronald S. Embleton (same address as applicant), (714) 444–3330. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by owner of the motor vehicle in such vehicle, between points in the U.S.

MC 160038, filed January 11, 1982. Applicant: TRAMMEL CROW TRANSPORTATION, INC., P.O. Box 895, Carrollton, TX 75006. Representative: William H. Towle, 180 North LaSalle St., Chicago, IL 60601, 312–332–5106. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 160069, filed January 12, 1982. Applicant: MARTIN KEELER, 41 East St., Rutland, VT 05701. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103, (413) 718–8205. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 160098, filed January 12, 1982. Applicant: NATIONWIDE TRUCK BROKERS OF MISSISSIPPI, INC., 3327 Highway 82 East, Rear, Greenville, MS 38701. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701, (601) 335–3576. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S.

Volume No. OP5–20

Decided: January 25, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 99569 (Sub-10), filed January 15, 1982. Applicant: STOTT & DAVIS MOTOR EXPRESS, INC., 18 Garfield St., Auburn, NY 13021. Representative: Michael R. Werner, 241 Cedar Lane, Teaneck, NJ 07666, (201) 836–1144. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 160178, filed January 18, 1982. Applicant: RONALD A. VERBLAUW, 375 Murray Hill Parkway, E. Rutherford, NJ 07073. Representative: Ronald A. Verblauw (same as above), (201) 935–3713. To operate as a *broker* of *general commodities* (except household goods) between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–2443 Filed 1–29–82; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. OP–5–18]

Motor Carriers; Permanent Authority Decision; Decision-Notice

January 25, 1982.

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

MC–F 14781, filed January 11, 1982. ROBERT J. GIBBONS AND FRANCIS J. BRIGGS (GIBBONS AND BRIGGS) (118 Hall Street, P.O. Box 2009, Concord, NH

03301)—CONTINUANCE IN CONTROL—WILLEY'S EXPRESS, INC. (WILLEY'S) (118 Hall Street, P.O. Box 2009, Concord, NH 03301) and WEX ENTERPRISES, INC. (WEX) 118 Hall Street, P.O. Box 2009, Concord, NH 03301). Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108, (617) 742–3530. GIBBONS and BRIGGS control WILLEY'S which holds authority issued by the Commission in MC–6741 and subs which authorize the transportation of general commodities (except classes A and B explosives), between points in ME, NH, VT, MA, RI, CT, NY, NJ, and PA. GIBBONS and BRIGGS also control WEX and seek authority to continue to control WEX upon the institution by WEX of operations, in interstate or foreign commerce, as a motor contract carrier, upon approval of a directly related application filed by WEX simultaneously with this application.

Note.—WEX has filed, as a directly related application, its initial contract carrier application. That application, Docket No. MC–160039, is published in this same **Federal Register** issue.

MC 160039, filed January 11, 1982. Applicant: WEX ENTERPRISES, INC., 118 Hall St., P.O. Box 2009, Concord, NH 03301. Representative: Wesley S. Chused, 15 Court Sq., Boston, MA 02108, 617–742–3530. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Digital Equipment Corporation of Maynard, MA.

Note.—This application is directly related to MC–F 14781, published in this same **Federal Register** issue.

[FR Doc. 82–2442 Filed 1–29–82; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed by Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control. or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated January 13, 1982.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

MC–F–14771, filed December 30, 1981. DEL MONTE CORPORATION (Del Monte) (One Market Plaza, San Francisco, CA 94105)—CONTINUANCE-IN-CONTROL—MORTON FROZEN FOODS, INC. (Morton) (One Morton Drive, Charlottesville, VA 22906). Representative: Harry Gordon, Suite 502, Solen Building, 1000 16th Street, NW., Washington, D.C. 20036. Del Monte seeks to continue in control of Morton upon Morton's receipt of a permit to provide contract carrier service and its institutions of operations thereunder. By the same application R. J. Reynolds Industries, Inc., a widely-held Corporation, which controls Del Monte also seeks authority to continue in control of Morton. Reynolds also controls Petroleum Transportation Corporation (MC–142905 and subs thereunder) and Sea-hand Service, Inc., a non-carrier in control of Sea-hand Freight Service Inc. (MC–36612) and Sub 10 thereunder), which controls Northern Lights Express, Inc., a freight forwarder (Docket No. 77347). Del Monte, in addition to controlling the present non-carrier Morton, controls Distribution Services, Inc., a non-carrier, which controls the following carriers: Ide-Cal Freight Lines, Inc. (MC–118318 and subs thereunder), Fairchild General Freight, Inc. (MC–33919 and subs thereunder), Willis Shaw Frozen Foods Express Inc. (MC–117119 and subs thereunder), and Northwest Arkansas Truck and Equipment, Inc. (MC–141389). If this application is approved, Reynolds will continue to be considered a carrier for the purpose of certain reporting requirements. Impediment: Although Morton, as a non-carrier, presently is controlled directly by Del Monte and indirectly by Reynolds, when it is issued a permit and institutes operations thereunder, it will become a carrier. The purpose of this application is to approve the control by Del Monte and, in turn, by Reynolds of control of Morton, the carrier. In view of the presence of Northern Lights Express, Inc., a freight forwarder, the provisions of 49 U.S.C. 11323 must be considered. That section precludes a person in control of a freight forwarder (Reynolds) or a person under common control with a freight forwarder (Del Monte) from acquiring control of a carrier (Morton). Notwithstanding the argument of the parties herein, the plain

language of that section poses an impediment to our approval of this application.

MC–F–14779, filed January 5, 1982. ROBERT DUNLAP, d.b.a. ROBERT DUNLAP TRUCKING (Dunlap), 2025 East 42nd Street, Erie, PA 16510—PURCHASE—GERALD C. PHELPS, LOREN PHELPS, AND RAY W. PHELPS, a partnership, d.b.a. PHELPS COAL COMPANY (Phelps), 502 East 18th Street, Erie, PA 16503. Representative: Joseph F. Mackrell, 120 West Tenth Street, Erie, PA 16501. Dunlap seeks authority to purchase Permit No. MC–89765 (Sub-No. 5) from Phelps which authorizes the following transportation service, over irregular routes: (1) Roofing and building materials, and materials, equipment, and supplies used in the installation of roofing or building materials (except commodities in bulk), from Erie, PA to points in Ohio; (2) materials, equipment, and supplies used in the manufacture of roofing and building materials (except commodities in bulk) and from points in Ohio (except Lockland and points in the commercial zone thereof as defined by the Commission), to Erie, PA. Restriction: The operations are limited to a transportation service to be performed under a continuing contract with GAF Corporation of South Bound Brook, NJ.

MC–F–14770, filed December 29, 1981. KANEY TRANSPORTATION, INC. (Kaney) (7222 Cunningham Road, P.O. Box 39, Rockford, IL 61105)—PURCHASE—M & A TRANSPORT, INC., (M&A) (4117 Terminal Road, P.O. Box 395, McFarland, WI 53558). Representative: Michael S. Varda, P.O. Box 2509, Madison, WI 53701. Kaney seeks authority to purchase the interstate operating rights and properties of M&A. By the same application, KTI, Inc. which controls Kaney, and Richard L. Bell and Robert D. Higgins, who jointly control KTI, Inc. seek authority to acquire control of the operating rights and properties through the transaction. Kaney seeks to acquire (1) the operating rights of M&A contained in certificate No. MC–149280 (Sub-No. 1F) issued September 8, 1981, authorizing the transporation of *liquid fertilizer* from named origins to points in IA, IL, MN, and WI, and (2) those rights in Permit No. MC–149280 (Sub-No. 2F) issued January 19, 1981 authorizing the transportation of *asphalt products* between points in the United States under continuing contract(s) with G. J. Payne Co., St. Paul, MN. No TA application has been filed. Transferee is a carrier.

MC–F–14776, filed January 4, 1982. MILLER TRANSFER & RIGGING CO. (Miller) (P.O. Box 322, Cuyahoga Falls, OH 44222)—PUR (P)—FORT TRANSPORTATION & SERVICE CO., INC. (Fort) (Fort Atkinson, WI) 53538). Representatives: A. Charles Tell, Suite 1800, 100 E. Broad St., Columbus, OH 43215, and Michael J. Wyngaard, 150 E. Gilman St., Madison, WI 53703. Miller seeks to purchase a portion of the interstate operating rights of Fort. John J. Brutvan controls United Transport Industries, Inc. (United), a non carrier, which in turn controls Miller though stock ownership. John J. Brutvan as an individual has not joined in the application. Approval of the transaction will be conditioned upon Mr. Brutvan joining in the application. The authority to be purchased is that contained in Certificate No. MC–71296 (Sub-No. 7) which authorizes operations over regular routes transporting general commodities, with exceptions, between Lake Mills, WI, and Rockford, IL; from Lake Mills over Wisconsin Hwy. 89 to junction U.S. Hwy. 14, then over U.S. Hwy. 14 to junction Wisconsin Hwy. 140, then over Wisconsin Hwy. 140 to junction Illinois Hwy. 76, then over Illinois Hwy. 76 to junction U.S. Hwy. 20, then over U.S. Hwy. 20 to Rockford, serving all intermediate points, except no service provided at Richmond, WI. Miller is presently authorized to operate in each of the continental United States, under operating authorities contained in Certificate No. MC–87103 and subnumbers thereunder and Permit No. MC–119302. Condition: Approval of this transaction is conditioned upon the prior receipt by the Commission of an affidavit signed by John J. Brutvan as an individual stating that he holds the controlling stock interest in United which in turn controls Miller and that he as an individual joins in this application.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–2441 Filed 1–29–82; 8:45 am]

BILLING CODE 1035–01–M

[Ex Parte No. 387 (Sub-84)]

Rail Carriers; Boston and Maine Corporation, Exemption for Contract Tariff ICC–BM–C–0006

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The tariff to be filed may become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT:

Donald J. Shaw, Jr.

or

Jane F. Mackall, (202) 275–7656.

SUPPLEMENTARY INFORMATION: The Boston and Maine Corporation (BM) filed a petition on January 6, 1982, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests that we permit its contract tariff ICC–BM–C–0006 to become effective on one day's notice. The tariff also was filed with the Commission on January 6, 1982, to become effective on February 5, 1982. The contract involves track storage of carloads of pulp, paper and paper products at local stations on the BM Railroad in equipment carrying BM Railroad reporting marks.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 days' notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

Petitioner has excess equipment in storage on the BM. It has offered several larger shippers of paper products a proposal to load BM boxcars and bill the shipments from origin to destination with the privilege of storing the shipments in the boxcars on the BM Railroad until they are ultimately needed at the final destination. This arrangement will permit better utilization of idle BM boxcars, and permit shipper to have a better control over the movements of his product. One shipper has developed a production problem and requires immediate storage. As shipper lacks suitable storage facilities at its plant, the requested exemption would permit continuous production on an uninterrupted basis. We find that to be the type of exceptional circumstance which warrants a provisional exemption.

BM's contract tariff may become effective on one day's notice. We will apply the following conditions which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed on or before February 16, 1982.

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

(49 U.S.C. 10505)

Dated: January 25, 1982.

By the Commission, Division 2, Commissioners Gresham, Gilliam, and Taylor. Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Seretary.

[FR Doc. 82-2445 Filed 1-29-82; 8:45 am]

BILLING CODE 7035-01-M

[AB 1 SDM]

Rail Carriers; Chicago and North Western Transportation Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.23, that the Chicago and North Western Transportation Company has filed with the Commission its amended color-coded system diagram map in Docket No. AB 1 SDM. The Commission on December 28, 1982, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each State in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the Office of the Commission, Section of Dockets, by requesting Docket No. AB 1 SDM.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-2446 Filed 1-29-82; 8:45 am]

BILLING CODE 7035-01-M

Water Carrier; Temporary Authority Application

The following was filed with the Regional Office in Region 2. Petition for Reconsideration is to be filed, within 20 days of this publication with that Regional Office. Replies to petition may be filed within 20 days of the date petition is filed. Correspondence should be sent to: ICC, Fed. Res. Bank Bldg., 101 N. 7th Street Room 620, Philadelphia, PA 19106.

WC 160084 (Sub-II-1TA), filed January 13, 1982. Applicant: LOCKWOOD BROTHERS, INC., P.O. Box 564, Hampton, VA 23669. Representative: Keith G. O'Brien, 1729 H St., NW, Washington, DC 20006. Contract, Water: *Articles exceeding 19 ft. in height, or 12 ft. in width, or 90 ft. in length, or 100 net tons in weight, component parts thereof, and related equipment,* between Hampton, VA and New York City, NY, for 180 days. Supporting shipper(s): Paulssen Guice, Ltd., 15 Park Row, New York, NY 10038.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-2447 Filed 1-29-82; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

[AAG/A Order No. 1-82]

Privacy Act of 1974; New System of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), notice is hereby given that the Department of Justice proposes to establish a new system of records to be maintained by the Justice Management Division.

The new system, entitled "Freedom of Information/Privacy Act (FOI/PA) Request Letters, JUSTICE/JMD-020," is a spin-off of an existing system of records entitled "Freedom of Information/Privacy Act Records, JUSTICE/JMD-019" which was most recently published in full text on January 10, 1980 in **Federal Register**, Volume 45, page 2231. A category of records, i.e., FOI/PA initial request letters, is now being reported as a separate system under JUSTICE/JMD-020. In addition, an automated index to these requests is being established.

5 U.S.C. 552a(e) (4) and (11) provide that the public be given a 30-day period in which to comment. The Office of Management and Budget (OMB), which has oversight responsibility under the Act, requires a 60-day period in which to review the system before it is implemented. A waiver of this 60-day period has been requested of OMB. The public, OMB and the Congress are invited to submit written comments on this system. Comments should be addressed to the Administrative Counsel, Justice Management Division, Department of Justice, Room 6239, 10th and Constitution Avenue, N.W., Washington, D.C. 20530. If OMB grants the requested waiver, the system will be effective March 3, 1982. If OMB denies the requested waiver, the system will be effective April 2, 1982. In either instance, the system will be adopted without further notice in the **Federal Register.** No oral hearings are contemplated.

A report of the proposed system has also been provided to the President of the Senate and to the Speaker of the House of Representatives.

Dated: January 8, 1982.

William D. Van Stavoren,

Acting Assistant Attorney General for Administration.

Justice/JMD-020

SYSTEM NAME:

Freedom of Information/Privacy Act (FOI/PA) Request Letters.

SYSTEM LOCATION:

FOI/PA referral unit, Office of Administrative Counsel, Justice Management Division, Department of Justice (DOJ), Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons making FOI/PA requests to the Department. (The names of persons making requests directly to the Board of Immigration Appeals (BIA), individual United States Attorneys' Offices, or a Department bureau, i.e., the Bureau of Prisons, the Drug Enforcement Administration, the Federal Bureau of Investigation, the Office of Justice Assistance, Research and Statistics, and the Immigration and Naturalization Service, will not usually be in this system, except in those rare instances where these organizations may forward a request to the Department for appropriate referral.)

CATEGORIES OF RECORDS IN THE SYSTEM:

Paper documents consist of written FOI/PA requests for Department records not addressed to a specific DOJ component and therefore forwarded to the unit for assignment and referral; forms indicating the DOJ components to which requests have been referred; acknowledgement/referral adivsory letters to requesters; and other related correspodence, e.g., letters to requesters seeking additional information and the responses thereto. (This system contains no replies which grant or deny access to records, nor any other records relating to the individual other than as stated here.) Computer records consist of an automated index to these requests, as well as to requests specifically addressed to and received directly by an

Office, Board or Division of the Department. The Offices, Boards and Divisions will advise the unit of the direct receipt of requests by sending the unit a completed form which provides certain information, i.e., the name of the first and/or third party requester, date of request, and the component receiving it. This information will be stored on discs as part of the index. The automated index will not usually include requests specifically addressed to and received directly by the BIA, the United States Attorneys' Offices, or a Department bureau. (See captin entitled "Category of individuals covered by the system.")

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101; 5 U.S.C. 552 and 552a; 28 CFR 16.1–.10; and 28 CFR 16.40–.57.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are not disseminated outside the Department. They are accessed only by Department personnel with a need to know, i.e., requests are referred by the FOI/PA referral unit to the appropriate Department component(s) to respond or to the Civil Division and/or United States Attorney to prepare the Department's defense in FOI/PA litigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The following information will be stored on discs as a hard copy index to requests stored in file folders in locked cabinets: name of the requester, date of the request, Department component to whom the request was referred by the FOI/PA referral unit, or to whom it was specifically addressed (in which case no copy of the request is maintained in file folders), and any other nonpersonal information which at a future date may be considered useful in locating requests.

RETRIEVABILITY:

A record is retrieved by name of the individual making the request, as well as by date of the request.

SAFEGUARDS:

Paper documents are stored in file cabinets. The hard copy index is stored on word processor discs. Both the word processor and file cabinets are in an office which is occupied during the day and locked at night.

RETENTION AND DISPOSAL:

Paper records are retained in the FOI/PA referral unit for approximately one year. Paper records are then transferred to the Federal Records Center for storage in accordance with the General Services Administration's General Records Schedule 14, item 18(a), which provides for a disposal date of five years from the date of the most recent request being stored. The hard copy index to requests will be retained by the FOI/PA referral unit for up to five years. All records over five years old will be destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Counsel, Justice Management Division, Department of Justice, Room 6239, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Inquiries as to whether the system contains a record of a request from an individual should be addressed to the Administrative Counsel, Justice Management Division, Department of Justice, Room 6239, 10th and Constitution Avenue, N.W., Washington, D.C. 20530. To enable the Administrative Counsel to identify whether the system contains a request from the individual, the individual must provide the name of the person who made the request, the date of the request, and, if appropriate, the date of the Administrative Counsel's letter to the requester acknowledging receipt and referral of the request.

RECORD ACCESS PROCEDURE:

Persons desiring to access a record shall submit a request in writing to the Administrative Counsel at the address indicated under "Notification procedure" above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Requests from individuals for DOJ records under the Freedom of Information and Privacy Acts.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 82-2479 Filed 1-29-82; 8:45 am]

BILLING CODE 4410-01-M

Proposed Consent Decree and Action To Obtain Injunctive Relief and Penalties for Violations of the Clean Air Act by the City of Many, Louisiana

In accordance with Department Policy, 28 CFR 40.7, 38 FR 19029, notice is hereby given that on January 8, 1982, a proposed consent decree in *United States of America* v. *City of Many, Louisiana,* Civil Action No. 80–0425, was lodged with the United States District Court for the Western District of Louisiana.

The proposed consent decree requires the City of Many, Louisiana to better secure and manage its dump, and to provide the means for extinguishing fires at the dump. The City will construct a fence and gate, employ an attendant during operating hours, and lock the dump at other times. The decree also calls for a maximum penalty of $5,000 for each failure to comply.

The proposed consent decree may be examined at the Office of the United States Attorney for the Western District of Louisiana, Room 3B12, Federal Building, 500 Fannin Street in Shreveport, Louisiana; at the Region VI Office of the EPA, First International Building, 1201 Elm Street, Dallas, Texas 75270; and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1254, 9th and Pennsylvania Avenue, N.W., Washington, D.C. 20530.

The Department of Justice will receive written comments relating to the proposed consent decree for a period of thirty (30) days from the date of this notice. Comments should be addressed to Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530 and should refer to *United States* v. *City of Many, Louisiana,* Civil Action No. 80–0425, DJ. Reference No. 90–5–2–1–300.

Anthony C. Liotta,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 82-2466 Filed 1-29-82; 8:45 am]

BILLING CODE 4410-01-M

Antitrust Division

Beatrice Food Co., and Fiberite Corp.; Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h), that a proposed Final Judgment, Stipulation and Competitive Impact Statement, as set out below, have been filed with the United States District Court for the District of Minnesota, Third Division, in United States of America v. *Beatrice Foods Company and Fiberite Corporation,* Civil Action No. 3–80–596. The complaint in this case alleged that the acquisition of Fiberite Corporation by Beatrice Foods Company substantially

lessened competition in the production and sale of custom compounded reinforced thermoplastics molding compounds in violation of Section 7 of the Clayton Act.

The proposed Final Judgment requires Beatrice Foods and Fiberite to divest the thermoplastics compounding business of Fiberite as an ongoing business to Miller Waste Mills, Inc. of Winona, Minnesota. This divestiture is to be accomplished pursuant to the Agreement dated January 8, 1982 and executed between Beatrice, Fiberite and Miller Waste Mills. The Agreement provides that Beatrice will transfer certain assets of Fiberite which comprise its thermoplastics business to Miller Waste Mills.

The Agreement and a proposed public notice of the divestiture have also been filed with the Court.

Public comment is invited within the statutory 60-day comment period. Such comments and responses will be published in the **Federal Register** and filed with the Court. Comments should be directed to John W. Poole, Jr., Chief, Special Litigation Section, United States Department of Justice, Antitrust Division, Washington, D.C. 20530, (telephone (202) 633–2425).

Joseph H. Widmar,

Director of Operations.

United States District Court, District of Minnesota, Third Division

[Civil Action No. 3–80–596]

Stipulation

Filed: January 11, 1982.

United States of America, Plaintiff, v. *Beatrice Foods Co. and Fiberite Corporation,* Defendants.

It is stipulated by and between the undersigned parties, by their respective attorney, that:

1. The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to any party or other proceedings: *Provided,* That Plantiff has not withdrawn its consent, which it may do at any time before they entry of the proposed Final Judgment by serving notice thereof on Defendants and by filing that notice with the Court.

2. In the event Plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

For the Plaintiff: William F. Baxter, *Assistant Attorney General;* Joseph H. Widmar, Charles F. B. McAleer, John W. Poole, Jr., Thomas L. Greaney, *Attorneys, U.S. Department of Justice;* Joseph T. Maioriello, Charles R. Esherick, Gail Kursh, Ann Lea Harding, *Attorneys, Antitrust Division, Department of Justice, 10th and Constitution Ave., N.W., Washington, D.C. 20530, Telephone: (202) 633–2419.*

For the Defendants: Richard William Austin, Robert N. Hermes, *Winston & Strawn, Suite 5000, One First National Plaza, Chicago, Illinois 60603, Telephone (312) 558–5600.*

United States District Court District of Minnesota Third Division

[Civil Action No. 3–80–596]

Final Judgment

Filed: January 11, 1982.

United States of America, Plaintiff, v. *Beatrice Foods Co. and Fiberite Corporation,* Defendants.

Plaintiff, United States of America, having filed its complaint herein on October 28, 1980, and defendants having filed their answers and plaintiff and defendants by their respective attorneys having consented to the entry of this Final Judgment:

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence or admission by any party hereto with respect to any such issue, and upon consent of the said parties thereto, it is hereby,

Ordered, Adjudged and Decreed as follows:

I

This Court has jurisdiction of the subject matter of this action and of the parties hereto. The complaint states a claim upon which relief may be granted against defendants under Section 7 of the Clayton Act (15 U.S.C. 18).

II

As used in this Final Judgment:

(A) "Beatrice" means the defendant, Beatrice Foods Co., and its subsidiaries and divisions, excluding, however, the division or divisions which will conduct the business of the Fiberite Corporation created either by the total or partial liquidation of the Fiberite Corporation.

(B) "Fiberite" means the defendant, the Fiberite Corporation, a wholly-owned subsidiary of Beatrice, and the division or divisions of Beatrice which will conduct the business of the Fiberite Corporation created either by the total or partial liquidation of the Fiberite Corporation.

(C) "Department" means the United States Department of Justice, Antitrust Division.

(D) "Person" means any individual, corporation, partnership, firm, association or any other business or legal entity.

(E) "Transferee" means the purchaser of the business and assets required to be divested under the terms of this Final Judgment and for the purposes of this Final Judgment means Miller Waste Mills, Inc., a Minnesota corporation, with offices at Winona, Minnesota.

(F) "Thermoplastic compounding business" means the formulation, production, processing, marketing or sale of compounds (in pellet, powder or granular form or in packages, bags or other containers thereof, including transportation in bulk) consisting of any thermoplastic resin to which any reinforcement, filler, lubricant, flame retardant, colorant or conductive material has been added. It shall include any compound consisting of a combination of thermoplastic resins or of any combination of thermoplastic resins with any of the additives listed above or combination of such additives.

III

The provisions of this Final Judgment shall apply to Beatrice and Fiberite, their respective successors and assigns, to each of their respective officers, directors, agents and employees and all other persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise. Any person not a defendant herein who acquires by purchase, transfer or otherwise any assets pursuant to this Final Judgment shall not solely by such acquisition be considered to be a successor bound by this Final Judgment.

IV

Within ten (10) days of entry of this Final Judgment, Beatrice and Fiberite shall divest themselves absolutely, permanently and in good faith of the thermoplastic compounding business of Fiberite to the transferee so as to create a new, independent and viable competitor in that business. The divestiture shall be carried out by the defendants pursuant to the Agreement made as of the 8th day of January, 1982 and executed by Beatrice, Fiberite and the transferee, a copy of which will be filed with the Court. Defendants shall make a good faith effort to transfer all personnel listed in Exhibit B of said Agreement to the transferee.

V

Following the completion of such divestiture to the transferee, each and every respective officer, director, agent, representative and employee of Beatrice and Fiberite having responsibility for or participating in the thermoplastic compounding business of Beatrice (including its subsidiaries and divisions) is enjoined and restrained from:

(a) Exercising or attempting to exercise, directly or indirectly, any control, supervision, or influence over the policies, management, operations or acts of the transferee, or any successor in interest to the transferee;

(b) Directly or indirectly consulting with or communicating to the transferee, or any officer, director, agent, representative, or employee of the transferee, concerning the thermoplastic compounding business of Beatrice;

(c) Directly or indirectly soliciting any knowledge or information from, or communicating with, the transferee, or any officer, director, agent, representative, or employee of the transferee, concerning the thermoplastic compounding business of the transferee.

VI

Beatrice and Fiberite are enjoined and restrained for a period of ten (10) years from the effective date of the Final Judgment and without the prior approval of the Department, from acquiring, directly or indirectly, any interest in or any of the assets of any person engaged in the reinforced thermoplastic compounding business. Solely for the purposes of this Section VI, "reinforced thermoplastic compounding business" means the production, processing, marketing and sale of compounds (sold in pellet, powder or granular form or in packages, bags or other containers thereof, including transportation in bulk), consisting of a thermoplastic resin or combination of thermoplastic resins to which a reinforcing agent or combination of reinforcing agents has been added. The term "reinforcing agent" shall include fibrous materials, such as fibrous glass, synthetic organic fibers, carbons and/or graphite fibers; any reinforcing mineral materials, including mica, talc or calcium carbonate; metallic powders or oxides; glass in any form; or any combination of the foregoing. The addition to any reinforced thermoplastic compound of any additional ingredient or ingredients shall not exclude that compound from the reinforced thermoplastic compounding business.

VII

Fiberite is hereby directed for a period of ten years from the date of the entry of this Final Judgment to cease and desist from engaging in any thermoplastic compounding business as defined in Section II(F). Beatrice and Fiberite are further hereby directed to issue a public announcement acceptable to plaintiff within 10 days after the completion of the divestiture to the transferee that Fiberite's entire thermoplastic compounding business has been sold to the transferee as the successor to Fiberite's thermoplastic compounding business and to publish the announcement in the *Wall Street Journal* and the *Modern Plastics* magazine. While Beatrice owns or controls the business of Fiberite, for a period of 10 years from the date of entry of this Final Judgment, Beatrice shall maintain Fiberite as a distinct and ongoing entity or entities, either in the form of a corporation or one or more divisions.

VIII

Beatrice and Fiberite shall submit to the Department within ninety (90) days of the entry of this Final Judgment a report in writing setting forth its efforts and progress in carrying out the requirements of this Order.

For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, from time to time:

(A) Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to a defendant made to its principal office, be permitted:

(1) Access during office hours of such defendant to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of such defendant, who may have counsel present, relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of such defendant and without restraint or interference from it, to interview officers, employees and agents of such defendant, who may have counsel present, regarding any such matters.

(B) Upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division made to a defendant's principal office, such defendant shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested.

No information or documents obtained by the means provided in this Section IX shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

X

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement or compliance herewith, and for the punishment of violations hereof.

XI

Entry of this Final Judgment is in the public interest.

Entered:

Dated:

United States District Judge.

United States District Court; District of Minnesota, Third Division

[Civil Action No. 3-80-596]

Competitive Impact Statement

Filed: January 11, 1982.

United States of America, Plaintiff, v. *Beatrice Foods Co. and Fiberite Corporation*, Defendants.

The United States, pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h) (1974), files this Competitive Impact Statement in connection with the proposed Final Judgement submitted for entry in this civil antitrust proceeding.

I. Nature and Purpose of the Proceeding

On October 28, 1980, the United States filed a civil antitrust complaint under Section 15 of the Clayton Act, 15 U.S.C. 25, challenging the acquisition of Fiberite Corporation ("Fiberite") by Beatrice Foods Co. ("Beatrice") as a violation of Section 7 of the Clayton Act, 15 U.S.C. 18. The complaint alleges that the effect of the acquisition may be substantially to lessen competition or to tend to create a monopoly in custom compounded reinforced thermoplastics molding compounds ("custom compounded RTP"). The complaint alleges that as a result of this violation competition between Beatrice and Fiberite in custom compounded RTP was eliminated, competition in the custom compounded RTP market in general may be substantially lessened, and concentration was substantially increased in that market. The complaint sought to have Beatrice divest itself of all the assets and stock of Fiberite and for such other further relief deemed proper and just by the Court.

Entry of the proposed Final Judgement will terminate this litigation. The Court will retain jusrisdiction to construe, modify, or enforce the proposed Final Judgment.

II. Description of the Market and Firms Involved

The market alleged in the complaint is custom compounded reinforced thermoplastics molding compounds. At trial, the Government would have made the following contentions:

A. Thermoplastics are a group of plastic resins which may be repeatedly softened and hardened by heating and cooling. Reinforced thermoplastics are thermoplastic resins which have been combined with a reinforcing agent such as glass or carbon fiber to improve one or more of a resin's properties or physical characteristics. Other ingredients such as fillers, lubricants and flame retardants in addition to the reinforcing agent may also be combined with a thermoplastic resin to further improve its qualities. Reinforced thermoplastics are sold in the form of pellets or powder as raw materials to industrial processors for molding and Fabrication into a wide range of industrial and consumer products.

B. Customs compounded reinforced thermoplastics are reinforced thermoplastics selected, designed and manufactured to fill the special needs of an individual customer's application, generally in low-volume orders. Custom compounders of reinforced thermoplastics possess special know-how and technical expertise which are used to develop and maintain a broad range of proprietary formulations and recipes to meet customers' needs. Custom compounded reinforced thermoplastics are distinguishable from commodity reinforced thermoplastics molding compounds in that the latter are manufactured in high-volume quantities for sale from inventory to meet a general demand.

C. Thermoplastics are distinguished from the group of plastic resins known as thermosets. Thermoset resins can be reinforced and custom compounded, but the molecular structure of thermosets is such that once the thermoset is hardened, it cannot be softened by heat.

D. The market for custom compounded RTP is highly concentrated with high entry barriers. The four principal domestic manufacturers accounted for approximately 89 percent of the market in 1979.

E. Beatrice, by virtue of its 1976 acquisition of LNP Corporation, was, prior to the Fiberite acquisition, the leading firm in the United

States in the manufacture and sale of custom compounded RTP with about 50 percent of the market. Fiberite, prior to the time it was acquired, was the leading firm in the United States in the manufacture and sale of custom compounded reinforced thermosets. In 1975 Fiberite entered the custom compounded RTP business achieving an 8 percent market share (ranking fourth) by 1979, combining its own formulation and manufacturing expertise with the production facilities of Miller Waste Mills, Inc. ("Miller Waste Mills"), an affiliated company. Miller Waste Mills was not sold to Beatrice but has continued to manufacture RTP for Fiberite.

III. The Acquisition and Alleged Violation

The complaint alleges that Fiberite was recognized by Beatrice as a formidable and rapidly growing competitor in custom compounded RTP and that its acquisition by Beatrice would tend substantially to lessen competition or tend to create a monopoly in the United States market for those products. The complaint did not allege that Fiberite and Beatrice were actual or potential competitors in the manufacture or sale of thermosets; the alleged impact on competition was limited to reinforced thermoplastics.

IV. The Proposed Final Judgment and its Anticipated Effects on Competition

The United States and the defendants have stipulated that the proposed Final Judgment may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h). The proposed Final Judgment constitutes no admission by either party as to any issue of fact or law. Under the provisions of the Antitrust Procedures and Penalties Act, entry of the proposed Final Judgment is conditioned upon a determination by the Court that the proposed Final Judgment is in the public interest.

The proposed Final Judgment contains five principal forms of relief. First, the defendant Beatrice will be required to permanently divest the thermoplastics compounding business of Fiberite by selling it to Miller Waste Mills, Fiberite's former affiliate which presently produces and has in the past produced Fiberite's thermoplastics compounds. Second, the defendant Beatrice is enjoined from acquiring any other producer and seller of reinforced thermoplastics compounds for ten years from the date the proposed Final Judgment is entered. Third, the defendant Fiberite is enjoined for ten years from reentering the thermoplastics compounding business. Fourth, Beatrice is required to give public notice of the transfer of business to Miller Waste Mills. Fifth, Beatrice and Fiberite officers and employees responsible for or participating in Beatrice's thermoplastics compounding business are prohibited from influencing or communicating with Miller Waste Mills.

Within ten days of the entry of the proposed Final Judgment Beatrice will transfer the Fiberite thermoplastics compounding business to Miller Waste Mills pursuant to the Agreement between Beatrice, Fiberite and Miller Waste Mills that has been filed with the Court and is available to the public. The Agreement requires Beatrice to transfer the RTP trade secrets, formulations, know-how, customer lists and goodwill of Fiberite to Miller Waste Mills. Fiberite's RTP inventories and contracts are assigned to Miller Waste Mills. Key sales, scientific and marketing personnel will also transfer to the new entity. Although Fiberite retains primary rights to the tradename "Fiberite," Miller Waste Mills is granted its use on a temporary, limited basis.

The Agreement between Beatrice, Fiberite and Miller Waste Mills contains a covenant by Fiberite not to solicit or accept RTP orders for ten years and a covenant by Beatrice not to compete for 18 months on 10 accounts of Fiberite which are part of Fiberite's thermoplastics compounding business being transferred to Miller Waste Mills. Fiberite is currently engaged in significant research and development efforts aimed at producing new products for those ten accounts. Plaintiff believes that such covenants are reasonable under the circumstances here presented and useful to effectuate the spin-off to Miller Waste Mills.

The provisions of the proposed Final Judgment apply to Beatrice and Fiberite and each of its directors, officers, employees, agents, subsidiaries, affiliates, successors and assignees, and to all other persons in active concert or participation with any of them who receive actual notice of the proposed Final Judgment by personal service or otherwise.

The effect of the divestiture would be to allow Beatrice to retain the thermoset business of Fiberite and to compete in the RTP business through its LNP divisions. Miller Waste Mills would become a competitor of Beatrice in the development, production and sale of RTP, in effect, restoring the competition that previously existed between Beatrice and Fiberite.

V. Remedies Available to Potential Private litigants

Section 4 of the Clayton Act, 15 U.S.C. 15, provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages the person has suffered, as well as costs and a reasonable attorney's fee. Entry of the proposed Final Judgment will neither impair nor assist private antitrust damage actions. Under the provisions of Section 5(a) of the Clayton Act, 15 U.S.C. 16(a), the proposed Final Judgment has no *prima facie* effect in any subsequent private lawsuit that may be brought against the defendants.

VI. Procedures Available for Modification of the Proposed Final Judgment

The proposed Final Judgment is subject to a Stipulation between the Government and the defendants which provides that the Government may withdraw its consent to the proposed Judgment any time before the Court has found that entry of the proposed Judgment is in the public interest. By its terms, the proposed Judgment provides for the Court's retention of jurisdiction of this action in order to permit any of the parties to apply to the Court for such orders as may be necessary for the modification of the Final Judgment.

As provided by Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), any person wishing to comment upon the proposed Judgment may, for the statutory comment period, submit written comments to the United States Department of Justice, Attention: John W. Poole, Jr., Chief, Special Litigation Section, Antitrust Division, Department of Justice, Washington, D.C. 20530. Such comments and the Government's response to them will be filed with the Court and published in the **Federal Register.** The Government will evaluate all such comments to determine whether there is any reason for withdrawal of its consent to the proposed Final Judgment.

VII. Alternative to the Proposed Final Judgment

The alternative to the proposed Final Judgment considered by the United States was a trial on the merits seeking total divestiture of Fiberite. While the complaint sought total divestiture of Fiberite to restore the competition lost due to the merger, the United States considers the proposed Final Judgment coupled with the defendants' negotiated Agreement of divestiture to be a good, if not a better, alternative.

The proposed Judgment would achieve the objective of the lawsuit, restoring competition in the custom compounded reinforced thermoplastics industry. The Agreement between Beatrice, Fiberite and Miller Waste Mills provides for the transfer of Fiberite's personnel who are experienced in the custom compounding of RTP. It thereby reunites Fiberite's technical expertise with its manufacturing arm and will, to a considerable extent, restore the management and operating team which made Fiberite an effective new entrant into custom compounded RTP. A purchaser of all of Fiberite would not necessarily have access to Miller Waste Mills' RTP production facilities and might elect to close or de-emphasize Fiberite's RTP business. Accordingly, plaintiff believes that the divestiture here accomplished would restore the competition lost due to this merger in a manner as satisfactory, or in a manner superior to, the relief requested in the complaint.

Under the circumstances, the United States believes that entry of the proposed Final Judgment is in the public interest.

VIII. Determinative Materials and Documents

Plaintiff considers the Agreement between Beatrice, Fiberite and Miller Waste Mills and the public notice of the divestiture to be determinative documents of the type described in Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b), and they have been filed with the District Court for the District of Minnesota. A copy of each may be requested from the Legal Procedure Unit, Room 7416, Department of Justice, Washington, D.C. 20530.

Dated: January 8, 1982.

Respectfully submitted,

Joseph T. Maioriello, Charles R. Esherick, Gail Kursh, Ann Lea Harding,

Attorneys, Antitrust Division, Department of Justice, 10th & Pennsylvania Avenue, NW, Washington, D.C. 20530.

[FR Doc. 82-2465 Filed 1-29-82; 8:45 am]

BILLING CODE 4410-01-M

Office of Juvenile Justice and Delinquency Prevention

Supplemental Funds for Insular Areas

AGENCY: Office of Juvenile Justice and Delinquency Prevention, Justice.

SUBJECT: Announcement of availability of supplemental financial assistance for problems of juvenile delinquency in selected insular areas of the U.S.

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

Pursuant to the 1980 Amendments to the Juvenile Justice and Delinquency Prevention Act, the Office of Juvenile Justice and Delinquency Prevention is making 5 percent of its special emphasis funds available for grants and contracts designed to address the special needs and problems of juvenile delinquency in the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

The Office, following consultation with the effected areas, has decided upon an equitable allocation formula. This formula would divide the available funds in a manner that would enable each territory to receive an amount, which when added to their annual formula grant allocation, would represent 70% of the minimum available to the States. The remaining funds, approximately one-third of the total allocation would then be distributed according to population.

Actual awards will be determined in accordance with the following criteria:

(1) The relative cost and effectiveness of the proposed program in effectuating the purpose of the Act;

(2) The extent to which the proposed program will incorporate new or innovative techniques;

(3) The extent of which the proposed program meets the objectives and priorities of the State plan when a State plan has been approved by the Administrator under section 223(c) and when the location and scope of the program makes such consideration appropriate;

(4) The increase in capacity of the public and private agency, institution, or individual to provide services to delinquents and other youth to help prevent delinquency;

(5) The extent to which the proposed project serves communities which have high rates of youth unemployment, school dropout, and delinquency;

(6) The extent to which the proposed program facilitates the implementation of the recommendations for the Advisory Committee as set forth pursuant to section 247; and

(7) Assurance that in accord with section 224(c) at least 30 percent of the award will be awarded to non-profit organizations.

The appropriate agencies authorized to receive and distribute Office of Juvenile Justice and Delinquency Prevention OJJDP) formula grant funds in the affected Islands and Territories will be notified immediately by letter of the application procedures and deadlines.

Inquiries regarding this notice should be directed to the OJJDP Formula Grants and Technical Assistance Division, 633 Indiana Avenue, NW, Washington, D.C. 20531, (202) 724-5914.

Charles A. Lauer,

Acting Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 82-2425 Filed 1-29-82; 8:45 am]

BILLING CODE 4410-18-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Council on the Humanities Advisory Committee; Meeting

January 21, 1982.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended) notice is hereby given that a meeting of the National Council on the Humanities will be held in Washington, D.C. on February 18-19, 1982.

The purpose of the meeting is to advise the Chairman of the National Endowment for the Humanities with respect to policies, programs, and procedures for carrying out his functions, and to review applications for financial support and gifts offered to the Endowment and to make recommendations thereon to the Chairman.

The meeting will be held in the Shoreham Building, 806 15th Street, NW., Washington, D.C. A portion of the morning and afternoon sessions on February 18 and the afternoon session on February 19, 1982 will not be open to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code because the Council will consider information that may disclose: Trade secrets and commercial or financial information obtained from a person and privileged or confidential; information of a personal nature the disclosure of which will constitute a clearly unwarranted invasion of personal privacy; and information the disclosure of which would significantly frustrate implementation of proposed agency action. I have made this determination under the authority granted me by the Chairman's Delegation of Authority dated January 15, 1978.

The agenda for the sessions on February 18, 1982 follows:

(Open to the public)

8:30-9:00 Coffee for Council Members in Chairman's Office

9:00-10:30 Committee Meeting—Policy Discussion

- Education Programs—Room 807
- Fellowship Programs & Research Programs—Room 1134
- Planning and Special Programs—Room 1025
- Public Programs & State Programs—1st Floor

10:30 to Adjourn—Consideration of specific applications, (closed to the public for the reasons stated above).

The morning session on February 19, 1982 will convene at 8:30 a.m. in the 1st Floor Conference Room and will be open to the public. The agenda for the morning session will be as follows: (Coffee for Staff and Council Attending Meeting will be served from 8:30 a.m.-9:00 a.m.).

Minutes of the Previous Meeting

Reports

A. Introductory Remarks and Introduction of New Chairman
B. Introduction of New Staff
C. Chairman's Grants and Grants Departing from Council Recommendation
D. Application Report
E. Gifts and Matching Report
F. FY 1982 Appropriations
G. FY 1983 Appropriation Request
H. Technical Assistance and Minority Access
I. Committee Reports on Policy and General Matters
   a. Education Programs
   b. Fellowship Programs & Research Programs
   c. Planning and Special Programs
   d. Public Programs & State Programs

The remainder of the proposed meeting will be given to the consideration of specific applications (closed to the public for the reasons stated above).

Further information about this meeting can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, Washington, D.C. 20506, or call area code 202–724–0367.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 82-2484 Filed 1-29-82; 8:45 am]

BILLING CODE 7536-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Behavioral and Neural Sciences, Subcommittee for Psychobiology; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee on Psychobiology of the Advisory Committee for Behavioral and Neural Sciences.

Date and time: February 18–19, 1982, 8:30 a.m.–5:00 p.m., each day.

Place: National Science Foundation, 1800 G Street, NW., Room 642, Washington, D.C.

Type of meeting: Closed.

Contact person: Dr. Fred Stollnitz, Program Director, Psychobiology Program, Room 320, National Science Foundation, Washington, D.C., (202) 357–7949.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in psychobiology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

January 26, 1982.

[FR Doc. 82-2410 Filed 1-29-82; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Physiology, Cellular, and Molecular Biology Subcommittee on Cell Biology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Cell Biology, of the Advisory Committee for Physiology, Cellular, and Molecular Biology.

Date and time: February 17, 18, 19, 1982; 9 a.m. to 5 p.m. each day.

Place: Room 338, National Science Foundation, 1800 G Street, NW, Washington DC 20550.

Type of meeting: Closed.

Contact person: Dr. Jack Pate, Program Director, Cell Biology Program, Room 332, National Science Foundation, Washington DC 20550, Telephone: 202/357–7474.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in Cell Biology.

Agenda: To review and evaluate research proposals as part of the selection process of awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the propopsals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. R. Winkler,

Committee Management Coordinator.

January 26, 1982.

[FR Doc. 82-2411 Filed 1-29-82; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Physiology, Cellular and Molecular Biology, Subcommittee on Developmental Biology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting.

Name: Subcommittee on Developmental Biology of the Advisory Committee for Physiology, Cellular and Molecular Biology

Date and time: February 25, 26, 27, 1982, starting at 9:00 A.M., to 5:00 P.M.

Place: Room 540, National Science Foundation, 1800 G Street, NW., Washington, D.C.

Type of meeting: Closed

Contact person: Dr. Susan V. Bryant, Program Director, Developmental Biology Program, Room 332–E, National Science Foundation, Washington, D.C. 20550, telephone 202/357–7989

Purpose of subcommittee: To provide advice and recommendations concerning support of research in developmental biology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 522(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

January 26, 1982.

[FR Doc. 82-2413 Filed 1-29-82; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Physiology, Cellular, and Molecular Biology, Subcommittee on Molecular Biology, Group B; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

NAME: Subcommittee on Molecular Biology, Group B, of the Advisory Committee for Physiology, Cellular, and Molecular Biology.

DATE & TIME: February 22 & 23, 1982, 9:00 a.m. to 5:00 p.m. each day.

PLACE: Room 338, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

TYPE OF MEETING: Closed.

CONTACT PERSON: Dr. Michael A. Cusanovich, Program Director, Biochemistry Program, Room 329, National Science Foundation, Washington, D.C. 20550.

PURPOSE OF SUBCOMMITTEE: To provide advice and recommendations concerning support for research in Molecular Biology.

AGENDA: To review and evaluate research proposals as part of the selection process for awards.

REASON FOR CLOSING: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries and personal information concerning individuals associated with the

proposals. These matters are with exemptions (4) and (6) of 5 U.S.C. 552(c), Government in the Sunshine Act.

AUTHORITY TO CLOSE MEETING: This determination was made by the Committee Management Office pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

January 26, 1982.

M. R. Winkler,

Committee Management Coordinator.

[FR Doc. 82–2412 Filed 1–29–82; 8:45 am]

BILLING CODE 7555–01–M

Advisory Committee for Social & Economic Science, Subcommittee for Geography & Regional Science; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

NAME: Subcommittee for Geography & Regional Science of the Advisory Committee for Social and Economic Science.

DATE/TIME: February 18, 1982; 8:30 a.m. to 5:00 p.m.

PLACE: Room 421, National Science Foundation, 1800 G Street, NW., Washington, D.C.

TYPE OF MEETING: Closed.

CONTACT PERSON: Dr. James H. Blackman, Acting Program Director, Geography & Regional Science, Room 312, National Science Foundation, Washington, D.C. 20550; telephone (202) 357–7326.

PURPOSE OF SUBCOMMITTEE: To provide advice and recommendations concerning support for research in Geography and Regional Science.

AGENDA: Closed portion: To review and evaluate research proposals and projects as part of the selection process for awards.

REASON FOR CLOSING: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

AUTHORITY TO CLOSE MEETING: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

January 26, 1982.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 82–2414 Filed 1–29–82; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Subcommittee on Zimmer Nuclear Power Station; Meeting

The ACRS Subcommittee on Zimmer Nuclear Power Station will hold a meeting on February 18, 1982, at the Americana Inn, Greater Cincinnati Airport, Cincinnati, OH. The Subcommittee will review the safety significance of quality assurance problems associated with plant construction which resulted in a $200,000 fine by NRC/Inspection and Enforcement (I&E). Notice of this meeting was published January 20, 1982.

In accordance with the procedures outlined in the **Federal Register** on September 30, 1981 (46 FR 47903), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Cognizant Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary and Industrial Security information. One or more closed sessions may be necessary to discuss such information. (Sunshine Act Exemption 4.) To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows: *Thursday, February 18, 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, may 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 Cincinnati Gas & Electric Company, NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Paul Boehnert (telephone 202/634–1413) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary and Industrial Security information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: January 26, 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82–2485 Filed 1–29–82; 8:46 am]

BILLING CODE 7590–01–M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

Patents—Small Business Firms and Non-Profit Organizations

January 28, 1982.

Memorandum to the Heads of Executive Departments and Establishments

Subject: Extension of OMB Bulletin No. 81–22

Pending issuance of a final Circular, the sunset date set forth in Part 10 of OMB Bulletin No. 81–22 "Patents—Small Firms and Non-Profit Organizations," (46 FR 34776, July 2, 1981 and 47 FR 117, Jan. 4, 1982) is revised to February 28, 1982.

Donald E. Sowle,

Administrator, Office of Federal Procurement Policy.

David A. Stockman,

Director, Office of Management and Budget.

[FR Doc. 82–2729 Filed 1–29–82 11:10 am]

BILLING CODE 3110–01–M

Transmittal Memorandum No. 6 to OMB Circular No. A-76—Policies for Acquiring Commercial or Industrial Products and Services Needed by the Government

AGENCY: Office of Federal Procurement Policy, OMB.

ACTION: Transmittal Memorandum No. 6 to OMB Circular No. A-76 (revised) is published as an interim revision to the Circular and the Cost Comparison Handbook. A proposed final revision to the Circular will be published for public comment on or before April 1, 1982.

SUMMARY: This interim revision amends OMB Circular No. A-76 (revised), dated March 29, 1979; Supplement No. 1, the Cost Comparison Handbook; and Transmittal Memorandum Nos. 4 and 5, dated March 29, 1979, and September 26, 1980, respectively. This interim revision also adds Supplement No. 2 to the Circular, Office of Federal Procurement Policy Pamphlet No. 4, "A Guide for Writing and Administering Performance Statements of Work for Service Contracts."

Transmittal Memorandum No. 6 clarifies existing policy in the Circular and streamlines and simplifies the procedures in the Cost Comparison Handbook. Since no new policy is contained in this revision, a public comment period is not necessary. However, the major revision to the Circular, which will contain substantive policy changes as well as the changes in Transmittal No. 6, will be made available for public comment.

A task group of individuals from major agencies will convene February 1, 1982, to develop the final revision to the Circular. That proposed revision will be published in the Federal Register for public comment on or before April 1, 1982.

ADDRESSES: Inquiries should be directed to Ms. Darleen Druyun, Deputy Associate Administrator for Systems and Technology, Office of Federal Procurement Policy, 726 Jackson Place, NW., Room 9013, Washington, D.C. 20503. Telephone: (202) 395-3254.

Donald E. Sowle,

Administrator.

January 26, 1982.

Circular No. A-76 Revised Transmittal Memorandum No. 6; Policies for Acquiring Commercial or Industrial Type Products and Services Needed by the Government

This revision amends OMB Circular No. A-76 (revised), dated March 29, 1979; the Cost Comparison Handbook; and Transmittal Memorandums 4 and 5, dated March 29, 1979, and September 26, 1980, respectively.

1. *Amendment to Transmittal Memorandum No. 5.* Paragraph 1.c. of Transmittal Memorandum No. 5, entitled "Application to Research and Development," is replaced as follows:

"c. *Application of the Circular to Research and Development.* Compliance with this Circular and the periodic review of inventoried research and development activities, except for new starts and expansions, are deferred indefinitely pending the development of appropriate criteria for determining "core capability." The Department of Defense, however, shall follow the statutory provision of Section 802 of the Defense Appropriation Authorization Act of 1980 (Pub. L. 96-107)."

2. *Amendments to OMB Circular No. A-76.*

a. Paragraph 9.a.(1). Add the following sentences at the end of paragraph 9.a.(1):

"Office of Federal Procurement Policy Pamphlet No. 4, "A Guide for Writing and Administering Performance Statements of Work for Service Contracts," is designated as Supplement No. 2 to this Circular. Work statements for services and quality assurance plans used in cost comparisons will be written using Supplement No. 2. All work statements and quality assurance plans for existing service contracts subject to the provisions of this Circular will be rewritten using Supplement No. 2 before reprocurement, even though a cost comparison will not be performed. This requirement is not applicable to contracts obtained under small purchase procedures or in those cases where the agency determines that application of Supplement No. 2 would not be in the best interests of mission accomplishment."

b. Paragraph 9.a.(3). This paragraph is replaced as follows:

"(3) Cost comparisons are to be aimed at full cost, to the maximum extent practical, in all cases. All significant Government costs (including allocation of overhead and other indirect costs) must be considered, both for direct Government performance and contract performance, including the cost to the Government for administration of the contract. Costs that would be the same for either in-house or contract operation need not be included in the cost comparision. An example of such a situation is where a contractor would use the same facilities as an in-house operation."

c. Paragraph 9.b.(2). This paragraph is replaced as follows:

"(2) The factor to be used for the Government's cost of administering contracts, in addition to other costs of contract performance as specified in the Handbook, is 4 percent of the contract price or expected costs, unless a larger (up to 6 percent) or smaller amount can be fully justified, using the procedures in the Handbook."

3. *Amendments to the Cost Comparison Handbook.* Changes to the Cost Comparison Handbook are contained in Attachment A to this transmittal memorandum.

4. This revision is effective immediately and shall apply to all studies in process where no cost comparison has been made, provided there is sufficient time to make changes prior to submission of the Cost Comparison Form to the contracting officer by the date specified for contractor proposals or bids.

5. Inquiries should be directed to Ms. Darleen Druyun, Deputy Associate Administrator for Systems and Technology, Office of Federal Procurement Policy, 726 Jackson Place, NW., Room 9013, Washington, D.C. 20503. Telephone: (202) 395-3254.

David A. Stockman,

Director.

Attachment A—Changes to the Cost Comparison Handbook Supplement No. 1, OMB Circular No. A-76 (Revised)

A. Chapter III. Paragraph H. *Inflation of Out-Year Costs—Line 8.* Add paragraphs 4 and 5 as follows:

"4. In cases where a contract for the needed product or services would include some form of economic adjustment clause for subsequent years, no allowance for inflation of those costs protected by the adjustment clause is included in out-year contract pricing, and corresponding costs of Government performance should not be inflated. For example, contracts subject to the Service Contract Act include a clause that provides for adjustments to accommodate labor cost increases necessitated by future minimum wage determinations. Accordingly, when contract performance would be under a contract subject to the Service Contract Act, labor costs for Government employees in occupations that would be included in the Act should be deducted from the base for inflation calculations."

"5. Depreciation costs for equipment or facilities, included in overhead or G&A expenses, must also be deducted before inflation is computed."

B. Chapter IV. Paragraph D. *Contract Administration—Line 12.* Add paragraph 3.

"3. The standard 4-percent contract administration rate shall be used unless there is precise and supportable

evidence that expected contract administration costs will be less or more than 4 percent. In no case, however, will the rate exceed 6 percent.

"a. The following conditions must be met in order to exceed the 4-percent contract administration costs:

"(1) The estimate of contract administration cost is based on a formal Government quality assurance surveillance plan;

"(2) The solicitation must contain clearly defined contractor quality control requirments;

"(3) The Government quality assurance surveillance plan shall be based on the quality assurance technique described in Supplement 2;

"(4) The supporting data for line 12 must contain a detailed breakdown of inspection costs based on an analysis of the Government quality assurance surveillance plan;

"(5) The statement of work must be performance oriented, as described in Supplement 2."

(C). Chapter V. Paragraph E.4.c. *Labor-Related Costs.* Add the following to the end of paragraph E.4.c.: "In developing the labor related costs the following model shall be used:

"(1) Estimate the number of personnel who will voluntarily resign or retire from Government employment. Then, estimate those who will be separated but will be employed by the contractor. No costs are chargeable. Severance pay is not allowed for those Government employees who are hired by the contractor within 90 days after separation.

"(2) Estimate those who will be separated, but will not be employed by the contractor. Calculate severance pay.

"(3) Estimate those who will remain in Government employment but will be relocated. Calculate the costs associated with the relocation.

"(4) Estimate those who will remain in Government employment but will be trained. Calculate the costs associated with retraining.

"(5) Add the costs determined in steps (2) through (4). Include these costs in line 25.

"(6) Estimate the retained pay costs associated with those persons who would be downgraded as a result of a conversion. These incremental costs (the difference between current pay and downgraded pay) are continuing and not considered a one time conversion cost. This cost should be shown on line 26."

D. Chapter V. Paragraph F. *Utilization of Government Capacity—Line 24.* Add the following sentences to the end of paragraph F.1:

"In charging underutilized capacity do not include any underutilized personnel-related costs on line 24. Prudent management will ensure that personnel are assigned to other tasks or reductions made in the size of the overhead organization. Therefore, these costs are not properly chargeable to the cost of contracting-out."

E. Chapter V. Paragraph F. Substitute subparagraphs 5.a. through 5.g. with subparagraphs 5.a. through 5.i. as follows:

"a. Determine Government overhead costs chargeable to the in-house activity.

"b. Determine Government overhead costs chargeable to the cost of contracting-out.

"c. Subtract step b from step a.

"d. Determine any changes to Government overhead costs that should result if the service is contracted out (for example, can a position or part of a function be eliminated?).

"e. Subtract step d from step c.

"f. Go to lines 25 and 26 and identify those personnel who would continue to be employed in the G & A base if the in-house activity under review were to be contracted out. Multiply the combined salary and fringe benefits of these employes by the G & A rate.

"g. Subtract step f from step e.

"h. If the result of step g would be an addition to the cost of contracting out, delete any personnel-related costs from the result of step g.

"i. Enter the result of step h on line 24."

F. Chapter VI. Paragraph C.1. *New Start—Line 31.* Add the following sentence to the end of the paragraph: "Government-owned facilities or equipment that would be used by either the contractor or the Government shall not be included in facility/equipment ownership costs for computing a new start differential."

[FR Doc. 82-2483 Filed 1-29-82; 8:45 am]

BILLING CODE 3110-01-M

SMALL BUSINESS ADMINISTRATION

[Application No. 05/05-5166]

V-H Investment Co.; Application for License To Operate as a Small Business Investment Company (SBIC)

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to section 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1981)) under the name of V-H Investment Company, 5101 West 65th Place, Chicago, Illinois 60638, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended, (the Act) (15 U.S.C. 661 et seq.), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and shareholder of the Applicant are as follows:

Name and address	Title and relationship	Percent of ownership
S. Richard Van Horne, Jr., 5101 W. 65th Place, Chicago, Illinois 60638.	President and Chairman of the Board.	0
S. Richard Van Horne, Sr., 5101 W. 65th Place, Chicago, Illinois 60638.	Secretary and Director.	0
Sanford I. Rosenberger, CPA, 4849 Golf, Skokie, Illinois.	Treasurer and Director.	0
Corrugated Supplies Corp., 5101 W. 65th Place, Chicago, Illinois 60638.	Parent Company	100

Corrugated Supplies Corporation, the parent company, manufactures corrugated paper which is sold to box manufacturers and other manufacturers of similar containers or packaging materials.

The Applicant will begin operations with $500,000 of private capital derived from the sale of 5,200 shares of stock to Corrugated Supply Corp.

The Applicant will conduct its operations in the State of Illinois.

As a small business investment company under section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Act and will provide assistance solely to small concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Notice is hereby given that any person may, on or before February 22, 1982, submit written comments on the proposed company to the Acting Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Chicago, Illinois.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: January 27, 1982.

Robert G. Lineberry,

Acting Deputy Associate Administrator for Investment.

[FR Doc. 82-2546 Filed 1-29-82; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 791]

Agency Decision To Proceed With Modifications to the International Center, Washington, D.C.

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given pursuant to the regulations for implementing the procedural provisions of the National Environmental Policy Act (40 CFR Parts 1500–1508) and contingent upon Congressional authorization amending Public Law 90–553, that the Department of State will proceed with the next procedural step in the implementation process of the modifications to the International Center as presented in the Final Environmental Impact Statement filed with the U.S. Environmental Protection Agency on December 11, 1981.

No significant unmitigatable adverse impacts have been found or are anticipated from the proposed modifications to the International Center of (1) changing the prime lessor of the Southeast Quadrant from the Organization of American States to the International Telecommunications Satellite Organization (INTELSAT), and (2) expanding the chancery sites to include the Northwest Quadrant of the former National Bureau of Standards site. The proposed action consists of long-term leases of Federal land to INTELSAT and foreign governments for the purposes of constructing up to a 700,000 square foot INTELSAT headquarters building and up to nine chanceries or chancery enclaves in the Northwest Quadrant.

The next step in the implementation process of these modifications is to obtain master plan approval and in-lieu-of-zoning review of each individual building from the National Capital Planning Commission. Master plan approval and favorable in-lieu-of-zoning review on the INTELSAT headquarters building is being sought at the January 21, 1982 meeting of the National Capital Planning Commission.

FOR FURTHER INFORMATION CONTACT: Mr. James A. Edgins, Director, International Center Project, Room 1882, Department of State, 2201 C Street, N.W., Washington, D.C. 20520, (202) 632–9540.

Dated: January 25, 1982.

James A. Edgins,

Director, International Center Project.

[FR Doc. 82-2431 Filed 1-29-82; 8:45 am]

BILLING CODE 4710-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 82-007]

Memorandum of Understanding Between the United States Coast Guard and the Environmental Protection Agency

On January 4, 1982 the Coast Guard and the Environmental Protection Agency signed a Memorandum of Understanding which establishes a mechanism to fund costs incurred by the Coast Guard in emergency responses to releases of hazardous substances, pollutants, or contaminants. The agreement became effective on January 4, 1982 and reads as follows:

Dated: January 27, 1982.

A. D. Utara,

Commander, U.S. Coast Guard, Regulations Officer.

Memorandum of Understanding Between the United States Coast Guard and the Environmental Protection Agency

A Mechanism for Funding Vendor Costs Incurred by the U.S. Coast Guard During Emergency Response to Releases or Threats of Releases of Hazardous Substances.

Purpose

The U.S. Coast Guard (USCG) and the Environmental Protection Agency (EPA) agree that a mechanism is required to fund USCG costs incurred during emergency response to releases, or the threats of releases of hazardous substances or pollutants or contaminants. This Memorandum of Understanding establishes the accounting, contracting, and fund management control policies and procedures for USCG response actions.

Authority:

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (94 Stat. 2796; 42 U.S.C. 9615) authorizes the President to respond to releases or threats of releases into the environment of hazardous substances, or pollutants or contaminants which may present an imminent and substantial danger to the public health or welfare. The Executive Order 12316 delegates certain authority and responsibility for response to the Administrator of the EPA and to the Secretary of Transportation. The USCG and the EPA are entering into this agreement in order to carry out their joint responsibilities under CERCLA and the Executive Order.

Scope

The USCG and the EPA agree that vendor costs are costs incurred by the USCG in response to a specific incident of a release, or threat of a release, or hazardous substances.

The vendor costs are only those costs which qualify as allowable uses of the Hazardous Substance Response Trust Fund when the USCG undertakes response activities pursuant to CERCLA, Executive Order 12316, and the National Oil and Hazardous Substances Contingency Plan. Examples of vendor costs include, but are not limited to, the following:

- Contractor and consulting costs;
- Lease or rental of equipment; and
- Supplies, materials, and equipment (including transportation costs) procured for the specific response activity and expended during a response.

Vendor costs do *not* include USCG out-of-pocket expenses which are:

- Travel and per diem for military and civilian personnel, and overtime costs for civilian personnel;
- Fuel for vessels, aircraft, or vehicles used in support of a response activity; and
- Replacement or repair costs for non-expendable equipment.

Funding for out-of-pocket expenses and other non-vendor costs will be the subject of a separate agreement between the EPA and the USCG.

The Coast Guard will advise all of its District Commanders, predesignated On-Scene Coordinators (OSC), and Regional Response Team members of the terms of this Memorandum. The USCG will provide to EPA a current listing of District personnel who will serve as appropriate contacts for EPA on matters relating to contracting and accounting for response activity.

Contracting and Accounting

The USCG and the EPA agree that the EPA will perform all accounting for vendor costs.

The USCG and the EPA agree that the contracting system used by the USCG for responses to oil and hazardous substance discharges under the authority of Section 311 of the Clean Water Act, shall be used for USCG responses to all releases or threats of releases of hazardous substances or pollutants or contaminants as defined in CERCLA.

Any contracts for immediate removal actions in response to releases or threats of releases of hazardous substances or pollutants or contaminants entered into by the Coast

Guard, where the USCG OSC is acting in the capacity of first responding Federal official, pursuant to the National Contingency Plan, shall remain in effect only during the period that the USCG is the OSC.

Any contract for immediate removal actions in response to releases, or threats of releases, of hazardous substances or pollutants or contaminants, entered into by the Coast Guard pursuant to the authority delegated under Executive Order 12316, and retained by the USCG in Section (c) of the Instrument of Redelegation, executed 2 October 1981 by the Secretary of Transportation and consented to on 9 October 1981 by the Administrator of the Environmental Protection Agency, shall remain in effect only during the period that the USCG is acting under this authority.

The USCG and the EPA agree on the following procedures for coordinating the EPA accounting system and the USCG contracting system.

1. *Obtain account number.* For each incident where CERCLA funds are obligated, the USCG OSC must obtain a ten-digit account number from EPA Headquarters which identifies a specific site/spill incident. The number is obtained by calling: Chief, Response Operations Branch, Emergency Response Division, Office of Emergency and Remedial Response, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202) 245–3057.

The USCG OSC will provide an estimate of the response costs concomitant with the request for an account number.

The ten-digit account number will not be issued unless CERCLA funds are available for the response action.

2. *Accounting codes.* Specific accounting information is required by the EPA Financial Management System in order to process contracts. There are five categories of accounting and control numbers which must be entered on each contract and financial document. They are:

• *Appropriation Number:* This number is permanently assigned to the trust fund:

68–20X8145

• *Account Number:* The ten-digit account number obtained for each incident from EPA Headquarters (see #1). The R and SS portions will vary to identify each separate release incident.

FTFA72RESS
Where:
R=EPA Region where the release occurred
SS=Site/spill identification number

• *Document Control Number:* The OSC will develop a set of document control numbers for a specific release incident in the following format:

RSSXXX
Where:
R=EPA Region where the release occurred
SS=Site/spill identification number
XXX=Contract document number

Each contract entered into relative to each release must have a unique document control number issued in ascending numerical sequence beginning with XXX=001 for the first contract issued for that release. The R and SS portions are obtained from the Account Number.

For Example:
RSS001 for 1st contract and its modifications
RSS002 for 2nd contract and its modifications

• *Object Class:* This number is permanently assigned.

2535

• *Amount of Contract in Dollars*

$ _____

3. *Transmit Contract to EPA.* In order for EPA to process payments for response contracts, a legible certified true copy of the contract and modifications to the contract must be submitted by certified mail within 72 hours of award by a USCG District Contracting Officer to the EPA paying office: Financial Management Officer, Accounting Operations Office (MD–32), Environmental Protection Agency, Research Triangle Park, Durham, NC 27711.

The USCG will assure that the USCG contract number and the EPA accounting codes (appropriation number, account number, document control number, object class, and dollar amount) are clearly and legibly presented on the contract document. The USCG will assure that the EPA accounting codes and USCG contract number are made known to the contractor. The original contract will be retained by the USCG.

4. *Process Contractor Invoices*

4.1 *Contractor Responsibilities:*

The contractor will:

• Send the original invoice to the EPA paying office. The address for the paying office is: Financial Management Officer, Accounting Operations Office (MD–32), Environmental Protection Agency, Research Triangle Park, Durham, NC 27711.

• Submit a duplicate copy of the invoice to the USCG OSC.

• Assure that the USCG contract number and the EPA accounting codes (appropriation number, account number, document control number, object class, and dollar amount) are clearly and legibly presented on the invoice and its copy. Contractors submitting invoices for work performed under a contract are to number each invoice sequentially beginning with one (1) and make a notation on the last invoice under the contract with the phrase "FINAL INVOICE."

4.2 *USCG OSC Responsibilities:*

• The USCG OSC must certify each correct and proper invoice. A correct and proper invoice is one in which the services performed are acceptable and are consistent with the services billed and the accounting data properly transcribed.

The certification statement to be used by OSC's of both agencies for all CERCLA cases.

"I, (OSC NAME), certify to the best of my knowledge and belief that the services have been performed and are accepted, and that applicable Pollution Incident Reporting System (PIRS) and EPA Spill Prevention Control and Countermeasure (SPCC) information has been correctly and completely submitted."

_____

(OSC's Signature)

_____

(date)

• The OSC will forward by certified mail the accepted and certified invoice, within 72 hours of receipt of the invoice from the contractor, to the EPA paying office (address shown above).

• The USCG OSC shall *not* certify invoices which include discrepancies between services performed and services billed. In the event that there are discrepancies in the invoices, the USCG representative shall, immediately upon receipt of the invoice, take appropriate action to notify the contractor and to resolve the discrepancies.

Within 72 hours of receipt of an invoice containing unresolved discrepancies, the OSC shall forward the invoice by certified mail to the EPA paying office (address shown above). The invoice will be endorsed with the following statement:

"This invoice contains unresolved discrepancies. DO NOT PAY THIS INVOICE UNTIL YUO RECEIVE WRITTEN NOTIFICATION THAT THE DISCREPANCIES HAVE BEEN RESOLVED AND THE INVOICE IS REISSUED."

_____

(OSC signature)

_____

(date)

4.3 *EPA Responsibilities:*

• The EPA has the responsibility to process contract invoices and to make contract payments in a timely manner. Contract payments are normally made within 30 days after invoice receipt.

• Payment will be contingent on the EPA paying office receipt of the original invoice from the contractor and the USCG OSC's certified copy of the invoice.

• The paying office will withold payment for contractor services if the OSC has not certified the invoice. Payments will be made when the discrepancies are resolved and the invoice is reissued and received at the paying office.

• The paying office will not pay any response costs in excess of the dollar amount of the contract. In the event that a contractor's service exceeds the dollar amount of the contract, the EPA paying office will inform the USCG District Representative who will take appropriate action.

Financial Management

The USCG and EPA agree that the USCG may obligate up to $50,000 per release without prior approval from EPA. Approval to obligate amounts in excess of the $50,000 ceiling must be obtained from: Chief, Response Operations Branch, Emergency Response Division, Office of Emergency and Remedial Response, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 245–3057.

The USCG will modify, as necessary, any existing contracts to reflect each ceiling increase. Certified copies of the contract modification must be submitted to the EPA paying office.

The USCG and EPA recognize that CERCLA requires that response actions cease when $1 million is obligated or 6 months have elapsed from the date of initial response, except as authorized under Section 104(c)(1), thereof.

Reporting Requirements: POLREPS

The USCG and the EPA agree that the EPA, acting in the capacity as manager of the Hazardous Substance Response Trust Fund, requires up-to-date information on CERCLA response actions and the related obligations of CERCLA funds for these actions. Pollution Reports (POLREPS) are submitted by USCG OSC's to USCG District Commanders. POLREPS provide factual operational data relating to a release and a current accounting of project costs. The USCG OSC will submit a duplicate copy of all POLREP's to the Director, Emergency Response Division, EPA, (TWX #710–8229269) for the purpose of communicating CERCLA response and fund obligation data to EPA. The initial POLREP will be sent within 24 hours of initiating a response action, if information is available. Once the initial report is completed, progress POLREPS should be sent on a routine basis.

Period of Agreement

This Memorandum shall continue in effect until modified or amended by the assent of both parties or terminated by either party upon a thirty (30) days advance written notice to the other party.

Nothing in this agreement is intended to diminish or otherwise affect the statutory authority of the agencies involved.

This Memorandum will become effective at noon on the date of the last signature below.

Dated: December 10, 1981.

W. E. Caldwell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

Dated: January 4, 1982.

Christopher J. Capper,

Acting Assistant Administrator, Office of Solid Waste and Emergency Response.

[FR Doc. 82–2512 Filed 1–29–82; 8:45 am]

BILLING CODE 4910–14–M

Federal Aviation Administration

Airport Traffic Control Tower at Huntsville, Alabama; Reduction of Hours

Notice is hereby given that on or about January 31, 1982, the Huntsville, Alabama Airport Traffic Control Tower will be permanently closed each day from 11 p.m. to 6 a.m. local time. This information will be reflected in forthcoming issues of the Airman's Information Manual.

Issued in East Point, Georgia, on December 22, 1981.

George R. LaCaille,

Deputy Director, Southern Region.

[FR Doc. 82–2415 Filed 1–29–82; 8:45 am]

BILLING CODE 4910–13–M

Federal Railroad Administration

[Waiver Petition Docket Nos. RSGM–81–35 through RSGM–81–47]

Petitions for Waiver of Safety Glazing Standards

Notice is hereby given that eight petitioners have submitted requests for temporary or permanent waivers of compliance with the Safety Glazing Standards (49 CFR Part 223). The Federal Railroad Administration (FRA) published a final rule on December 31, 1979, that requires that all newly built and most existing railroad equipment have improved safety glazing materials installed in order to reduce the risk of death or serious injury resulting from flying objects, including bullets. The regulations provide for the affected locomotives, passenger cars, and cabooses to be equipped with certified glazing in all windows after June 30, 1983.

The individual petitions for a waiver of compliance with this regulation are described below. The description indicates the nature and extent of the relief requested as well as the information that has been submitted in support of the request for the waiver of compliance.

Interested persons are invited to participate in these proceedings by submitting written data, views, or comments. FRA does not anticipate scheduling an opportunity for oral comment since the facts do not appear to warrant it. All communications concerning these petitions must identify the appropriate Docket Number (e.g., FRA Waiver Petition Docket Number RSGM–81–35) and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration (FRA), 400 Seventh Street, SW., Washington, DC 20590. Communications received before April 5, 1982, will be considered by the Federal Railroad Administration before final action is taken. All comments will be available for examination both before and after the closing date for comments, during regular business hours (9 a.m.–5 p.m.), in Room 7321A, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590.

Delaware and Hudson Railway Company

(Waiver Petition Docket Number RSGM–81–35)

The Delaware and Hudson Railway Company (D&H) seeks a permanent waiver of compliance with Part 223 for 130 of its present fleet of 136 locomotives and for its entire fleet of 57 cabooses. Six of its locomotives, acquired in 1980, are equipped with Part 223 glazing; the remaining 130 have conventional glazing.

Of the 130 locomotives, 55 are of a type to which Part 223 glazing cannot be applied to replace the original fixed window glass without new rubber channels, cab modifications necessitated by the new channels, and new templates because of the larger glasses needed to overlap the openings. The material cost alone would be $99,000. The material cost for the remaining 75 locomotives totals $82,500. Total labor costs for all locomotives is estimated at $61,750. For the 57

cabooses, all of which would also require special modifications, the costs would be $373,878 for labor and material.

In addition, D&H states that crew-targeted vandalism on its lines does not have the proportions to justify bulletproof side glazing and cinderblock resistant forward facing windows. D&H also states that the ¼-inch Lexan glazing now in use provides good protection for the type of vandalism that it does encounter, and that the hazard potential is greatly reduced by the absence of high speeds on its lines.

Richmond, Fredericksburg and Potomac Railroad Company

(Waiver Petition Docket Number RSGM–81–36)

The Richmond, Fredericksburg and Potomac Railroad Company (RF&P) owns and operates 22 road locomotives between Richmond, Virginia and Potomac Yard, Virginia. It seeks a delay in compliance with Part 223 because the locomotives will become 20 years old shortly after the compliance date of June 30, 1983. Eight will reach that age in 1985, 5 in 1986, 2 in 1987 and 7 in 1992. All windows and doors are now fitted with safety laminated glass. Accordingly, petitioner believes that the costs of installing glazing that meets the requirements of Part 223, would be an unsound investment.

Marinette, Tomahawk and Western Railroad Company

(Waiver Petition Docket No. RSGM–81–37)

The Marinette, Tomahawk and Western Railroad Company, located in Tomahawk, Wisconsin, requests a permanent waiver of the Part 223 Glazing requirements for two locomotives that operate over 12 miles of rural track in a sparsely populated area. Petitioner states that throughout its history (since 1891) there has been no occurrence of vandalism that would require safety glazing to protect the crew.

Cliffside Railroad Company

(Waiver Petition Docket No. RSGM–81–38)

The Cliffside Railroad Company seeks a permanent waiver of the Part 223 glazing requirements for 2 locomotives that it operates over 3.7 miles of track in a rural area in Cliffside, North Carolina. It has experienced no vandal-related damage to locomotive windows. The cost of retrofitting would be very costly in terms of petitioner's limited operating budget.

Ware Shoals Railroad Company

(Waiver Petition Docket No. RSGM–81–39)

The Ware Shoals Railroad Company, a short line railroad located in Ware Shoals, South Carolina seeks a permanent waiver of compliance from Part 223. It operates one locomotive with some safety glass and some replacement glass other than safety glass. The locomotive is operated in daylight hours only on a 5 mile track in a sparsely populated area, mostly within the confines of its yard. There is one overpass over this track. Petitioner states it has no problem with vandals and does not consider safety glass necessary in its operations.

Nezperce Railroad Company

(Waiver Petition Docket No. RSGM–81–40)

The Nezperce Railroad Company, operating in rural Idaho between Nezperce (pop. 450) and Craigmont (pop. 600), seeks a permanent waiver from Part 223 for its 3 locomotives that operate over 13.5 miles of track that runs through rural farm land and crosses "farm to market roads only." The average operating speed for these locomotives is 5 miles per hour. They have no history or record of vandalism or damage.

Consolidated Rail Corporation

(Waiver Petition Docket No. RSGM–81–41)

Consolidated Rail Corporation (Conrail) seeks a substantial extension of time limits for compliance with the glazing requirements of Part 223.

Petitioner's reasons for this request are:

1. The severe budgetary restraints that inhibit Conrail's capacity to finance a rush program to meet the requirements within the timetable. The cost would be almost $10 million dollars.

2. The size of its locomotive and caboose fleet; it is the largest in the country.

3. The risk of injury inherent in the delay is minimal. While objects are thrown or shot at locomotive or cabooses with some frequency, Conrail has had a very low injury rate due to broken glass on locomotives; one injury per 3,352,022 man hours over the last three years.

4. Conrail conducts a regular overhaul and rebuilding program of road locomotives and cabooses every four (4) years and of yard locomotives every eight (8) years and would bring all equipment into compliance within these timeframes.

5. Conrail now complies with FRA glazing requirements when doing normal repairs of broken or damaged equipment.

In the event the FRA does not permit the gradual conversion of the units to certified glazing, Conrail requests an extension until June 30, 1985, to complete the program. The waiver would help Conrail improve its financial viability while involving minimal employee risk.

Hampton & Branchville Railroad Company, Inc.

(Waiver Petition Docket No. RSGM–81–42)

The Hampton and Branchville Railroad Company, Inc., a 17-mile line have railroad that operates between Hampton, South Carolina and H&B Junction, South Carolina, seeks a waiver of compliance with Part 223 for 3 locomotives. The petitioner also does a minor amount of switching for 2 plants. It normally operates a 2-man crew, 5 days a week during daylight hours. The area in which it operates is rural, with 11 paved and 5 dirt crossings. Petitioner has never experienced glass breakage or vandalism on its locomotives.

Louisville and Nashville Railroad Company

(Waiver Petition Docket No. RSGM–81–43)

The Louisville and Nashville Railroad Company (L&N) requests waiver of the safety glazing compliance date of June 30, 1983, for certain of its locomotives.

L&N has 88 locomotives scheduled for retirement by December 31, 1984. Because manufacturer of these locomotives has ceased production, it is virtually impossible and prohibitively expensive to obtain glazing materials that meet FRA regulations.

Petitioner also operates 271 switcher locomotives, generally used in yard service, but also used between yards, as well as in industrial switching and between engine houses and outlying points at regular maintenance periods. On occasion, these locomotives are used in a consist in road service, but rarely as lead engine. Because of their age and cab style, it will be very expensive to equip these locomotives with certified glazing. Petitioner is not aware of any glass manufacturer that has developed the costs or sizes for these switchers.

L&N operates 25 road switchers, built between 1950 and 1956 which it expects to retire or place in a switcher category within 5 years of June 30, 1983.

Petitioner states that, if the waivers are granted, it will—

(1) Clearly designate on each locomotive scheduled for retirement in the next 3 years that it has been granted an FRA exemption.

(2) To every extent possible, avoid using exempt locomotives as lead units on road service. Because of their age and higher incidence of repair, the possibility of their being so used decreases rapidly over the years.

(3) Maintain precise vandalism records on each exempt locomotive and any pattern of exposure will result in the immediate retrofitting of that locomotive.

The Massena Terminal Railroad Company

(Waiver Petition Docket No. RSGM–81–44)

The Massena Terminal Railroad Company seeks exemption from the safety glazing requirements of Part 223. Petitioner is a 2.5 mile switching terminal railroad with 2 locomotives. It performs switching primarily within the confines of the Aluminum Company of America in Massena, New York.

Sierra Railroad Company

(Waiver Petition Docket No. RSGM–81–45)

The Sierra Railroad Company, which operates freight service between Oakdale, California, and Fassler (Standard), California, a distance of 98 miles, seeks a waiver of compliance with the safety glazing requirements of Part 223 for 3 locomotives and 2 cabooses. Petitioner operates 3 round trips per week through rural, lightly populated country and at no point through towns, cities or railroad yards. For several years there have been no vandal occurrences and the risk of such occurrences is very limited. Petitioner advises the costs of compliance would be an undue financial burden to protect against a virtually nonexistent exposure.

Stockton Terminal and Eastern Railroad

(Waiver Petition Docket No. RSGM–81–46)

The Stockton Terminal and Eastern Railroad (ST&E), a Class III railroad operating on 13.79 miles of line in East Stockton, California and extending to Linden, California, seeks a waiver from the safety glazing requirements of Part 223. The majority of ST&E operations are in East Stockton, with about 15 trips a year to Linden.

The ST&E connects with the Southern Pacific, Western Pacific and Santa Fe. Its operations consist of yard switching of industries at a maximum speed of 20 miles per hour with most movements between 5 and 10 miles per hour.

Within the last 7 years ST&E has experienced no accidents, injuries, or vandalism of the safety glass now in its locomotives.

Massachusetts Bay Transportation Authority

(Waiver Petition Docket No. RSGM–81–47)

The Massachusetts Bay Transportation Authority (MBTA) seeks a waiver of the glazing requirements of Part 223 for 60 of its Pullman Standard (PS) passenger cars built during 1978–1979. Fifteen (15) of these cars are control cab cars for push/pull operations.

The end-facing glazing on the 15 control cab cars is not marked to indicate compliance with FRA Type I test requirement, but MBTA is quite certain that both the glazing and the mounting do comply. The glazing is 9/16 inch thick Sierracin/Sylmar RT–6000 set in neoprene conforming to ASTM Spec. C542. The side-facing windows in the passenger compartments are double-glazed with the outer pane of 1/4 inch Tuffak CM–2, made by Rhom and Haas Company, Philadelphia, PA. The inner pane is 1/4 inch laminated safety glass. The side-facing windows in the vestibule doors are equipped with a single-pane of 1/4 inch Tuffak CM–2. The engineman's side window on the 15 control cars is also Tuffak.

Petitioner states that its experience with the cars to date has been excellent and that there has not been a single reported injury due to window breakage even though the cars are used in a metropolitan area. In some cases when the side windows are hit by a hard thrown missile, the outer pane of Tuffak deflects enough to break the inner pane of safety glass. In most cases the inner pane is just cracked.

The Boston and Maine, which operates the cars, estimates that they have replaced about 10% of the side-facing windows due to breakage of the inner panes. In each case, the inner pane has been replaced with Tuffak, the same as the outer pane.

(Sec. 202 of the Federal Railroad Safety Act of 1970, 84 Stat. 97 (45 U.S.C. 43) and § 1.49(n) of the regulations of the Office of the Secretary of Transportation 49 CFR 1.49(n))

Issued in Washington, D.C. on January 21, 1982.

Joseph W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 82–2335 Filed 1–29–82; 8:45 am]

BILLING CODE 4910–06–M

Maritime Administration

Revisions to the Voluntary Tanker Agreement

AGENCY: Maritime Administration, DOT.

ACTION: Extension of time for submitting written comments on revisions to the Voluntary Tanker Agreement.

SUMMARY: The Maritime Administration held a public meeting on January 20, 1982 in the Auditorium, U.S. Department of Commerce to discuss the draft revisions to the Voluntary Tanker Agreement and to receive both written and oral comments on the draft from interested persons. [For notification of meeting, see Federal Register, Volume 46, No. 239, page 61052; Dec. 14, 1981]. Because there could be follow-on questions and comments resulting from the January 20th meeting and because some interested parties might not have been able to attend the meeting, the Maritime Administration is extending the period for submission of written comments through the close of business on February 15, 1982.

Any interested person may submit written data and comments to Mr. Frank B. Case, Division of National Security Plans, Room 1098–B, Maritime Administration, 14th and Pennsylvania Avenue, NW., Washington, D.C. 20230, (202) 377–1900.

Dated: January 26, 1982.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 82–2532 Filed 1–29–82; 8:45 am]

BILLING CODE 4910–81–M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 21
Monday, February 1, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

CIVIL AERONAUTICS BOARD

[M-341, Amdt. 1, January 25, 1982]

Addition and Closure of Items to the January 29, 1982 Board Meeting

TIME AND DATE: 10 a.m. (after open meeting) January 29, 1982.

PLACE: Room 1027 (open), room 1012 (closed), 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT:

36. Report on Negotiations with Japan (BIA).

37. Docket 39710, Complaint of United Air Lines, Inc. against the Japan Civil Aviation Bureau and Japan Air Lines Co., Ltd. under the Federal Aviation Act of 1958, as amended, and section 2(b) of the International Air Transportation Fair Competitive Practices Act of 1974, as amended (MBA 709-F, BIA, OGC).

38. Report on negotiations with China (BIA).

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-144-82 Filed 1-28-82; 3:48 pm]

BILLING CODE 6320-01-M

2

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10 a.m., February 4, 1982.

LOCATION: Room 456 Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. *Section 6(b) CPSA—Proposed Rule*
The staff will brief the Commission on a proposed rule which would establish the Commission policy and procedure for the public disclosure of information under Section 6(b) of the Consumer Product Safety Act.

2. *FY 82 Operating Plan—Status*
The Commission will review the status of the Operating Plan for FY 82.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Deputy Secretary, Office of the Secretary, Suite 342, 5401 Westbard Ave., Bethesda, Maryland 20207; Telephone (301) 492-6800.

[S-136-82 Filed 1-20-82; 10:30 am]

BILLING CODE 6355-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, January 25, 1982, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director C. T. Conover (Comptroller of the Currency), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of a recommendation regarding the liquidation of assets acquired by the Corporation from Northern Ohio Bank, Cleveland, Ohio (Case No. 45,029-L).

By the same majority vote, the Board further determined that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of United Carolina Bank, Whiteville, North Carolina, for consent to merge, under its charter and title, with The Bank of Raeford, Raeford, North Carolina, and to establish the three offices of The Bank of Raeford as branches of the resultant bank.

Requests for exemptions pursuant to Section 348.6(b)(2) of the Corporation's rules and regulations entitled "Management Official Interlocks":

United Mutual Savings Bank, New York, New York,

Independence Savings Bank, Brooklyn, New York.

By the same majority vote, the Board further determined that no earlier notice of these changes in the subject matter of the meeting was practicable.

Dated: January 26, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-141-82 Filed 1-28-82; 11:40 am]

BILLING CODE 6714-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, January 25, 1982, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Request from the Comptroller of the Currency that the Corporation, pursuant to section 10(b) of the Federal Deposit Insurance Act, assist in an examination of a national bank.

Recommendation 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. 45,085-L—Franklin National Bank, New York, New York.

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(4), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: January 26, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-142-82 Filed 1-28-82; 11:40 am]

BILLING CODE 6714-01-M

5

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

CAP-33. ER81-708-000, Public Service Company of Indiana, Inc.

Kenneth F. Plumb,

Secretary.

[S-143 Filed 1-28-82; 2:28 pm]

BILLING CODE 6717-01-M

6

INTERNATIONAL TRADE COMMISSION

[USITC SE-82-3A]

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 3062, January 21, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Thursday, January 28, 1982.

CHANGES IN THE MEETING: Emergency notice cancelling the meeting. By action jacket SE-82-02, Commissioners Alberger, Calhoun, Stern, Eckes, and Frank determined by recorded vote to cancel the meeting scheduled for Thursday, January 28, 1982, affirmed that no earlier announcement of this change in the schedule was possible, and directed the issuance of this notice at the earliest practicable time.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523-0161.

S-138-82 Filed 1-28-82; 10:44 am]

BILLING CODE 7020-02-M

7

INTERNATIONAL TRADE COMMISSION

[USITC SE82-4]

TIME AND DATE: 10 a.m., Thursday, February 2, 1982.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C. 20436.

STATUS: Emergency meeting—less than ten days' prior notice. Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary.
5. Briefing by Director of Operations.
6. Briefing by General Counsel.
7. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-139-82 Filed 1-28-82; 10:44 am]

BILLING CODE 7020-02-M

8

INTERNATIONAL TRADE COMMISSION.

[USITC SE-82-5]

TIME AND DATE: 10 a.m., Thursday, February 11, 1982.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary: a. Possible section 603 investigation on cutlery (Docket No. 798).
5. Briefing by Executive Liaison.
6. Briefing by Director of Administration.
7. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-140-82 Filed 1-28-82; 10:44 am]

BILLING CODE 7020-02-M

9

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 3063, January 21, 1982.

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Tuesday, January 19, 1982.

CHANGES IN THE MEETING: Additional items. The following additional items will be considered at a closed meeting scheduled for Thursday, January 28, 1982, following the 10:00 a.m. open meeting:

Formal orders of investigation.
Settlement of administrative proceeding of an enforcement nature.
Freedom of Information Act appeals.

Chairman Shad and Commissioners Loomis, Evans, Thomas, and Longstreth determined by vote that Commission business required consideration of these matters and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Diane Klinke at (202) 272-2178.

January 27, 1982.

[S-137-82 Filed 1-28-82; 10:37 am]

BILLING CODE 8010-01-M

federal register

Monday
February 1, 1982

Part II

Selective Service System

Deferment or Exemption From Military Service; Final Rule

SELECTIVE SERVICE SYSTEM

32 CFR Parts 1602, 1605, 1609, 1618, 1621, 1624, 1627, 1630, 1633, 1636, 1639, 1642, 1645, 1648, 1651, and 1653

Deferment or Exemption From Military Service

AGENCY: Selective Service System.

ACTION: Final rule.

SUMMARY: This document revises the Selective Service regulations with respect to deferment or exemption from military service. Revisions in Selective Service regulations have been prepared with the over-riding objective of improving the procedures and increasing the fairness in their application in adjudicating the claims of men for deferment or exemption from military service as provided in the Military Selective Service Act (50 U.S.C. App., 451 et seq.). Organizational changes and administrative arrangement have been developed to facilitate fair, effective and efficient administration of the System.

EFFECTIVE DATE: February 1, 1982.

FOR FURTHER INFORMATION CONTACT: Edward A. Frankle, Associate Director for Policy Development, Selective Service System, Washington, D.C. 20435; Telephone: (202) 724–0844.

SUPPLEMENTARY INFORMATION: Pursuant to Executive Order 12291, Selective Service has determined that the rules are not major as defined in Section 1(b) of Executive Order 12291 of February 17, 1981.

These regulations are published pursuant to section 13(b) of the Military Selective Service Act (50 U.S.C. App. 463(b)) and Executive Order 11623. The regulations implement the Military Selective Service Act (50 U.S.C. App. 451 *et seq.*), as amended. An earlier draft of the amendments was published at 45 FR 80125 (December 3, 1980). On November 17, 1981, these regulations were published for comment at 46 FR 56434. The comments to the December 3, 1980 publication were responded to in the November 17, 1981 publication.

In response to the November 17, 1981 publication, Selective Service received 38 letters commenting on the amendments. Many of the comments pertained to sections of the Regulations previously commented upon and discussed in the November 17, 1981 publication. The previously addressed sections are as follows:

Regulation

Sections 1624.5(a), 1633.2(h) and 1633.2(i). The ten day period in which to file a claim is too short (15 new comments).

Section 1633.1(f). Military personnel of the Selective Service should not be permitted to decide any claims for classification at any time (8 new comments).

Section 1633.2(h) and section 1633.3. Registrants should be permitted to file claims anytime after registration and before receipt of induction orders (6 new comments); registrants should be able to be classified into classes other than 1–A prior to receiving an induction order (6 new comments); registrants should be able to develop and file evidence in support of claims prior to being ordered for induction (6 new comments).

Section 1642.3. Whenever there is a reasonable doubt concerning the grant or denial of a claim for dependent hardship classification (3–A), the doubt should be resolved in favor of granting the claim (1 new comment).

Section 1648.3 and section 1648.4(b). Registrants who file conscientious objector claims should not be required to appear personally before local boards (1 new comment).

Section 1648.5 (c) and (d). The registrant should be permitted to record board proceedings concerning his claim in order to preserve an accurate account of the proceedings (8 new comments). While the position of Selective Service remains unchanged, it was noted that a language change was necessary to achieve the purpose of maintaining informality by forbidding the making of verbatim transcripts. That language change has been incorporated in §§ 1648.5(h), 1651.4(q) and 1653.3(s) of these final regulations.

Section 1648.5(f), section 1651.4(f) and section 1653.3(d). Advisors who appear at a board hearing with registrants should be permitted to speak on the registrant's behalf (1 new comment).

Section 1648.5(i), section 1651.4(q), and section 1653.3(s). Meetings of the National Appeal Board should be public proceedings (1 new comment).

Section 1653.1. Appeals to the National Appeal Board should be permitted even if the decision of the District Appeal Board is unanimous (1 new comment).

Each of the above comments was reviewed and considered. Upon reflection, our position regarding each comment and the basis for our position as reported in the November 17, 1981 publication remain the same.

Additional Comments

All comments received were considered except those requiring statutory amendments. The following comments, with the exception of one, were made by only one person. The basis for our position is contained in the position statement.

Regulation

Section 1602.2, section 1602.14, section 1639.1 and section 1645.1. The regulations provide that the ministerial student deferments and the minister exemptions are judgmental classifications that are initially determined by the local board.

Comment

Classification for ministerial students (2–D) and ministers (4–D) should be administrative classifications because they can be determined objectively by documentation.

Position

The regulations should remain unchanged. Neither classification is a "papers only" type classification. Both require the exercise of judgment in applying judicial and statutory standards for such issues as what constitutes a recognized church or religious organization, or a recognized theological or divinity school, and determining whether the minister preaches and teaches the principles of religion as a regular and customary vocation within statutory and judicial limits. These issues and others of similar significance cannot be determined solely by documentation; therefore, the classification should remain judgmental.

Regulation

Section 1605.51 and section 1605.60(b). The regulations provide that the area offices shall be responsible for providing administrative and operational support to the boards within their jurisdiction.

Comment

Local boards should be operated out of fixed locations to facilitate access to the boards by registrants.

Position

The regulations should remain unchanged. Under the revised system of registrant processing, area offices have been designated to provide administrative and operational support to the boards and to registrants. Boards will function as adjudicators of classification claims only. Registrants are advised to contact the area office nearest their current address for any assistance they require. Area offices will be established in fixed locations. Local boards will convene either at the Area offices or at some other location convenient to registrants.

Regulation

Section 1618.1. If a registrant fails to claim and exercise any right or privilege within the required time, he shall be deemed to have waived the right or privilege unless the Director of Selective Service waives the time limit.

Comment

No right or privilege should be regarded as waived or abandoned for failure to timely assert the right or privilege until the reason for the failure has been considered by Selective Service.

Position

The registrant abandons rights or privileges if he fails to file a claim within the required time, unless circumstances beyond his control prevent his filing a claim on time. In substance, the regulation should remain unchanged. However, the regulation has been amended to substitute the term "abandonment" for "waiver" and to clarify the intent of Selective Service. In extenuating circumstances beyond the registrant's control, the Director may, for good cause, permit the filing of an untimely claim.

Regulation

Section 1624.3, section 1624.6(h), section 1633.2(g) and section 1642.4(b). The regulations provide that any registrant receiving a postponement, shall, after the postponement ends, be rescheduled to report for induction. It further provides that when deferments or exemptions end, the registrant will be placed in the appropriate RSN order within the age selection group corresponding to his year of birth. Consequently, registrants whose deferments and exemptions expire or are terminated are not rescheduled to report for induction as are registrants whose postponements expire or are terminated.

Comment

A registrant granted postponement pursuant to a claim for hardship should be treated as a registrant deferred because of hardship to dependents (reclassified 3–A). Such treatment would remove the inequitable results which subject the registrant obtaining postponement to immediate induction at the end of the postponement period. Postponements should be treated as deferments and exemptions.

Position

The regulations should remain unchanged. The treatment of postponements, deferments and exemptions is consistent with the statutory mandates and legislative intent. All postponements, with the exception of student postponements, are creatures of regulations; student postponements are specifically authorized by statute. Since postponements were created primarily to provide remedies for short term emergencies beyond the control of the registrant, and since the registrant remains classified as 1–A during a postponement, his induction is immediately rescheduled upon expiration of the postponement period.

A hardship deferment (3–A) is one that reclassifies the registrant and thus, removes his availability for military service until such time as he is again reached for induction and reclassified 1–A. The postponement for a short-term hardship is not technically a 3–A hardship and does not reclassify the registrant. The treatment here is consistent with the treatment of all registrants who obtain postponements for any of the other conditions provided in the regulations.

Regulation

Section 1624.3 (c), (d), and (e). The regulations provide for induction of men ages 18 years and six months through 34 years.

Comment

References in the regulations to induction of persons over 26 years of age should be deleted since the Military Selective Service Act does not authorize induction of persons over 26 years of age. Since the provision in the regulations for induction of 18 years and six months to 19 year old registrants is a major departure from Selective Service policy, it should be published for comment separately from the other regulations.

Position

The regulations should remain unchanged. Sections 4(a), 5(a) and 6 (a) and (h) of the Military Selective Service Act (50 U.S.C. App. 454, 455 and 456) provide, as a general rule, that eligibility for military training and service commences at age 18 years and six months through 26 years. However, persons obtaining certain deferments as prescribed under the provisions of Sec. 6 are subjected to extended liability up to age 35. These are statutory mandates and not Selective Service policy determinations.

Regulation

Section 1624.4. The regulation establishes the order in which registrants classified 1–A shall be selected and ordered for induction.

Comment

The regulation authorizes an order of call for registrants classified 1–A, but does not authorize the call of registrants classified 1–A–O.

Position

We agree that the regulation is silent as to registrants who are reclassified 1–A–O. The regulation has been amended to include registrants so classified.

Regulation

Section 1624.10. The date specified to report for examination shall be at least 10 days after the date on which the Order to Report for Examination is issued.

Comment

Since time limits are measured from the date of mailing by Selective Service, references to "issuance" of induction orders should be changed to "mailing" of induction orders.

Position

The regulation should remain unchanged. For the convenience of Selective Service and registrants, the date of issuance is more appropriate, less restrictive and easier to track. The date of mailing restricts the government to mailing notices where other methods may be more convenient or appropriate. No harm or inconvenience to the registrant has been demonstrated or alleged.

Regulation

Section 1630.17(b). A registrant who has been separated from the Armed Forces by reason of conscientious objection to participation in both combatant and noncombatant military training and service shall be classified 1–O. Also, he shall be assigned to civilian service where he will serve the remainder of his military obligation.

Comment

The regulations should be clarified to indicate under what circumstances a person who has been discharged from military service for conscientious objection will be required to perform alternative service.

Position

We agree that the regulation should be amended for clarity. It has been amended to prescribe that if the registrant was discharged under circumstances that could qualify him for a 4–A classification, he shall be so classified. Under these conditions there is no remaining military obligation under

the Military Selective Service Act. The amendment further clarifies the intent that a personal appearance is not required of a registrant claiming conscientious objector status under these circumstances.

Regulation

Section 1630.44. The regulation does not provide appeal procedures from a 4–F classification. It does provide, however, that no regisrant whose further examination is considered justified, will be classified 4–F unless he has been reexamined and found disqualified.

Comment

The regulation should provide appeal procedures from a 4–F classification and "RBJ" status (reexamination believed justified) should have a time limit after which the registrant is classified 4–F if he has not been reexamined.

Position

The regulation should remain unchanged. Since Selective Service has no authority to establish acceptance criteria for military training and service, it has no authority to prescribe limitations on "RBJ" status or prescribe appeal procedures from a 4–F classification. The Military Selective Service Act authorizes only the Secretary of Defense to establish acceptance criteria for military training and service.

Regulation

Sections 1633.1, 1633.9 and 1636.9(c) and (d). The regulations provide that a registrant may be classified into any classification for which he is eligible.

Comment

A registrant should not be reclassified into any class for which he has not filed a claim.

Position

The regulations should remain unchanged. In the interest of fairness and equity, the registrant will not be harmed should he fail to submit a claim for which he is eligible and clearly demonstrates that eligibility. His failure to submit the appropriate claim may be a result of ignorance, oversight or error. In any event, the intent is to provide a remedy and prevent an unwarranted induction because of circumstances beyond the registrant's control.

Regulation

Section 1633.2(g). When deferments or exemptions expire or end, the registrant will be placed in the appropriate RSN order within his original age selection group.

Comment

The term "original" age selection group is unclear and needs clarification.

Position

We agree with the comment. The regulation has been changed to clearly express the intent that upon expiration or termination of a deferment or exemption, the registrant will be placed in the appropriate RSN order within the age selection group *corresponding to his year of birth.*

Regulation

Section 1633.11. A registrant will be granted only one local board transfer during the processing of a reclassification claim unless authorized by the Director.

Comment

There should be no limit to the number of times a claim may be transferred for good cause from one board to another.

Position

The regulations should remain unchanged. Local board assignments are made on the basis of permanent addressses on file with Selective Service. The registrant will be granted a transfer as a matter of right to the local board nearest his current address. However, the Director has the authority to so authorize additional transfers for cause in order to preserve the integrity of the claims process as well as to protect the rights of the registrant.

Regulation

Section 1642.3(b)(1). The registrant is required to contribute no less than 50% of the cost of a dependent's support in order for the dependent to be deemed financially dependent upon the registrant.

Comment

Providing a percentage support requirement for a registrant to qualify for a hardship classification (3–A) is unreliable; hardship does not always bear a relationship to the percentage of support received from the registrant.

Position

We agree that a dependent's financial hardship does not always bear a 50% relationship to the support contributed by the registrant. It may be a greater or less percentage depending upon the circumstances. This section has been amended to require the registrant to demonstrate a substantial contribution to the support of the registrant in order for the hardship to be fairly assessed. The amendment further provides that 40 to 50% may be considered substantial.

Regulation

Section 1645.4. Regular ministers are required to administer the ordinances of public worship as embodied in the creed of his church, sect or religious organization.

Comment

Registrants who claim a 4–D classification as a regular minister should not be required to prove that they administer ordinances of public worship as a condition precedent to granting the claim because the requirement exceeds the statutory criteria.

Position

We agree that the statute does not require regular ministers to administer ordinances of public worship as required of duly ordained ministers. The section has been amended to conform to the statutory criteria.

Regulation

Section 1651.3(d). The regulation requires a registrant appealing from a denial decision to attach to his appeal a statement specifying the reasons he believes the classification action is inappropriate. It further requires the registrant to direct attention to any information in his file that he believes is relevant to his claim.

Comment

A registrant should not be required to list all of his reasons for appealing from the denial as a condition precedent to review by the appeal board.

Position

The regulation has been amended to permit the registrant to list all reasons for appealing at his option. To *require* such a submission may unduly prejudice the disadvantaged or undereducated registrants who may not be able to articulate their reasons for appealing.

Regulation

Section 1651.4(f) and section 1653.3(h). A registrant will not be allowed to present witnesses at personal appearance proceedings before the appeal boards. However, the registrant will be permitted to appear to testify and to present documentary evidence (testimonial or otherwise) to the appeal boards.

Comment

A registrant should be permitted to present witnesses at personal appearances before District Appeal

Boards and the National Appeal Board (3 comments).

Position

The regulations should remain unchanged. Historically, registrants appearing before appeal boards have not been permitted to present witnesses. The language and legislative history of Section 22 of the Military Selective Service Act, added in 1971, clearly indicate that Congress intended to permit personal appearances, but not witnesses, before appeal boards. The floor debates recorded in 117 Cong. Rec. 20502, 03, 05, 08, 14 and 21953 and 21954 (1971) and the Conference Committee Report in H.R. Rep. No. 433, 92d, Cong., 1st Sess. 29 (1971) reflect the legislative history of Section 22 of the MSSA concerning witnesses at appeal proceedings.

Additions Not Suggested By Comments

Regulation

Section 1605.54. the regulations prescribe that the jurisdiction of the local board is to perform all acts authorized by law including acting upon claims for reclassification.

Basis

Historically, the regulations have prescribed jurisdictional limitations of the local boards. This section was inadvertently omitted from the previous two publications. It iterates the general functions of local boards as prescribed by the Military Selective Service Act.

Regulation

Section 1624.6(f). The Director of Selective Service may authorize a postponement of induction to registrants awaiting State or National professional or occupational examinations as prerequisites to the practice of the profession or occupation; registrants accepted for entry into the military academies; and registrants accepted as ROTC scholarship students or those who have been designated to participate in field training prior to enrollment in ROTC.

Basis

Historically, registrants who requested postponements under these circumstances were granted postponements. Codification serves the purpose of notice that such postponements are available and lends legitimacy to an equitable practice.

Paperwork Reduction Act

Information collection requirements contained in these regulations have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and have been assigned OMB control number 3240–0006.

Certificate

Whereas, on November 17, 1981, the Director of Selective Service published a Notice of Proposed Amendments of Selective Service Regulations 46 FR 56434; and whereas such publication complied with the publication requirement of section 13(b) of the Military Selective Service Act (50 App. U.S.C. sections 451 *et seq.*) in that more than thirty days have elapsed subsequent to such publication during which period comments from the public (summarized above) have been received and considered; and I certify that I have requested the views of officials named in section 2(a) of Executive Order 11623 and none of them has timely requested that the matter be referred to the President for decision.

Now, therefore, by virtue of the authority vested in me by the Military Selective Service Act, as amended (50 App. U.S.C. sections 451 *et seq.*) and Executive Order 11623 of October 12, 1971, the Selective Service Regulations, constituting a portion of Chapter XVI of Title 32 of the Code of Federal Regulations, are hereby amended, as stated below.

Thomas K. Turnage,

Director of Selective Service.

January 26, 1982.

32 CFR Chapter XVI is amended by revising Parts 1602, 1605, 1609, 1618, 1621, 1624, 1627, 1630, 1633, 1636, 1639, 1642, 1645, 1648, 1651 and 1653 to read as set forth below:

PART 1602—DEFINITIONS

Sec.

1602.1 Definitions to govern.
1602.2 Administrative classification.
1602.3 Aliens and Nationals.
1602.4 Area office.
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1602.6 Board.
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1602.13 Judgmental classification.
1602.14 Local board.
1602.15 Local Board of Jurisdiction.
1602.16 MEPS.
1602.17 Military service.
1602.18 National Appeal Board.
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1602.21 Selective Service Law.
1602.22 Singular and plural.
1602.23 State.

Authority: Military Selective Service Act, 50 U.S.C. App. 451 *et seq.*; E.O. 11623.

§ 1602.1 Definitions to govern.

The definitions contained in Section 16 of the Military Selective Service Act, and the definitions contained in this part shall govern in the interpretation of the regulations of this chapter.

§ 1602.2 Administrative classification.

A reclassification action relating to a registrant's claim for Class 1–C, 1–D–D, 1–D–E, 1–H, 1–W, 4–A, 4–B, 4–C, 4–F, 4–G, 4–T, or 4–W.

§ 1602.3 Aliens and nationals.

(a) The term "alien" means any person who is not a citizen or national of the United States.

(b) The term "national of the United States" means:

(1) A citizen of the United States, or

(2) A person, though not a citizen of the United States, who owes allegiance to the United States.

§ 1602.4 Area office.

The Selective Service Office which is responsible for all administrative and operational support for the one or more local boards within its jurisdiction.

§ 1602.5 Area office staff.

The compensated employees, civilian and military, of the Selective Service System employed in an area office will be referred to as the area office staff.

§ 1602.6 Board.

The word "board" when used alone, unless the context otherwise indicates, includes a local board, district appeal board, and the National Appeal Board and panels thereof.

§ 1602.7 Classification.

Classification is the exercise of the power to determine claims or questions with respect to inclusion for or exemption or deferment from training and service under Selective Service Law.

§ 1602.8 Classifying authority.

The term "classifying authority" refers to any official or board who is authorized in section 1633.1 to classify a registrant.

§ 1602.9 Computation of time.

Unless otherwise specified the period of days allowed a registrant or other person to perform any act or duty required of him shall be counted as beginning on the day following that on which the notice is issued.

§ 1602.10 County.

The word "county" includes, where applicable, counties, independent cities, and similar subdivisions, such as the independent cities of Virginia and the parishes of Louisiana.

§ 1602.11 District Appeal Board.

A district appeal board or a panel thereof of the Selective Service System is a group of not less than three civilian members appointed by the President to classify registrants in accord with the provisions of Part 1651 of this chapter.

§ 1602.12 Governor.

The word "Governor" includes, where applicable, the Governor of each of the States of the United States, the Mayor of the District of Columbia, the Governor of Puerto Rico, the Governor of the Virgin Islands, and the Governor of Guam.

§ 1602.13 Judgmental Classification.

A classification action relating to a registrant's claim for Class 1–A–O, 1–O, 2–D, 3–A, or 4–D.

§ 1602.14 Local board.

A local board or a panel thereof of the Selective Service System is a group of not less than three civilian members appointed by the President after nomination by a Governor to classify registrants in accord with the provisions of Part 1648 of this chapter.

§ 1602.15 Local Board of Jurisdiction.

The local board of jurisdiction is the local board to which the registrant is assigned by the Director of Selective Service.

§ 1602.16 MEPS.

A Military Entrance Processing Station is a military installation to which registrants are ordered to report for examination or induction.

§ 1602.17 Military service.

The term "military service" includes service in the Army, the Navy, the Air Force, the Marine Corps, and the Coast Guard.

§ 1602.18 National Appeal Board.

The National Appeal Board or a panel thereof of the Selective Service System is a group of not less than three civilian members appointed by the President to classify registrants in accord with the provisions of Part 1653 of this chapter.

§ 1602.19 Numbers.

Cardinal numbers may be expressed by Arabic or Roman symbols.

§ 1602.20 Registrant.

A "registrant" is a person registered under the Selective Service Law.

§ 1602.21 Selective Service Law.

The term "Selective Service Law" includes the Military Selective Service Act, all rules and regulations issued thereunder, and Proclamations of the President pertaining to registration under that Act.

§ 1602.22 Singular and plural.

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular, except where the context clearly indicates otherwise.

§ 1602.23 State.

The word "State" includes, where applicable, the several States of the United States, the City of New York, the District of Columbia, Puerto Rico, the Virgin Islands, and Guam.

PART 1605—SELECTIVE SERVICE SYSTEM ORGANIZATION

National Administration

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Interpreters

1605.81 Interpreters.

Authority: Military Selective Service Act, 50 U.S.C. App. 451 *et seq.*; E.O. 11623.

National Administration

§ 1605.1 Director of Selective Service.

The Director of Selective Service shall be responsible directly to the President. The Director of Selective Service is hereby authorized and directed:

(a) To prescribe such rules and regulations as he shall deem necessary for the administration of the Selective Service System, the conduct of its officers and employees, the distribution and performance of its business, and the custody, use, and preservation of its records, papers, and property.

(b) To issue such public notices, orders, and instructions, as shall be necessary for carrying out the functions of the Selective Service System.

(c) To obligate and authorize expenditures from funds appropriated for carrying out the functions of the Selective Service System.

(d) To appoint and to fix, in accordance with provisions of chapter 51 and subchapter III of chapter 53 of Title 5, United States Code relating to classification and General Schedule pay rates, the compensation of such officers, agents, and employees as shall be necessary for carrying out the functions of the Selective Service System.

(e) To procure such space as he may deem necessary for carrying out the functions of the Selective Service System by lease pursuant to existing statutes.

(f) To obtain by purchase, loan, or gift such equipment, supplies, printing, binding, and blankbook work for the Selective Service System as he may deem necessary to carry out the functions of the Selective Service System.

(g) To perform such other duties as shall be required of him under the Selective Service Law or which may be delegated to him by the President.

(h) To delegate any of his authority to such officers, agents, or persons as he may designate and to provide for the subdelegation of any such authority.

§ 1605.6 National Appeal Board.

(a) There is hereby created and established within the Selective Service System a civilian agency of appeal which shall be known as the National Selective Service Appeal Board, hereinafter referred to as the National Board. The President shall appoint not less than three members to the National Board from among citizens of the United States who are not members of the Armed Forces, and he shall designate one member as chairman of the National Board. The National Board may sit *en banc*, or upon the request of the Director

of Selective Service, or as determined by the chairman of the National Board, in panels, each panel to consist of at least three members. The chairman of the National Board shall designate the members of each panel and he shall designate one member of each panel as chairman. A majority of the members of a panel shall constitute a quorum for the transaction of business, and a majority of the members present at any meeting at which a quorum is present, shall decide any question. Each panel of the National Board shall have full authority to act on all cases assigned to it. The National Board or a panel thereof shall hold meetings in Washington, D.C., and, upon request of the Director of Selective Service or as determined by the chairman of the National Board, at any other place.

(b) The President shall appoint members of the National Appeal Board from among citizens of the United States who:

(1) Are within the age limitations applicable to all appeal boards as prescribed by the Military Selective Service Act; and

(2) Are not active or retired members of the Armed Forces or any reserve component thereof; and

(3) Have not served as a member of the National Board for a period of more than five years; and

(4) Are able to perform such duties as necessary during standby status; and

(5) Are able to devote sufficient time to board affairs; and

(6) Are willing to fairly and uniformly apply Selective Service Law.

(c) The National Board or panel thereof shall classify each registrant who appeals to the President under Part 1653 of this chapter.

(d) No member of the National Board shall act on the case of a registrant who is the member's first cousin or closer relation, either by blood, marriage, or adoption, or who is the member's employer, or fellow employee, or stands in the relationship of superior or subordinate of the member in connection with any employment, or is a partner or close business associate of the member, or is a fellow member or employee of the National Board. A member of the National Board must disqualify himself in any matter in which he would be restricted for any reason in making an impartial decision.

(e) The National Board shall in all respects be independent of the Director of Selective Service, except that the Director of Selective Service shall provide for the payment of the compensation and expenses of the members of the National Board, shall furnish that board and its panels necessary personnel, suitable office space, necessary facilities and services. The Director of Selective Service and the chairman of the National Board shall furnish to each other such information, advice, and assistance as will further the attainment of the objectives of the Military Selective Service Act, and promote the effective administration of the Act.

(f) Each member of the National Board shall:

(1) Devote so much time to the affairs of the National Board as its responsibilities may require; and,

(2) Be compensated as provided in paragraph (g) of this section; and,

(3) While on the business of the National Board away from his home or regular place of business, receive actual travel expenses and per diem in lieu of subsistence in accordance with rates established by Federal Travel Regulations.

(g) The compensation of each member of the National Board shall be governed by the following:

(1) The member shall be compensated at an hourly rate for such time as is actually spent by him in the work of the National Board or a panel thereof without limitation as to the number of hours compensable in any one day; and,

(2) The member shall be compensated at an hourly rate for travel time away from his home or regular place of business while enroute to or from any meeting of the National Board, or while otherwise traveling on business of the National Board, but the compensable time for any trip to or from any such meeting or other business, shall be limited to 8 hours; and,

(3) Duties performed on a Saturday, Sunday, or holiday, shall be compensable as if performed or occurrring on any other day of the week; and,

(4) The compensation shall be in accord with the provisions of section 5332 of Title 5, United States Code; and,

(5) The compensable hours per week, Sunday through the following Saturday, shall not exceed 40 hours, and the compensation in any pay period shall not exceed one-twenty-sixth (1/26) of the governing annual rate of compensation.

Region Administration

§ 1605.7 Region Manager.

(a) Subject to the direction and control of the Director of Selective Service, the Region Manager of Selective Service for each region shall be in immediate charge of the Region Headquarters and shall be responsible for carrying out the region functions of the Selective Service System in the various States assigned to the region.

(b) The Region Manager will perform such duties as are prescribed by the Director of Selective Service.

§ 1605.8 Staff of Region Headquarters for Selective Service.

(a) Subject to applicable law, and within the limits of available funds, the staff of each region for Selective Service shall consist of as many officers, either military or civilian, as shall be authorized by the Director of Selective Service.

(b) In accordance with limitations imposed by the Director of Selective Service, the Region Manager is authorized to appoint such civilian personnel as he considers are required in the operation of the Region Headquarters.

State Administration

§ 1605.11 Governor.

The Governor is authorized to recommend a person to be appointed by the President as State Director of Selective Service for his State, who shall represent the Governor in all Selective Service matters.

§ 1605.12 State Director of Selective Service.

(a) The State Director of Selective Service for each State, subject to the direction and control of the Director of Selective Service, shall be in immediate charge of the State Headquarters for Selective Service in his State. The State Headquarters for Selective Service shall be an office of record for Selective Service operations only, and no records other than Selective Service records shall be maintained in such office.

(b) The State Director of Selective Service will perform such duties as are prescribed by the Director of Selective Service.

§ 1605.13 Staff of State Headquarters for Selective Service.

(a) Subject to applicable law and within the limits of available funds, the staff of each State Headquarters for Selective Service shall consist of as many officers, either military or civilian, as shall be authorized by the Director of Selective Service.

(b) In accordance with limitations imposed by the Director of Selective Service, the State Director of Selective Service is authorized to appoint such civilian personnel as he considers are required in the operation of the State Headquarters for Selective Service.

§ 1605.14 State Director of Selective Service for New York City.

The Governor of the State of New York is authorized to recommend a person to be appointed by the President as State Director of Selective Service for New York City, who shall represent the Governor in all Selective Service matters within the City of New York. Subject to the direction and control of the Director of Selective Service, the State Director of Selective Service for New York City shall be in immediate charge of the State Headquarters for Selective Service for New York City and shall perform such duties as are prescribed by the Director of Selective Service. The State Director of Selective Service for the State of New York shall have no jurisdiction in Selective Service matters within the City of New York. The State headquarters of Selective Service for New York City shall be an office of record for Selective Service operations only, and no records other than Selective Service records shall be maintained in such office.

District Appeal Boards

§ 1605.21 Area.

The Director of Selective Service shall establish one or more district appeal boards in each of the Federal Judicial Districts in the several states of the United States, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands. The Director of Selective Service may establish panels of appeal boards.

§ 1605.22 Composition and appointment of district appeal boards.

The Director of Selective Service will prescribe the number of members for the district appeal boards. The President shall appoint members of district appeal boards from among citizens of the United States who are residents of the area for which the respective boards have jurisdiction. The Director of Selective Service shall furnish necessary personnel, suitable office space, facilities and services to support each district appeal board.

§ 1605.23 Designation.

The Director of Selective Service shall assign each district appeal board within a Federal Judicial District a specific identification by which it shall be known. If a district appeal board consists of more than one panel, each panel shall have a specific identifying number. Such numbers shall be assigned in numerical sequence beginning with numeral 1.

§ 1605.24 Jurisdiction.

The district appeal board shall have jurisdiction to review and to affirm or change any local board decision appealed to it when:

(a) An appeal is submitted by a registrant from a local board in its area; or

(b) An appeal is submitted to it from a local board not in the appeal board area by a registrant whose principal place of employment or residence is located within the jurisdiction of the appeal board; or

(c) An appeal is submitted or transferred to it by the Director of Selective Service to assure the fair and equitable administration of the Law.

§ 1605.25 Disqualification.

(a) No member of a district appeal board shall act on the case of a registrant who is the member's first cousin or closer relation, either by blood, marriage, or adoption, or who is the member's employer, employee, or fellow employee, or stands in the relationship of superior or subordinate of the member in connection with any employment, or is a partner or close business associate of the member, or is a fellow member or employee of the board.

(b) A member of a district appeal board must disqualify himself in any matter in which he would be restricted for any reason in making an impartial decision.

(c) Whenever a quorum of the district appeal board or a panel thereof cannot act on the cae of a registrant that it has been assigned, and there is no other panel of the district appeal board to which the case may be transferred, the district appeal board shall transmit such case to the director of Selective Service for transfer to another district appeal board.

§ 1605.26 Organization and meetings.

Each district appeal board, or panel thereof, shall elect a chairman and a vice-chairman at least every two years. A majority of the members of the board when present at any meeting shall constitute a quorum for the transaction of business. A majority of the members present at any meeting at which a quorum is present shall decide any question. Every member, unless disqualified, shall vote on every question or classification. In case of a tie vote on a question or classification, the board shall postpone action until the next meeting. If the question or classification remains unresolved at the next meeting, the file will be transferred for classification in accord with § 1605.25(c). If any member is absent so long as to hamper the work of the board, the chairman, a member of the board or panel concerned, or an area office employee shall report that fact to the Director of Selective Service and such action as appropriate shall be taken. If, through death, resignation, or other causes, the membership of the board falls below the prescribed number of members, the board or panel shall continue to function, provided a quorum of the prescribed membership is present at each official meeting.

§ 1605.27 Minutes of meetings.

A Selective Service compensated employee will keep the minutes of each appeal board meeting. In the absence of a compensated employee the minutes will be kept by an appeal board member.

§ 1605.28 Signing official papers.

Official documents issued and minutes of meetings maintained by a district appeal board may be signed by any member of the board, or by any compensated employee of the Selective Service System authorized to perform administrative duties for the board, except when otherwise prescribed by the Director of Selective Service.

Local Boards

§ 1605.51 Area.

(a) The Director of Selective Service shall divide each State into local board areas and establish local boards. There shall be at least one local board in each county except where the Director of Selective Service establishes an intercounty board. When more than one local board is established within the same geographical jurisdiction, registrants residing in that area will be assigned among the boards as prescribed by the Director of Selective Service. The Director of Selective Service may establish panels of local boards.

(b) There will be created and established foreign local boards which shall consist of three or more members each and shall be located at points designated by the Director. Such local boards shall be local boards of jurisdiction for registrants whose permanent address is not within a state, territory, or possession of the United States.

§ 1605.52 Composition of local boards.

The Director of Selective Service shall prescribe the number of members of local boards.

§ 1605.53 Designation.

The director of Selective Service shall assign each local board within a State a specific identifying number by which it shall be known. Such identifying numbers shall be assigned in numerical sequence beginning with the numeral 1.

§ 1605.54 Jurisdiction.

The local board shall have full authority to perform all acts within its jurisdiction authorized by law, to include the acting on any claim presented to it when:

(a) The claim is submitted by a registrant who is assigned to it; or

(b) The claim is transferred to it from another board in the manner provided in these regulations; or

(c) The claim is submitted or tranferred to it by the Director of Selective Service to assure the fair and equitable administration of the Law.

§ 1605.55 Disqualification.

(a) No member of a local board shall act on the case of a registrant who is the member's first cousin or closer relation, either by blood, marriage, or adoption, or who is the member's employer, employee, or fellow employee, or stands in the relationship of superior or subordinate of the member in connection with any employment, or is a partner or close business associate of the member, or a fellow member or employee of the area office.

(b) A member of the local board must disqualify himself in any matter in which he would be restricted, for any reason, in making an impartial decision.

(c) Whenever a quorum of a local board cannot act on the case of a registrant, the area office supervisor shall cause such case to be transferred to another board within the area office. In those instances where only one board exists in an area office, the case should be transmitted to the nearest area office for transfer to a board under its jurisdiction.

§ 1605.56 Organization and meetings.

Each local board shall elect a chairman and vice-chairman at least every two years. A majority of the membership of the board shall constitute a quorum for the transaction of business. A majority of the members present at any meeting at which a quorum is present shall decide any question or classification. Every member present, unless disqualified, shall vote on every question or classification. In case of a tie vote on any question or classification, the board shall postpone action on the question or classification until it can be decided by a majority vote at the next meeting. If the question or classification remains unresolved at the next meeting, the file will be transferred for classification in accord with § 1605.55(c). If any member is absent so long as to hamper the work of the board, the chairman, a member of the board, or a Selective Service compensated employee shall report that fact to the Director of Selective Service and appropriate action shall be taken. If through death, resignation, or other cause, the membership of a board falls below the prescribed number, it shall continue to function provided a quorum of the prescribed membership is present at each official meeting.

§ 1605.58 Minutes of meetings.

A compensated employee of the appropriate area office will keep the minutes of each meeting of a local board. In the absence of a compensated employee the minutes will be kept by a board member.

§ 1605.59 Signing official papers.

Official papers issued by a local board may be signed by any member of the board or compensated employee of the area office, or any compensated employee of the Selective Service System whose official duties require him to perform administrative duties at the area office except when otherwise prescribed by the Director of Selective Service.

Area Office Administration

§ 1605.60 Area.

(a) The Director of Selective Service shall prescribe the number of area offices to be established and shall define the boundaries thereof.

(b) The area office shall be an office of record and responsible for all administrative and operational support of the one or more local boards within its jurisdiction.

§ 1605.61 Staff of area offices for selective service.

Subject to applicable law and within the limits of available funds, the staff of each area office shall consist of as many compensated employees, either military or civilian, as shall be authorized by the Director of Selective Service.

Interpreters

§ 1605.81 Interpreters.

(a) The local board, district appeal board and the National Selective Service Appeal Board are authorized to use interpreters when necessary.

(b) The following oath shall be administered to an interpreter each time he is used:

Do you swear (or affirm) that you will truly interpret in the matter now in hearing?

(c) Any interpreter who fails to respond in the affirmative shall not be permitted to function in this capacity.

PART 1609—UNCOMPENSATED PERSONNEL

Sec.

1609.1 Uncompensated positions.
1609.2 Citizenship.
1609.3 Eligibility.
1609.4 Oath of Office.
1609.5 Suspension.
1609.6 Removal.
1609.7 Use of information.

Authority: Military Selective Service Act, 50 U.S.C. App. 451 *et seq;* E.O. 11623.

§ 1609.1 Uncompensated positions.

Members of local boards, members of district appeal boards, and all other persons volunteering their services to assist in the administration of the Selective Service Law shall be uncompensated. No person serving without compensation shall accept remuneration from any source for services rendered in connection with Selective Service matters.

§ 1609.2 Citizenship.

No person shall be appointed to any uncompensated position in the Selective Service System who is not a citizen of the United States.

§ 1609.3 Eligibility.

(a) The President, upon the recommendation of the respective Governors, will consider for appointment as a member of a local board, any person who:

(1) Is within the age limits prescribed by the Military Selective Service Act; and

(2) Is a citizen of the United States; and

(3) Is a resident of the county in which the local board has jurisdiction; and

(4) Is not an active or retired member of the Armed Forces or any reserve component thereof; and

(5) Has not served as a member of a Selective Service board for a period of more than 20 years; and

(6) Is able to perform such duties as necessary during standby status; and

(7) Is able to devote sufficient time to board affairs; and

(8) Is willing to fairly and uniformly apply Selective Service Law.

(b) The President, upon the recommendation of the Director of Selective Service, will consider for appointment as a member of a district appeal board any person who:

(1) Is within the age limits prescribed by the Military Selective Service Act; and

(2) Is a citizen of the United States; and

(3) Is a resident of the Federal Judicial District in which the district appeal board has jurisdiction; and

(4) Is not an active or retired member of the Armed Forces or any reserve component thereof; and

(5) Has not served as a member of a Selective Service board for a period of more than 20 years; and

(6) Is able to perform such duties as necessary during standby status; and

(7) Is able to devote sufficient time to the district appeal board affairs; and

(8) Is willing to fairly and uniformly apply Selective Service Law.

§ 1609.4 Oath of office.

Every person who undertakes to render voluntary uncompensated service in the administration of the Selective Service Law shall execute an Oath of Office and Waiver of Pay before he enters upon his duties.

§ 1609.5 Suspension.

The Director of Selective Service may suspend from duty any uncompensated person engaged in the administration of the Selective Service Law pending his consideration of the advisability of removing such person.

§ 1609.6 Removal.

(a) The Director of Selective Service may remove any uncompensated person engaged in the administration of the Selective Service Law.

(b) The Governor may recommend to the Director of Selective Service the removal, for cause, of the State Director or any uncompensated person engaged in the administration of the Selective Service Law in his State. The Director of Selective Service shall make such investigation of the Governor's recommendation as he deems necessary, and upon completion of his investigation, he shall take such action as he deems proper.

§ 1609.7 Use of information.

Any information or records obtained by compensated or uncompensated personnel during the performance of their official duties, including proceedings before the boards, shall be restricted to official use by the personnel of the Selective Service System except as specifically authorized by law.

PART 1618—NOTICE TO REGISTRANTS

Sec.

1618.1 Abandonment of right or privilege.
1618.2 Filing of documents.
1618.3 Listing of advisors to registrants.
1618.4 Transmission of orders and other official papers to registrants.

Authority: Military Selective Service Act, 50 U.S.C. App. 451 *et seq.*; E.O. 11623.

§ 1618.1 Abandonment of rights or privileges.

If a registrant fails to claim and exercise any right or privilege within the required time, he shall be deemed to have abandoned the right or privilege unless the Director of Selective Service, for good cause, waives the time limit.

§ 1618.2 Filing of documents.

A document other than a registration card received by an element of the Selective Service System will be considered to have been filed on the date that it is received: *Provided*, That a document that is received which was transmitted by the United States Postal Service (USPS) and was enclosed in a cover that bears a legible USPS postmark date will be deemed to have been received on that date.

§ 1618.3 Listing of advisors to registrants.

The Director of Selective Service will post in the area office the name, address, and telephone number of any person, upon his request, who desires to advise registrants of their rights under Selective Service Law. Posting of a name is not an endorsement by the Director concerning the competence of the person whose name is posted, nor of the assurance of the accuracy of the information that he or she will furnish. Those persons who have indicated a willingness to provide advice without monetary compensation will be identified. Upon written request, the area office will furnish a copy of the list to any registrant.

§ 1618.4 Transmission of orders and other official papers to registrants.

Personnel of the Selective Service System will transmit orders or other official papers addressed to a registrant by handing them to him personally or mailing them to him to the current mailing address last reported by him in writing to the Selective Service System.

PART 1621—DUTY OF REGISTRANTS

Sec.

1621.1 Reporting by registrants of their current status.
1621.2 Duty to report for and submit to induction.

Authority: Military Selective Service Act, 50 U.S.C. App. 451 *et seq.*; E.O. 11623.

§ 1621.1 Reporting by registrants of their current status.

Until otherwise notified by the Director of Selective Service, it is the duty of every registrant who registered after July 1, 1980:

(a) To keep the System currently informed in writing of the address where mail will reach him until otherwise notified by the Director of Selective Service; and

(b) To notify the System within 10 days of any change in the following items of information that he provided on his registration form: Name, current mailing address and permanent residence address; and

(c) To submit to the classifying authority, information concerning his status within 10 days after the date on which the classifying authority mails him a request therefor, or within such longer period as may be fixed by the classifying authority; and

(d) Who has a postponement of induction, or has been deferred or exempted from training and service, to immediately notify the System of any changes in facts or circumstances relating to the postponement, deferment or exemption.

§ 1621.2 Duty to report for and submit to induction.

When the Director of Selective Service orders a registrant for induction, it shall be the duty of the registrant to report for and submit to induction at the time and place ordered unless the order has been canceled. If the time when the registrant is ordered to report for induction is postponed, it shall be the continuing duty of the registrant to report for and submit to induction at such time and place as he may be reordered. Regardless of the time when or the circumstances under which a registrant fails to report for induction when it is his duty to do so, it shall thereafter be his continuing duty from day to day to report for and submit to induction at the place specified in the order to report for induction.

PART 1624—INDUCTIONS

Sec.

1624.1 Random selection procedures for induction.
1624.2 Issuance of induction orders.
1624.3 Age selection groups.
1624.4 Selection and/or rescheduling of registrants for induction.
1624.5 Order to report for induction.
1624.6 Postponement of induction.
1624.7 Expiration of deferment or exemption.
1624.8 Transfer for induction.
1624.9 Induction into the Armed Forces.
1624.10 Order to report for examination.

Authority: Military Selective Service Act, 50 U.S.C. App. 451 *et seq.*: E.O. 11623.

§ 1624.1 Random selection procedures for induction.

(a) The Director of Selective Service shall from time to time establish a random selection sequence for induction by a drawing to be conducted in the place and on a date the Director shall fix. The random selection method shall use 365 days, or when appropriate, 366 days to represent the birthdays (month and day only) of all registrants who, during the specified calendar year(s) attain their 18th year of birth. The drawing, commencing with the first day selected, and continuing until all 365 days or, when appropriate 366 days are drawn, shall be accomplished impartially. The random sequence number thus determined for any registrant shall apply to him so long as he remains subject to induction for military training and service by random selection.

(b) The date of birth of the registrant that appears on his Selective Service Registration Record on the day before the lottery is conducted to establish his random selection sequence will be conclusive as to his date of birth in all matters pertaining to his relations with the Selective Service System.

§ 1624.2 Issuance of induction orders.

The Director of Selective Service, upon receipt of a call from the Secretary of Defense for persons to be inducted into the Armed Forces in accord with § 1624.4, shall issue orders to report for induction to registrants whose registration records are in the master computer file at the beginning of any day on which orders are issued. Orders shall be issued in such numbers and at such times as will assure that such call or requisition is filled. The names contained in the Selective Service System data base on a given day will constitute the valid list of registrants from which induction orders can be issued on that day.

§ 1624.3 Age selection groups.

Age selection groups are established as follows:

(a) The age 20 selection group for each calendar year consists of registrants who have attained or will attain the age of 20 in that year.

(b) The age 21 selection group for each calendar year consists of registrants who have attained or will attain the age of 21 in that year and, in like manner, each age selection group will be so designated through age group 25.

(c) The age 26 through 34 selection groups consist of registrants who meet the following three criteria:

(1) They have attained or will attain the age of 26 through 34, respectively, during the calendar year; *and*

(2) They have been previously ordered to report for induction but have not been inducted; *and*

(3) They have been classified in one of the following classes:

(i) Class 1–D–D.

(ii) Class 2–D.

(iii) Class 3–A.

(iv) Class 4–B.

(v) Class 4–F.

(d) The age 19 selection group for each calendar year consists of registrants who have attained the age of 19 in that year.

(e) The age 18 selection group shall consist of registrants who have attained the age of 18 years and six months and who have not attained the age of 19 years in the order of their dates of birth with the oldest being selected first.

§ 1624.4 Selection and/or rescheduling of registrants for induction.

A registrant in Class 1–A or a registrant subsequently classified 1–A–0 shall be selected and ordered or rescheduled to report for induction in the following categories and in the order indicated: *Provided,* That a registrant who has been identified in accord with the procedures prescribed by the Director of Selective Service as one who will become a member of one of the following categories on the next January 1, may, prior to January 1, be selected and ordered to report for induction on a date after January 1 as a member of such category.

(a) Volunteers for induction in the order in which they volunteered.

(b) Registrants whose postponements have expired.

(c) Registrants in the age 20 selection group for the current calendar year who previously have been ordered to report for induction and whose exemptions or deferments have expired, in the order of their random sequence number (RSN) established by random selection procedures in accord with § 1624.1.

(d) Registrants in the age 20 selection group for the current calendar year in the order of their random sequence number (RSN) established by random selection procedures in accord with § 1624.1.

(e) Registrants in each succeeding age selection group commencing with age 21 selection group and terminating with the age 34 selection group, in turn, within the group, in the order of their random sequence number (RSN) established by random selection procedures in accord with § 1624.1.

(f) Registrants in the age 19 selection group for the current calendar year in the order of their random sequence number (RSN) established by random selection procedures in accord with § 1624.1.

(g) Registrants in the age 18 year and six months selection group and who have not attained the age of 19 in the order of their date of birth with the oldest being selected first.

§ 1624.5 Order to report for induction.

(a) Immediately upon determining which persons are to be ordered for induction, the Director of Selective Service shall issue to each person selected an Order to Report for Induction. The order will be sent to the current address most recently provided by the registrant to the Selective Service System. The date specified to report for induction shall be at least 10 days after the date on which the Order to Report for Induction is issued unless the registrant has volunteered for induction.

(b) Any person who has been ordered for induction who is distant from the address to which the order was sent must either report at the time and place specified in the order, or voluntarily submit himself for induction processing at another MEPS on or before the day that he was required to report in accordance with his induction order.

(c) The Director of Selective Service may direct the cancellation of any Order to Report for Induction at any time.

(d) Any Order to Report for Induction issued by the Director of Selective Service to a registrant who is an alien, who has not resided in the United States for one year will be void. Such order will be deemed only to be an order to produce evidence of his status. When an alien registrant has been within the United States for two or more periods (including periods before his registration) and the total of such periods equals one year, he shall be deemed to have resided in the United States for one year. In computing the length of such periods, any portion of one day shall be counted as a day. Upon establishing a one year residency, the alien registrant will be assigned to the age selection group corresponding to his age.

§ 1624.6 Postponement of induction.

(a) The filing of a claim in accord with § 1633.2 of this chapter postpones the date the registrant is required to report for induction unitl not earlier than the tenth day after the claim is finally determined in accord with the provisions of this chapter. A claim is finally determined when the registrant does not have a right to appeal the last classification action with respect to that

claim or he fails to exercise his right to appeal.

(b) In the case of the death of a member of the registrant's immediate family, extreme emergency involving a member of the registrant's immediate family, serious illness of the registrant, or other emergency beyond the registrant's control, the Director of Selective Service, after the Order to Report for Induction has been issued, may postpone for a specific time the date when such registrant shall be required to report. The period of postponement shall not exceed 60 days from the date of the induction order. When necessary the Director of Selective Service may grant one further postponement, but the total postponement shall not exceed 90 days from the reporting date on the induction order.

(c)(1) Any registrant who is satisfactorily pursuing a full-time course of instruction at a high school or similar institution of learning and is issued an order to report for induction shall, upon presentation of appropriate facts in the manner prescribed by the Director of Selective Service, have his induction postponed:

(i) Until the time of his graduation therefrom; or

(ii) Until he attains the twentieth anniversary of his birth; or

(iii) Until the end of his last academic year, even if he has attained the twentieth anniversary of his birth; or

(iv) Until he ceases satisfactorily to pursue such course of instruction, whichever is the earliest.

(2) Any registrant who, while satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution of learning, is ordered to report for induction shall, upon the presentation of appropriate facts in the manner prescribed by the Director of Selective Service, have his induction postponed:

(i) Until the end of the semester or term, or in the case of his last academic year, the end of the academic year; or

(ii) Until he ceases to satisfactorily pursue such course of instruction, whichever is the earlier.

(3) A postponement authorized by this subsection may be terminated by the Director of Selective Service for cause upon no less than 10 days notice to the registrant.

(d) The Director of Selective Service may authorize a delay of induction for any registrant whose date of induction conflicts with a religious holiday historically observed by a recognized church, religious sect or religious organization of which he is a member. Any registrant so delayed shall report for induction on the next business day following the religious holiday.

(e) A postponement to expire not more than 90 days from the date the registrant files his claim for Class 3–A will be granted if a board determines that the hardship to the registrant's dependents would not likely continue beyond that period of time. The reasons for the action taken in accord with the immediately preceding sentence will be recorded in the registrant's file and a copy thereof will be furnished the registrant.

(f) The Director of Selective Service may authorize a postponement of induction to a registrant when:

(1) The registrant qualifies and is scheduled for a State or National examination in a profession or occupation which requires certification before being authorized to engage in the practice of that profession or occupation; or

(2) The registrant has been accepted in the next succeeding class as a cadet at the U.S. Military Academy, or the U.S. Air Force Academy, or the U.S. Coast Guard Academy; or as a midshipman at the U.S. Naval Academy, or the U.S. Merchant Marine Academy; or

(3) The registrant is a ROTC applicant who has been designated to participate in the next succeeding ROTC field training program prior to enrollment in the ROTC; or

(4) The registrant has been accepted as a ROTC scholarship student in the next succeeding ROTC program at a college or university.

(g) The Director of Selective Service shall issue to each registrant whose induction is postponed a written notice thereof.

(h) No registrant whose induction has been postponed shall be inducted into the Armed Forces during the period of any such postponement. A postponement of induction shall not render invalid the Order to Report for Induction which has been issued to the registrant, but shall operate only to postpone the reporting date, and the registrant shall report on the new date scheduled without having issued to him a new Order to Report for Induction.

(i) Any registrant receiving a postponement under the provisions of this section, shall, after the expiration of such postponement, be rescheduled to report for induction at the place to which he was originally ordered.

§ 1624.7 Expiration of deferment or exemption.

The Director of Selective Service shall issue an Order to Report for Induction to a registrant whenever his deferment or exemption expires: *Provided,* That no registrant will be issued an Order to Report for Induction whose age group is not currently being inducted.

§ 1624.8 Transfer for induction.

The Director of Selective Service may direct that a registrant or registrants in a specified group of registrants be transferred for induction to such MEPS as he may designate.

§ 1624.9 Induction into the Armed Forces.

Registrants in classes 1–A and 1–A–0, who have been ordered for induction and found qualified under standards prescribed by the Secretary of Defense, will be inducted at the MEPS into the Armed Forces.

§ 1624.10 Order to report for examination.

The Director of Selective Service may order any registrant who has filed a claim for classification in a class other than Class 1–A or whose induction has been postponed, to report for an Armed Forces examination to determine his acceptability for military service; such registrant will not be inducted until his claim for reclassification has been decided. The date specified to report for examination shall be at least 10 days after the date on which the Order to Report for Examination is issued.

PART 1627—VOLUNTEERS FOR INDUCTION

Sec.

1627.1 Who may volunteer.
1627.2 Registration of volunteers.
1627.3 Classification of volunteers.

Authority: Military Selective Service Act, 50 U.S.C. App 451 *et seq.*: E.O. 11623.

§ 1627.1 Who may volunteer.

Any registrant who has attained the age of 17 years, who has not attained the age of 26 years, and who has not completed his active duty obligation under the Military Selective Service Act, when inductions are authorized, may volunteer for induction into the Armed Forces unless he;

(a) Is classified in Class 4–F or is eligible for Class 4–F; or

(b) Has been found temporarily unacceptable with reexamination believed justified (RBJ) and the period of time specified for his return for examination has not been terminated and the basis for his temporary rejection continues to exist; or

(c) Is an alien who has not resided in the United States for a period of at least one year; or

(d) Has not attained the age of 18 years and does not have the consent of his parent or guardian for his induction.

§ 1627.2 Registration of volunteers.

(a) If a person who is required to be registered but who has failed to register volunteers for induction, he shall be registered.

(b) In registering a volunteer, the area office shall follow the procedure set forth in § 1615.3 of this chapter.

§ 1627.3 Classification of volunteers.

When a registrant who is eligible to volunteer files an Application for Voluntary Induction, he shall be classified in Class 1–A and processed for induction.

PART 1630—CLASSIFICATION RULES

Sec.

1630.2 Classes.
1630.10 Class 1–A: Available for unrestricted military service.
1630.11 Class 1–A–0: Conscientious objector available for noncombatant military service only.
1630.12 Class 1–C: Member of the Armed Forces of the United States, the National Oceanic and Atmospheric Administration or the Public Health Service.
1630.13 Class 1–D–D: Deferment for certain members of a reserve component or student taking military training.
1630.14 Class 1–D–E: Exemption of certain members of a reserve component or student taking military training.
1630.15 Class 1–H: Registrant not subject to processing for induction.
1630.17 Class 1–O: Conscientious objector available for alternative service.
1630.18 Class 1–W: Conscientious objector performing alternative service in lieu of induction.
1630.26 Class 2–D: Registrant deferred because of study preparing for the ministry.
1630.30 Class 3–A: Registrant deferred because of hardship to others.
1630.40 Class 4–A: Registrant who has completed military service.
1630.41 Class 4–B: Official deferred by law.
1630.42 Class 4–C: Alien or dual national.
1630.43 Class 4–D: Minister of religion.
1630.44 Class 4–F: Registrant not qualified for military service.
1630.45 Class 4–G: Registrant exempted from service because of the death of his father or sibling while serving in the Armed Forces or whose father or sibling is in a Captured or Missing in Action status.
1630.46 Class 4–T: Treaty alien.
1630.47 Class 4–W: Registrant who has completed alternative service in lieu of induction.

Authority: Military Selective Service Act, 50 U.S.C. App. 451 *et seq.*, E.O. 11623.

§ 1630.2 Classes.

Each registrant shall be classified in one of the classes prescribed in this part.

§ 1630.10 Class 1–A: Available for unrestricted military service.

(a) All registrants available for unrestricted military service shall be in Class 1–A.

(b) All registrants in the selection groups as determined by the Director of Selective Service are available for unrestricted Military Service, except those determined by a classifying authority to be eligible for exemption or deferment from military service or for noncombatant or alternative service, or who have random sequence numbers (RSNs) determined by the Director not to be required to fill calls by the Secretary of Defense.

§ 1630.11 Class 1–A–0: Conscientious objector available for noncombatant military service only.

In accord with Part 1636 of this chapter any registrant shall be palced in Class 1–A–0 who has been found, by reason of religious, ethical, or moral belief, to be conscientiously opposed to participation in combatant military tranining and service in the Armed Forces.

§ 1630.12 Class 1–C: Member of the Armed Forces of the United States, the National Oceanic and Atmospheric Administration or the Public Health Service.

In Class 1–C shall be placed:

(a) Every registrant who is or who becomes by enlistment or appointment, a commissioned officer, a warrant officer, a pay clerk, an enlisted man or an aviation cadet of the Regular Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, the National Oceanic and Atmospheric Administration or the Public Health Service.

(b) Every registrant who is a cadet, United States Military Academy; or midshipman, United States Naval Academy; or a cadet, United States Air Force Academy; or cadet, United States Coast Guard Academy.

(c) Every registrant who by induction becomes a member of the Army of the United States, the United States Navy, the United States Marine Corps, the Air Force of the United States, or the United States Coast Guard.

(d) Exclusive of periods for training only, every registrant who is a member of a reserve component of the Armed Forces and is on active duty, and every member of the reserve of the Public Health Service on active duty and assigned to staff the various offices and bureaus of the Public Health Service including the National Institutes of Health, or assigned to the Coast Guard, the Bureau of Prisons of the Department of Justice, Environmental Protection Agency, or the National Oceanic and Atmospheric Administration or who are assigned to assist Indian tribes, groups, bands, or communities pursuant to the Act of August 5, 1954 (68 Stat. 674), as amended.

§ 1630.13 Class 1–D–D: Deferment for certain members of a reserve component or student taking military training.

(a) In Class 1–D–D shall be placed any registrant who:

(1) Has been selected for enrollment or continuance in the Senior (entire college level) Reserve Officer's Training Corps, or the Air Reserve Officer's Training Corps, or the Naval Reserve Officer's Training Corps, or the Naval and Marine Corps officer candidate program of the Navy, or the platoon leader's class of the Marine Corps, or the officer procurement programs of the Coast Guard and the Coast Guard Reserve, or is appointed an ensign, U.S. Naval Reserve, while undergoing professional training;

(2) Has agreed in writing to accept a commission, if tendered, and to serve subject to order of the Secretary of the military department having jurisdiction over him (or the Secretary of Transportation with respect to the U.S. Coast Guard), not less than 2 years on active duty after receipt of a commission; and

(3) Has agreed to remain a member of a regular or reserve component until the sixth anniversary of his receipt of a commission. Such registrant shall remain eligible for Class 1–D–D until completion or termination of the course of instruction and so long thereafter as he continues in a reserve status upon being commissioned except during any period he is eligible for Class 1–C under the provisions of § 1630.12.

(b) Is a fully qualified and accepted aviation cadet applicant of the Army, Navy, or Air Force, who has signed an agreement of service and is within such numbers as have been designated by the Secretary of Defense. Such registrant shall be retained in Class 1–D–D during the period covered by such agreement but in no case in excess of four months.

(c) Is other than a registrant referred to in paragraph (a) or (d) of this section; who:

(1) Prior to the issuance of orders for him to report for induction; or

(2) Prior to the date scheduled for his induction and pursuant to a proclamation by the Governor of a State to the effect that the authorized strength of any unit of the National Guard of that State cannot be maintained by the enlistment or appointment of persons who have not been issued orders to report for induction; or

(3) Prior to the date scheduled for his induction and pursuant to a determination by the President that the strength of the Ready Reserve of the Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, or Coast Guard Reserve cannot be maintained by the enlistment or appointment of persons who have not been issued orders to report for induction;

enlists or accepts an appointment before attaining the age of 26 years, in the Ready Reserve of any Reserve component of the Armed Forces, the Army National Guard, or the Air National Guard. Such registrant shall remain eligible for Class 1–D–D so long as he serves satisfactorily as a member of an organized unit of such Ready Reserve or National Guard, or satisfactorily performs such other Ready Reserve service as may be prescribed by the Secretary of Defense, or serves satisfactorily as a member of the Ready Reserve of another reserve component, the Army National Guard, or the Air National Guard, as the case may be.

(d) Who at any time has enlisted in the Army Reserve, the Naval Reserve, the Marine Corps Reserve, the Air Force Reserve, or the Coast Guard Reserve and who thereafter has been commissioned therein upon graduation from an Officer's Candidate School of such Armed Force and has not been ordered to active duty as a commissioned officer. Such registrant shall remain eligible for Class 1–D–D so long as he performs satisfactory service as a commissioned officer in an appropriate unit of the Ready Reserve, as determined under regulations prescribed by the Secretary of the department concerned.

(e) In Class 1–D–D shall be placed any registrant who is serving satisfactorily as a member of a reserve component of the Armed Forces and is not eligible for Class 1–D–D under the provisions of any other paragraph of this section: *Provided,* That, for the purpose of this paragraph, a member of a reserve component who is in the Standby Reserve or the Retired Reserve shall be deemed to be serving satisfactorily unless the Armed Force of which he is a member informs the Selective Service System that he is not serving satisfactorily.

§ 1630.14 Class 1–D–E: Exemption of certain members of a reserve component or student taking military training.

In Class 1–D–E shall be placed any registrant who:

(a) Is a student enrolled in an officer procurement program at a military college the curriculum of which is approved by the Secretary of Defense; or

(b) Has been enlisted in the Delayed Entry Program (DEP) at least ten days prior to his scheduled induction date; or

(c) Has been transferred to a reserve component of the Army, Navy, Air Force, Marine Corps or Coast Guard after a period of extended active duty, which was not for training only.

§ 1630.15 Class 1–H: Registrant not subject to processing for induction.

In Class 1–H shall be placed any registrant who is not eligible for Class 1–A and is not currently subject to processing for induction.

§ 1630.17 Class 1–O: Conscientious objector available for alternative service.

In accord with Part 1636 of this chapter any registrant shall be placed in Class 1–O who:

(a) Has been found, by reason of religious, ethical, or moral belief to be conscientiously opposed to participation in war in any form and to be conscientiously opposed to participation in both combatant and noncombatant training and service in the Armed Forces; or

(b) Has been separated from the Armed Forces (including their reserve components) by reason of conscientious objection to participation in both combatant and noncombatant training and service in the Armed Forces. A registrant under these circumstances will be so classified unless his period of service qualifies him for Class 4–A. If the registrant does not qualify for Class 4–A, he will be required to serve the remainder of his obligation under MSSA in civilian service. The registrant is not required to personally appear before the board in order to be classified 1–O.

§ 1630.18 Class 1–W: Conscientious objector performing alternative service in lieu of induction.

In Class 1–W shall be placed any registrant who has entered upon and is performing alternative service contributing to the maintenance of the national health, safety, or interest.

§ 1630.26 Class 2–D: Registrant deferred because of study preparing for the ministry.

In accord with Part 1639 of this chapter any registrant shall be placed in Class 2–D who has requested such deferment and:

(a) Who is preparing for the ministry under the direction of a recognized church or religious organization; and

(b) Who is satisfactorily pursuing a full-time course of instruction required for entrance into a recognized theological or divinity school in which he has been pre-enrolled; or

(c) Who is satisfactorily pursuing a full-time course of instruction in or at the direction of a recognized theological or divinity school; or

(d) Who having completed theological or divinity school is a student in a full-time graduate program or is a full-time intern. The registrant's studies must be related to and lead to entry into service as a regular or duly ordained minister of religion, and satisfactory progress in these studies as required by the school in which the registrant is enrolled must be maintained for continued eligibility for the deferment.

§ 1630.30 Class 3–A: Registrant deferred because of hardship to others.

(a) In accord with Part 1642 of this chapter any registrant shall be placed in Class 3–A:

(1) Whose induction would result in extreme hardship to his wife when she alone is dependent upon him for support; or

(2) Whose deferment is advisable because his child(ren), parent(s), grandparent(s), brother(s), or sister(s) is dependent upon him for support; or

(3) Whose deferment is advisable because his wife and his child(ren), parent(s), grandparent(s), brother(s), or sister(s) are dependent upon him for support; or

(4) Who has been separated from active military service by reason of dependency or hardship and the hardship condition still exists.

(b) The classification of each registrant in Class 3–A will not be granted for a period less than 91 days or longer than 365 days from the date he was last classified in Class 3–A. At expiration of the classification in Class 3–A, eligibility for deferment must be reestablished.

§ 1630.40 Class 4–A: Registrant who has completed military service.

(a) In Class 4–A shall be placed any registrant other than a registrant eligible for classification in Class 1–C or 1–D–D who is within any of the following categories:

(1) A registrant who was discharged or transferred to a reserve component of the Armed Forces for the convenience of the Government after having served honorably on active duty for a period of not less than six months in the Army, the Navy, the Air Force, the Marine Corps, or the Coast Guard; or

(2) A registrant who has served honorably on active duty for a period of not less than one year in the Army, the

Navy, the Air Force, the Marine Corps, or the Coast Guard; or

(3) A registrant who has served on active duty for a period of not less than twenty-four months as a commissioned officer in the National Oceanic and Atmospheric Administration or the Public Health Service, provided that such period of active duty in the Public Health Service as a commissioned Reserve Officer shall have been performed by the registrant while assigned to staff any of the various offices and bureaus of the Public Health Service including the National Institutes of Health, or while assigned to the Coast Guard, or the Bureau of Prisons of the Department of Justice, Environmental Protection Agency, or the National Oceanic and Atmospheric Administration, or who are assigned to assist Indian tribes, groups, bands or communities pursuant to the Act of August 5, 1954 (68 Stat. 674), as amended;

(4) A registrant who, while an alien, has served on active duty for a period of not less than 12 months in the armed forces of a nation determined by the Department of State to be a nation with which the United States is associated in mutual defense activities and which grants exemptions from training and service in its armed forces to citizens of the United States who have served on active duty in the Armed Forces of the United States for a period of not less than 12 months; *Provided*: That all information which is submitted to the Selective Service System concerning the registrant's service in the armed forces of a foreign nation shall be written in the English language; or

(5) A registrant who has completed six years of satisfactory service as a member of one or more of the Armed Forces including the Reserve components thereof.

(b) For the purpose of computation of periods of active duty referred to in paragraphs (a) (1), (2), or (3) of this section, no credit shall be allowed for:

(1) Periods of active duty training performed as a member of a reserve component pursuant to an order or call to active duty solely for training purposes; or

(2) Periods of active duty in which the service consisted solely of training under the Army specialized training program, the Army Air Force college training program, or any similar program under the jurisdiction of the Navy, Marine Corps, or Coast Guard; or

(3) Periods of active duty as a cadet at the United States Military Academy, United States Air Force Academy, or United States Coast Guard Academy, or as a midshipman at the United States Naval Academy, or in a preparatory school after nomination as a principal, alternate, or candidate for admission to any such academies; or

(4) Periods of active duty in any of the Armed Forces while being processed for entry into or separation from any educational program or institute referred to in paragraphs (b) (2) or (3) of this section; or

(5) Periods of active duty of members of the Reserve of the Public Health Service other than when assigned to staff any of the various offices and bureaus of the Public Health Service, including the National Institute of Health, or the Coast Guard or the Bureau of Prisons of the Department of Justice, Environmental Protection Agency, or the Environmental Science Services Administration, or who are assigned to assist Indian tribes, groups, bands, communities pursuant to the Act of August 5, 1954 (68 Stat. 674), as amended.

§ 1630.41 Class 4–B: Official deferred by law.

In Class 4–B shall be placed any registrant who is the Vice President of the United States, a governor of a State, Territory or possession, or any other official chosen by the voters of the entire State, Territory or Possession; a member of a legislative body of the United States or of a State, Territory or Possession; a judge of a court of record of the United States or of a State, Territory or Possession, or the District of Columbia.

§ 1630.42 Class 4–C: Alien or dual national.

In Class 4–C shall be placed any registrant who:

(a) Establishes that he is a national of the United States and of a country with which the United States has a treaty or agreement that provides that such person is exempt from liability for military service in the United States.

(b) Is an alien and who has departed from the United States prior to being issued an order to report for induction or alternative service that has not been canceled. If any registrant who is classified in Class 4–C pursuant to this paragraph returns to the United States he shall be classified anew.

(c) Is an alien and who has registered at a time when he was required by the Selective Service Law to present himself for and submit to registration and thereafter has acquired status within one of the groups of persons exempt from registration.

(d) Is an alien lawfully admitted for permanent residence as defined in paragraph (2) of section 101(a) of the Immigration and Nationality Act, as amended (66 Stat. 163, 8 U.S.C. 1101), and who by reason of occupational status is subject to adjustment to nonimmigrant status under paragraph (15)(A), (15)(E), or (15)(G) or section 101(a) but who executes a waiver in accordance with section 247(b) of that Act of all rights, privileges, exemptions, and immunities which would otherwise accrue to him as a result of that occupational status. A registrant placed in Class 4–C under the authority of this paragraph shall be retained in Class 4–C only for so long as such occupational status continues.

(e) Is an alien and who has not resided in the United States for one year, including any period of time before his registration. When such a registrant has been within the United States for two or more periods and the total of such period equals one year, he shall be deemed to have resided in the United States for one year. In computing the length of such periods, any portion of one day shall be counted as a day.

§ 1630.43 Class 4–D: Minister of religion.

In accord with Part 1645 of this chapter any registrant shall be placed in Class 4–D who is a:

(a) Duly ordained minister of religion; or

(b) Regular minister of religion.

§ 1630.44 Class 4–F: Registrant not qualified for military service.

In Class 4–F shall be placed any registrant who:

(a) Is found by a Military Entrance Processing Station (MEPS), under applicable physical, mental or administrative standards, to be not qualified for service in the Armed Forces; except that no such registrant whose further examination or re-examination is determined by MEPS to be justified shall be placed in Class 4–F until such further examination has been accomplished and such registrant continues to be found not qualified for military service; or

(b) Who fails to meet the qualification standards set by the Secretary of Defense.

§ 1630.45 Class 4–G: Registrant exempted from service because of the death of his father or sibling while serving in the armed forces or whose father or sibling is in a captured or missing in action status.

In Class 4–G shall be placed any registrant who, except during a period of war or national emergency declared by Congress, is:

(a) A surviving son or brother:

(1) Whose father or sibling of the whole blood was killed in action or died in the line of duty while serving in the

Armed Forces of the United States after December 31, 1959, or died subsequent to such date as a result of injuries received or disease incurred in the line of duty during such service; or

(2) Whose father or sibling of the whole blood is in a captured or missing status as a result of such service in the Armed Forces during any period of time; or

(b) The sole surviving son of a family in which the father or one or more siblings were killed in action before January 1, 1960 while serving in the Armed Forces of the United States, or died after that date due to injuries received or disease incurred in the line of duty during such service before Janaury 1, 1960.

§ 1630.46 Class 4–T: Treaty alien.

In Class 4–T shall be placed any registrant who is an alien who established that he is exempt from military service under the terms of a treaty or international agreement between the United States and the country of which he is a national, and who has made application to be exempted from liability for training and service in the Armed Forces of the United States.

§ 1630.47 Class 4–W: Registrant who has completed alternative service in lieu of induction.

In Class 4–W shall be placed any registrant who subsequent to being ordered to perform alternative service in lieu of induction has been released from such service after satisfactorily performing the work for a period of 24 months, or has been granted an early release by the Director of Selective Service after completing at least 6 months of satisfactory service.

PART 1633—ADMINISTRATION OF CLASSIFICATION

Sec.

1633.1 Classifying Authority.
1633.2 Claim for other than Class 1–A.
1633.3 Submission of claims.
1633.4 Information relating to claims for deferment or exemption.
1633.5 Securing information from government agencies.
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1633.11 Assignment of registrant to a local board.
1633.12 Reconsideration of classification.

Authority: Military Selective Service Act, 50 U.S.C. App. 451 *et seq.;* E.O. 11623.

§ 1633.1 Classifying authority.

The following officials are authorized to classify registrants into the indicated classes established by Part 1630 of this chapter:

(a) The Director of Selective Service may in accord with the provisions of this chapter classify a registrant into any class for which he is eligible except Classes 1–A–0, 1–0, 2–D, 3–A, and 4–D: *Provided,* That, the Director may not reclassify a registrant other than a volunteer for induction, into Class 1–A out of another class prior to the expiration of the registrant's entitlement to such classification. The Director may, before issuing an induction order to a registrant, appropriately classify him if the Secretary of Defense has certified him to be a member of an armed force or reserve component thereof.

(b) The National Selective Service Appeal Board may in accord with Part 1653 of this chapter classify a registrant into any class for which he is eligible.

(c) A district appeal board may in accord with Part 1651 of this chapter classify a registrant into any class for which he is eligible.

(d) A local board may in accord with part 1648 of this chapter classify a registrant into Class 1–A–0, 1–0, 2–D, 3–A, or 4–D for which he is eligible.

(e) A local board may also classify a registrant into Class 1–C, 1–D–D, 1–D–E, 1–W, 4–A, 4–B, 4–C, 4–F, 4–G, 4–T or 4–W for which he is eligible upon request by the registrant for a review of a classification denial action under § 1633.1(f). No individual or class of individuals shall be classified into Class 4–F unless the Secretary of Defense has determined that he is unacceptable for military service.

(f) Compensated employees of an area office may in accord with § 1633.2 classify a registrant into Class 1–C, 1–D–D, 1–D–E, 1–W, 4–A, 4–B, 4–C, 4–F, 4–G, 4–T or 4–W for which he is eligible. No individual or class of individuals shall be classified into class 4–F unless the Secretary of Defense has determined that he is unacceptable for military service.

§ 1633.2 Claim for other than Class 1–A.

(a) A "claim" is a request for postponement of induction or classification into a class other than 1–A. The three types of claims are:

(1) Claim for postponement;

(2) Claim for administrative classification; and

(3) Claim for judgmental classification.

Administrative classifications are as specified in § 1633.1(f). Judgmental classifications are as specified in part 1648 of this chapter.

(b) The initial determination of claims for all postponements and administrative classifications are made by area office compensated personnel. After a denial of a claim for a student postponement or claim for an administrative classification the registrant may request the local board to consider the claim.

(c) The initial determination of a judgmental classification is made by a local board.

(d) A registrant may request and be granted a personal appearance whenever a local or appeal board considers his claim for reclassification. Personal appearances will be held in accord with Parts 1648, 1651 and 1653 of this chapter.

(e) A registrant who has filed a claim for classification in Class 1–A–0 or Class 1–0 shall be scheduled for a personal appearance in accord with § 1648.4 before his claim is considered.

(f) If granted, the effect of a postponement is to delay the reporting date for induction specified on the original order. When a postponement expires, a registrant will be rescheduled and given a new reporting date under the original order.

(g) If granted, a deferment or exemption supersedes the original order to report for induction. When a deferment or exemption expires or ends, the registrant will be placed in the appropriate RSN order within the age selection group corresponding to his year of birth. If called again, a new order to report for induction will be issued.

(h) Any registrant who has received an order to report for induction may, prior to the day he is scheduled to report, submit to the Selective Service System a claim that he is eligible to be classified into any class other than Class 1–A. The registrant may assert a claim that he is eligible for more than one class other than Class 1–A. The registrant cannot subsequently file a claim with respect to a class for which he was eligible prior to the day he was originally scheduled to report. Information and documentation in support of claims for reclassification and postponement of induction shall be filed in accordance with instructions from the Selective Service System.

(i) Any registrant who has received an order to report for induction may, at any time before his induction, submit a claim that he is eligible to be classified into any class other than Class 1–A based upon events that occurred on or after the day he is scheduled to report for induction, and over which he has no control.

§ 1633.3 Submission of claims.

Except as otherwise expressly provided by the Director, no document relating to any registrant's claims or potential claims will be retained by the Selective Service System and no file relating to a registrant's possible classification status will be established prior to that registrant being ordered to report for induction.

§ 1633.4 Information relating to claims for deferment or exemption.

The registrant shall be entitled to present all relevant written information which he believes to be necessary to assist the classifying authority in determining his proper classification; such information may include documents, affidavits, and depositions. The affidavits and depositions shall be as concise and brief as possible.

§ 1633.5 Securing information.

The classifying authority is authorized to request and receive information whenever such information will assist in determining the proper classification of a registrant.

§ 1633.6 Consideration of classes.

Claims of a registrant will be considered in the reverse order of the listing of the classes below. When grounds are established to place a registrant in one or more of the classes listed in the following table, the registrant shall be classified in the lowest class for which he is determined to be eligible, with Class 1–A–0 considered the highest class and Class 1–H considered the lowest class, according to the following table:

Class 1–A–0: Conscientious Objector Available for Noncombatant Military Service Only.
Class 1–O: Conscientious Objector Available for Alternative Service.
Class 2–D: Registrant Deferred Because of Study Preparing for the Ministry.
Class 3–A: Registrant Deferred Because of Hardship of Others.
Class 4–D: Minister of Religion.
Class 1–D–D: Deferment for Certain Members of a Reserve Component or Student taking Military Training.
Class 4–B: Official Deferred by Law.
Class 4–C: Alien or Dual National.
Class 4–G: Registrant Exempted From Service Because of the Death of his Father or Sibling While Serving in the Armed Forces or Whose Father or Sibling is in a Captured on Missing in Action status.
Class 4–A: Registrant Who has Completed Military Service.
Class 4–W: Registrant Who has Completed Alternative Service in Lieu of Induction.
Class 1–D–E: Exemption of Certain Members of a Reserve Component or Student taking Military Training.
Class 1–C: Member of the Armed Forces of the United States, the National Oceanic and Atmospheric Administration, or the Public Health Service.
Class 1–W: Conscientious Objector Performing Alternative Service in Lieu of Induction.
Class 4–T: Treaty Alien.
Class 4–F: Registrant not Qualified for Military Service.
Class 1–H: Registrant not Subject to Processing for Induction.

§ 1633.7 General principles of classification.

(a) Each classified registrant in a selection group is available for unrestricted military service until his eligibility for noncombatant service, alternative service, or deferment or exemption from service has been determined by a classifying authority.

(b) The classifying authority in considering a registrant's claim for eligibility for noncombatant or alternative service, or for deferment or exemption from military service, shall not discriminate for or against him because of his membership or activity in any labor, political, religious, or other organization.

(c) Any registrant whose deferment or exemption expires or is terminated will be reclassified 1–H and not subject to induction until such time as he is again ordered for induction in the proper age selection group.

§ 1633.8 Basis of classification.

The registrant's classification shall be determined on the basis of the official forms of the Selective Service System and other written information in his file, oral statements, if made by the registrant at his personal appearance before the board, and oral statements, if made by the registrant's witnesses at his personal appearance. Any information in any written summary of the oral information presented at a registrant's personal appearance that was prepared by an official of the Selective Service System or by the registrant will be placed in the registrant's file. The file shall be subject to review by the registrant during normal business hours.

§ 1633.9 Explanation of classification action.

Whenever a classifying authority denies the request of a registrant for classification into a particular class or classifies a registrant in a class other than that which he requested, it shall record the reasons therefor in the registrant's file.

§ 1633.10 Notification to registrant of classification action.

The Director of Selective Service will notify the registrant of any classification action except that taken pursuant to § 1633.7(c).

§ 1633.11 Assignment of registrant to a local board.

The Director of Selective Service shall assign a registrant to a local board that has jurisdiction over the registrant's permanent address that he last furnished the Selective Service System prior to the issuance of his induction order. The local board to which the registrant was assigned will remain his local board unless his board assignment is changed. A request to transfer from an assigned local board to another board must be made at the time a claim is filed. It will be granted if the change results in assigning the registrant to a local board closer to where he is living. A registrant will be permitted only one transfer during the processing of a claim unless authorized by the Director.

§ 1633.12 Reconsideration of classification.

No classification is permanent. The Director of Selective Service may order the reconsideration of any classification action when the facts, upon which the classification is based, change or when he finds that the registrant made a misrepresentation of any material fact related to his claim for classification. No action may be taken under the preceding sentence of this paragraph unless the registrant is notified in writing of the impending action and the reasons thereof, and is given an opportunity to respond in writing within 10 days of the mailing of the notice. If the Director orders a reconsideration of a classification in accord with this paragraph, the claim will be treated in all respects as if it were the original claim for that classification.

PART 1636—CLASSIFICATION OF CONSCIENTIOUS OBJECTORS

Sec.
1636.1 Purpose; definitions.
1636.2 The claim of conscientious objection.
1636.3 Basis for classification in Class 1–A–0
1636.4 Basis for classification in Class 1–O.
1636.5 Exclusion from Class 1–A–0 and Class 1–O.
1636.6 Analysis of religious training and belief.
1636.7 Impartiality.
1636.8 Considerations relevant to granting or denying a claim for classification as a conscientious objector.
1636.9 Types of decisions.
1636.10 Statement of reasons for denial.

Authority: Military Selective Service Act, 50 U.S.C. App. 451 *et seq.*; E.O. 11623.

§ 1636.1 Purpose; definitions.

(a) The provisions of this part govern the consideration of a claim by a registrant for classification in Class 1–

A–0 (§ 1630.11 of this chapter), or Class 1–0 (§ 1630.17 of this chapter).

(b) The definitions of this paragraph shall apply in the interpretation of the provisions of this part:

(1) *Crystallization of a Registrant's Beliefs.* The registrant's becoming conscious of the fact that he is opposed to participation in war in any form.

(2) *Noncombatant Service.* Service in any unit of the Armed Forces which is unarmed at all times; any other military assignment not requiring the bearing of arms or the use of arms in combat or training in the use of arms.

(3) *Noncombatant Training.* Any training which is not concerned with the study, use, or handling of arms or other implements of warfare designed to destroy human life.

§ 1636.2 The claim of conscientious objection.

A claim to classification in Class 1–A–0 or Class 1–0, must be made by the registrant in writing. Claims and documents in support of claims may only be submitted after the registrant has received an order to report for induction or after the Director has made a specific request for submission of such documents. All claims or documents in support of claims received prior to a registrant being ordered to report for induction or prior to the Director's specific request for such documentation will be returned to the registrant and no file or record of such submission will be established.

§ 1636.3 Basis for classification in Class 1–A–0.

(a) A registrant must be conscientiously opposed to participation in war in any form and conscientiously opposed to combatant training and service in the Armed Forces.

(b) A registrant's objection may be founded on religious training and belief; it may be based on strictly religious beliefs, or on personal beliefs that are purely ethical or moral in source or content and occupy in the life of a registrant a place parallel to that filled by belief in a Supreme Being for those holding more traditionally religious views.

(c) A registrant's objection must be sincere.

§ 1636.4 Basis for classification in Class 1–0.

(a) A registrant must be conscientiously opposed to participation in war in any form and conscientiously opposed to participation in both combatant and noncombatant training and service in the Armed Forces.

(b) A registrant's objection may be founded on religious training and belief; it may be based on strictly religious beliefs, or on personal beliefs that are purely ethical or moral in source or centent and occupy in the life of a registrant a place parallel to that filled by belief in a Supreme Being for those holding more traditionally religious views.

(c) A registrant's objection must be sincere.

§ 1636.5 Exclusion from Class 1–A–0 and Class 1–0.

A registrant shall be excluded from Class 1–A–0 or Class 1–0:

(a) Who asserts beliefs which are of a religious, moral or ethical nature, but who is found not to be sincere in his assertions; or

(b) Whose stated objection to participation in war does not rest at all upon moral, ethical, or religious principle, but instead rests solely upon considerations of policy, pragmatism, expediency, or his own self-interest or well-being; or

(c) Whose objection to participation in war is directed against a particular war rather than against war in any form (a selective objection). If a registrant objects to war in any form, but also believes in a theocratic, spiritual war between the forces of good and evil, he may not by reason of that belief alone be considered a selective conscientious objector.

§ 1636.6 Analysis of religious training and belief.

(a) A registrant claiming conscientious objection is not required to be a member of a "peace church" or any other church, religious organization, or religious sect to qualify for a 1–A–0 or 1–0 classification; nor is it necessary that he be affiliated with any particular group opposed to participation in war in any form.

(b) The registrant who identifies his beliefs with those of a traditional church or religious organization must show that he basically adheres to beliefs of that church or religious organization whether or not he is actually affiliated with the institution whose teachings he claims as the basis of his conscientious objection. He need not adhere to *all* beliefs of that church or religious organization.

(c) A registrant whose beliefs are not religious in the traditional sense, but are based primarily on moral or ethical principle should hold such beliefs with the same strength or conviction as the belief in a Supreme Being is held by a person who is religious in the traditional sense. Beliefs may be mixed; they may be a combination of traditional religious beliefs and nontraditional religious, moral or ethical beliefs. The registrant's beliefs must play a significant role in his life but should be evaluated only insofar as they pertain to his stated objection to his participation in war.

(d) Where the registrant is or has been a member of a church, religious organization, or religious sect, and where his claim of a conscientious objection is related to such membership, the board may properly inquire as to the registrant's membership, the religious teachings of the church, religious organization, or religious sect, and the registrant's religious activity, insofar as each relates to his objection to participation in war. The fact that the registrant may disagree with or not subscribe to some of the tenets of his church or religious sect does not necessarily discredit his claim.

(e)(1) The history of the process by which the registrant acquired his beliefs, whether founded on religious, moral, or ethical principle is relevant to the determination whether his stated opposition to participation in war in any form is sincere.

(2) The registrant must demonstrate that his religious, ethical, or moral convictions were acquired through training, study, contemplation, or other activity comparable to the processes by which traditional religious convictions are formulated. He must show that these religious, moral, or ethical convictions, once acquired, have directed his life in the way traditional religious convictions of equal strength, depth, and duration have directed the lives of those whose beliefs are clearly founded in traditional religious conviction.

(f) The registrant need not use formal or traditional language in describing the religious, moral, or ethical nature of his beliefs. Board members are not free to reject beliefs because they find them incomprehensible or inconsistent with their own beliefs.

(g) Conscientious objection to participation in war in any form, if based on moral, ethical, or religious beliefs, may not be deemed disqualifying simply because those beliefs may influence the registrant concerning the Nation's domestic or foreign policy.

§ 1636.7 Impartiality.

Boards may not give preferential treatment to one religion over another, and all beliefs whether of a religious, ethical, or moral nature are to be given equal consideration.

§ 1636.8 Considerations relevant to granting or denying a claim for classification as a conscientious objector.

(a) After the registrant has submitted a claim for classification as a conscientious objector and his file is

complete, a determination of his sincerity will be made based on:

(1) All documents in the registrant's file folder; and

(2) The oral statements of the registrant at his personal appearance(s) before the local and/or appeal board; and

(3) The oral statements of the registrant's witnesses, if any, at his personal appearance(s) before the local and/or appeal board; and

(4) The registrant's general demeanor during his personal appearance(s).

(b) The registrant's stated convictions should be a matter of conscience which would give him no rest or peace should he participate in war.

(c) The board should be convinced that the registrant's personal history since the crystallization of his conscientious objection is not inconsistent with his claim and demonstrates that the registrant's objection is not solely a matter of expediency. A recent crystallization of beliefs does not in itself indicate expediency.

(d) The information presented by the registrant should reflect a pattern of behavior in response to war and weapons which is consistent with his stated beliefs. Instances of violent acts or conviction for crimes of violence, or employment in the development or manufacturing of weapons of war, if the claim is based upon or supported by a life of nonviolence, may be indicative of inconsistent conduct.

(e) The development of a registrant's opposition to war in any form may bear on his sincerity. If the registrant claims a recent crystallization of beliefs, his claim should be supported by evidence of a religious or educational experience, a traumatic event, an historical occasion, or some other special situation which explains when and how his objection to participation in war crystallized.

(f) In the event that a registrant has previously worked in the development of or manufacturing of weapons of war or has served as a member of a military reserve unit, it should be determined whether such activity was prior to the stated crystallization of the registrant's conscientious objector beliefs. Inconsistent conduct prior to the actual crystallization of conscientious objector beliefs is not necessarily indicative of insincerity. But, inconsistent conduct subsequent to such crystallization may indicate that registrant's stated objection is not sincere.

(g) A registrant's behavior during his personal appearance before a board may be relevant to the sincerity of his claim.

(1) Evasive answers to questions by board members or the use of hostile, belligerent, or threatening words or actions, for example, may in proper circumstances be deemed inconsistent with a claim in which the registrant bases his objection on a belief in nonviolence.

(2) Care should be exercised that nervous, frightened, or apprehensive behavior at the personal appearance is not misconstrued as a reflection of insincerity.

(h) Oral response to questions posed by board members should be consistent with the written statements of the registrant and should generally substantiate the submitted information in the registrant's file folder; any inconsistent material should be explained by the registrant. It is important to recognize that the registrant need not be eloquent in his answers. But, a clear inconsistency between the registrant's oral remarks at his personal appearance and his written submission to the board may be adequate grounds, if not satisfactorily explained, for concluding that his claim is insincere.

(i) The registrant may submit letters of reference and other supporting statements of friends, relatives and acquaintances to corroborate the sincerity of his claim, although such supplemental documentation is not essential to approval of his claim. A finding of insincerity based on these letters or supporting statements must be carefully explained in the board's decision, specific mention being made of the particular material relied upon for denial of classification in Class 1–A–0 or Class 1–0.

§ 1636.9 Types of decisions.

The following are the types of decisions which may be made by a board when a claim for classification in Class 1–A–0 or Class 1–0 has been considered.

(a) Decision to grant a claim for classification in Class 1–A–0 or Class 1–0, as requested, based on a determination that the truth or sincerity of the registrant's claim is not refuted by any information contained in the registrant's file or obtained during his personal appearance.

(b) Decision to deny a claim for classification in Class 1–A–0 or Class 1–0 based on all information before the board, and a finding that such information fails to meet the tests specified in sections 1636.3 or 1636.4 of this part. If supported by information contained in the registrant's file or obtained during his personal appearance the board may find that the facts presented by the registrant in support of his claim are untrue.

(c) Decision to grant classification in Class 1–A–0 to a registrant even though he requested reclassification in Class 1–0. It should be noted that the registrant who requests classification in Class 1–0 should be classified in Class 1–A–0 only when the information presented demonstrates clearly that the registrant is opposed only to bearing arms and that he does not object to noncombatant service.

(d) Decision to grant classification in Class 1–0 to a registrant even though he requested reclassification in Class 1–A–0. It should be noted that the registrant who request classification in Class 1–A–0 should be classified in Class 1–0 only when the information presented demonstrates clearly that the registrant is eligible for classification in Class 1–0.

§ 1636.10 Statement of reasons for denial.

(a) Denial of a conscientious objector claim by a board must be accompanied by a statement specifying the reason(s) for such denial as prescribed in §§ 1633.9, 1651.4 and 1653.3 of this chapter. The reason(s) must, in turn, be supported by evidence in the registrant's file.

(b) If a board's denial is based on statements by the registrant or on a determination that the claim is inconsistent or insincere, this should be fully explained in the statement of reasons accompanying the denial.

PART 1639—CLASSIFICATION OF REGISTRANTS PREPARING FOR THE MINISTRY

Sec.

1639.1 Purpose; definitions.
1639.2 The claim for Class 2–D.
1639.3 Basis for classification in Class 2–D.
1639.4 Exclusion from Class 2–D.
1639.5 Impartiality.
1639.6 Considerations relevant to granting or denying claims for Class 2–D.
1639.7 Types of decisions.
1639.8 Statement of reason for denial.

Authority: Military Selective Service Act, 50 U.S.C. App. 451 *et seq.*; E.O. 11623.

§ 1639.1 Purpose; definitions.

(a) The provisions of this part shall govern the consideration of a claim by a registrant for classification in Class 2–D (§ 1630.26 of this chapter).

(b) The definitions of this paragraph shall apply to the interpretation of the provisions of this part:

(1) The term "ministry" refers to the vocation of a "duly ordained minister of religion" or "regular minister of religion" as defined in Part 1645 of this chapter.

(2) The term "recognized church or religious organization" refers to a church

or religious organization established on the basis of a community of faith and belief, doctrines and practices of a religious character, and which engages primarily in religious activities.

(3) The term "recognized theological or divinity school" refers to a theological or divinity school whose graduates are acceptable for ministerial duties either as an ordained or regular minister by the church or religious organization sponsoring a registrant as a ministerial student.

(4) The term "graduate program" refers to a program in which the registrant's studies are officially approved by his church or religious organization for entry into service as a regular or duly ordained minister of religion.

(5) The term "full-time intern" applies to a program that must run simultaneous with or immediately follow the completion of the theological or divinity training and is required by a recognized church or religious organization for entry into the ministry.

(6) The term "satisfactorily pursuing a full-time course of instruction" means maintaining a satisfactory academic record as determined by the institution while receiving full-time instructions in a structured learning situation. A full-time course of instruction does not include instructions received pursuant to a mail order program.

§ 1639.2 The claim for Class 2-D.

A claim to classification in Class 2-D must be made by the registrant in writing, such document being placed in his file folder.

§ 1639.3 Basis for classification in Class 2-D.

(a) In Class 2-D shall be placed any registrant who is preparing for the ministry under the direction of a recognized church or religious organization; and

(1) Who is satisfactorily pursuing a full-time course of instruction required for entrance into a recognized theological or divinity school in which he has been pre-enrolled; or

(2) Who is satisfactorily pursuing a full-time course of instruction in a recognized theological or divinity school; or

(3) Who, having completed theological or divinity school, is a student in a full-time graduate program or is a full-time intern, and whose studies are related to and lead toward entry into service as a regular or duly ordained minister of religion. Satisfactory progress in these studies as determined by the school in which the registrant is enrolled, must be maintained for qualification for the deferment.

(b) The registrant's classification shall be determined on the basis of the written information in his file folder, oral statements, if made by the registrant at his personal appearance before a board, and oral statements, if made by the registrant's witnesses at his personal appearance.

§ 1639.4 Exclusion from Class 2-D.

A registrant shall be excluded from Class 2-D when:

(a) He fails to establish that the theological or divinity school is a recognized school; or

(b) He fails to establish that the church or religious organization which is sponsoring him is so recognized; or

(c) He ceases to be a full-time student; or

(d) He fails to maintain satisfactory academic progress.

§ 1639.5 Impartiality.

Boards may not give precedence to any religious organization or school over another, and all are to be given equal consideration.

§ 1639.6 Considerations relevant of granting or denying claims for Class 2-D.

(a) The registrant's claim for Class 2-D must include the following:

(1) A statement from a church or religious organization that the registrant is preparing for the ministry under its direction; and

(2) Current certification to the effect that the registrant is satisfactorily pursuing a full-time course of instruction required for entrance into a recognized theological or divinity school in which he has been pre-enrolled; or

(3) Current certification to the effect that the registrant is satisfactorily pursuing a full-time course of instruction in a recognized theological or divinity school; or

(4) Current certification to the effect that the registrant, having completed theological or divinity school, is satisfactorily pursuing a full-time graduate program or is a full-time intern, whose studies are related to and lead toward entry into service as a regular or duly ordained minister of religion.

(b) A board may require the registrant to obtain from the church, religious organization, or school detailed information in order to determine whether or not the theological or divinity school is in fact a recognized school or whether or not the church or religious organization which is sponsoring the registrant is recognized.

§ 1639.7 Types of decisions.

(a) A board may grant a classification into Class 2-D until the end of the academic school year.

(b) Upon the expiration of a 2-D classification, a board shall review any request for extension of the classification in the same manner as the first request for Class 2-D. This section does not relieve a registrant of his duties under § 1621.1 of this chapter.

§ 1639.8 Statement of reason for denial.

(a) Denial of a claim for a ministerial student deferment by a board must be accompanied by a statement specifying the reason(s) for such denial as prescribed in §§ 1633.9, 1651.4 and 1653.3 of this chapter. The reason(s) must in turn, be supported by evidence in the registrant's file.

(b) If a board's denial is based on statements by the registrant or his witnesses at a personal appearance, this must be fully explained in the statement of reasons accompanying the denial.

PART 1642—CLASSIFICATION OF REGISTRANTS DEFERRED BECAUSE OF HARDSHIP TO OTHERS

Sec.

1642.1 Purpose; definitions.
1642.2 The claim for classification in Class 3-A.
1642.3 Basis for classification in Class 3-A.
1642.4 Ineligibility for Class 3-A.
1642.5 Impartiality.
1642.6 Considerations relevant to granting or denying claims for Class 3-A.
1642.7 Types of decisions.
1642.8 Statement of reason for denial.

Authority: Military Selective Service Act, 50 U.S.C. App. 451 *et seq.* E.O. 11623.

§ 1642.1 Purpose; definitions.

(a) The provisions of this part govern the consideration of a claim by a registrant for classification in Class 3-A (§ 1630.30 of this chapter).

(b) The following definitions apply to the interpretation of the provisions of this Part.

(1) The term "dependent" shall apply to the wife, child, parent, grandparent, brother or sister of a registrant.

(2) The term "child" includes an unborn child, a stepchild, a foster child or a legally adopted child, who is legitimate or illegitimate, but shall not include any person 18 years of age or older unless he or she is physically or mentally handicapped.

(3) The term "parent" shall include any person who has stood in the place of a parent to the registrant for at least 5 years preceding the 18th anniversary of the registrant's date of birth and is now supported in good faith by the registrant.

(4) The term "brother" or "sister" shall include a person having one or both parents in common with the registrant, who is either under 18 years of age or is physically or mentally handicapped.

(5) The term "support" includes but is not limited to financial assistance.

(6) Hardship is the unreasonable deprivation of a dependent of the financial assistance, personal care or companionship furnished by the registrant when that deprivation would be caused by the registrant's induction.

§ 1642.2 The claim for classification in Class 3–A.

A claim for classification in Class 3–A must be made by the registrant in writing. Prior to the consideration of the claim, the registrant shall submit supporting documentation, such documents being placed in his file folder.

§ 1642.3 Basis for classification in Class 3–A.

(a) In Class 3–A shall be placed any registrant:

(1) Whose induction would result in extreme hardship to his wife when she alone is dependent upon him for support; or

(2) Whose deferment is advisable because his child(ren), parent(s), grandparent(s), brother(s) or sister(s) is dependent upon him for support; or

(3) Whose deferment is advisable because his wife and child(ren), parent(s), grandparent(s), brother(s), or sister(s) are dependent upon him for support; or

(4) Who has been separated from active military service by reason of dependency or hardship and the dependency or hardship conditions still exist.

(b)(1) In its consideration of a claim by a registrant not separated from active military service by reason of dependency or hardship for classification in Class 3–A, the board will first determine whether the registrant's wife, child(ren), parent(s), grandparent(s), brother(s) or sister(s) is dependent upon the registrant for support. Support may be financial assistance, personal care or companionship. If financial assistance is the basis of support, the registrant's contribution must be a substantial portion of the necessities of the dependent. Under most circumstances 40 to 50% of the cost of the necessities may be considered substantial. If that determination is affirmative, the board will determine whether the registrant's induction would result in extreme hardship to his wife when she is the only dependent, or whether the registrant's deferment is advisable because his child(ren), parent(s), grandparent(s), brother(s) or sister(s) is dependent upon him for support, or because his wife and his child(ren), parent(s), grandparent(s), brother(s) or sister(s) are dependent upon him for support. A deferment is advisable whenever the registrant's induction would result in hardship to his dependents.

(2) In its consideration of a claim by a registrant separated from the active military service by reason of dependency or hardship and who is not eligible for Class 4–A or 1–D–D the board will determine whether the facts that were the basis for the registrant's separation from the military service continue substantially to exist.

(c) The registrant's classification shall be determined on the basis of the written information in his file, oral statements, if made by the registrant at his personal appearance before a board, and oral statements, if made by the registrant's witnesses at his personal appearances.

§ 1642.4 Ineligibility for Class 3–A.

(a) A registrant is ineligible for Class 3–A when:

(1) He assumed an obligation to his dependents specifically for the purpose of evading training and service; or

(2) He acquired excessive financial obligations primarily to establish his dependency claim; or

(3) His dependents would not be deprived of reasonable support if the registrant is inducted; or

(4) There are other persons willing to assume the support of his dependents; or

(5) The dependents would suffer only normal anguish of separation from the registrant if he is inducted; or

(6) The hardship to a dependent is based solely on financial conditions and can be removed by payment and allowances which are payable by the United States to the dependents of persons who are serving in the Armed Forces; or

(7) The hardship to the dependent is based upon considerations that can be eliminated by payments and allowances which are payable by the United States to the dependents of persons who are serving in the Armed Forces.

(b) A postponement to expire not more than 90 days from the date the registrant files his claim for Class 3–A will be granted if the board determines that the hardship to the registrant's dependent would not be likely to continue beyond that period of time. The reason for the actions taken in accord with the immediately preceding sentence will be recorded in the registrant's file and a copy thereof will be furnished the registrant.

§ 1642.5 Impartiality.

(a) Boards shall consider all questions in a claim for classification in Class 3–A with equal consideration of race, creed, color, sex or ethnic background.

(b) Boards may not give precedence to one type of dependency hardship over another.

§ 1642.6 Considerations relevant to granting or denying claims for Class 3–A.

(a) The registrant's claim for Class 3–A must include the following, with documentation, as applicable:

(1) Registrant's and his dependent's marital status;

(2) Physician's statement concerning any dependent who is physically or mentally handicapped;

(3) Employment status of registrant and his dependents; and

(b) Each case must be weighed carefully and decided on its own merits.

§ 1642.7 Types of decisions.

(a) A board may, except as provided in § 1642.4(b), grant a classification into Class 3–A for such period of time it deems appropriate but in no event shall the period exceed one year.

(b) Upon the expiration of a 3–A classification a board shall review any request for an extension of the classification as if it were the first request for that classification, and the fact that the registrant was placed in Class 3–A under apparently similar circumstances will not be a factor in the decision of the board. This section does not relieve a registrant from his duties under § 1621.1 of this chapter.

(c) A claim for a 3–A classification will be denied when action is taken in accord with § 1642.4(b).

(d) A board shall deny a claim for Class 3–A when the evidence fails to meet the criteria established in this part.

§ 1642.8 Statement of reason for denial.

(a) Denial of a claim for Class 3–A by a board must be accompanied by a statement specifying the reason(s) for such denial as prescribed in §§ 1633.9, 1651.4 and 1653.3 of this chapter. The reason must in turn, be supported by evidence in the registrant's file.

(b) If a board's denial is based on statements by the registrant or his witnesses at a personal appearance, this must be fully explained in the statement of reasons accompanying the denial.

PART 1645—CLASSIFICATION OF MINISTERS OF RELIGION

Sec.
1645.1 Purpose; definitions.
1645.2 The claim for minister of religion classification.
1645.3 Basis for classification in Class 4–D.
1645.4 Exclusion from Class 4–D.
1645.5 Impartiality.
1645.6 Considerations relevant to granting or denying a claim for Class 4–D.
1645.7 Evaluation of claim.
1645.8 Types of decisions.
1645.9 Statement of reason for denial.

Authority: Military Selective Service Act, 50 U.S.C. App. 451 *et seq.*; E.O. 11623.

§ 1645.1 Purpose; definitions.

(a) The provisions of this part govern the consideration of a claim by a registrant for classification in Class 4–D (§ 1630.43 of this chapter).

(b) The definitions of this paragraph shall apply in the interpretation of the provisions of this part:

(1) The term "duly ordained minister of religion" means a person:

(i) Who has been ordained in accordance with the ceremonial ritual or discipline of a church, religious sect, or organization established on the basis of a community of faith and belief, doctrines and practices of a religious character; and

(ii) Who preaches and teaches the doctrines of such church, sect, or organization; and

(iii) Who administers the rites and ceremonies thereof in public worship; and

(iv) Who, as his regular and customary vocation, preaches and teaches the principles of religion; and

(v) Who administers the ordinances of public worship as embodied in the creed or principles of such church, sect, or organization.

(2) The term "regular minister of religion" means one who as his customary vocation preaches and teaches the principles of religion of a church, a religious sect, or organization of which he is a member, without having been formally ordained as a minister of religion, and who is recognized by such church, sect, or organization as a regular minister.

(3) The term "regular or duly ordained minister of religion" does not include:

(i) A person who irregularly or incidentally preaches and teaches the principles of religion of a church, religious sect, or organization; or

(ii) Any person who has been duly ordained a minister in accordance with the ceremonial rite or discipline of a church, religious sect or organization, but who does not regularly, as a bona fide vocation, teach and preach the principles of religion and administer the ordinances of public worship, as embodied in the creed or principles of his church, sect, or organization.

(4) The term "vocation" denotes one's regular calling or full-time profession.

§ 1645.2 The claim for minister of religion classification.

A claim to classification in Class 4–D must be made by the registrant in writing, such document being placed in his file folder.

§ 1645.3 Basis for classification in Class 4–D.

In accordance with Part 1630 of this chapter any registrant shall be placed in Class 4–D who is a:

(a) Duly ordained minister of religion; or

(b) Regular minister of religion.

§ 1645.4 Exclusion from Class 4–D.

A registrant is excluded from Class 4–D when his claim clearly shows that:

(a) He is not a regular minister or a duly ordained minister; or

(b) He is a duly ordained minister of religion in accordance with the ceremonial rite or discipline of a church, religious sect or organization, but who does not regularly as his bona fide vocation, teach and preach the principles of religion and administer the ordinances of public worship, as embodied in the creed or principles of his church, sect, or organization; or

(c) He is a regular minister of religion, but does not regularly, as his bona fide vocation, teach and preach the principles of religion; or

(d) He is not recognized by the church, sect, or organization as a regular minister of religion; or

(e) He is a duly ordained minister of religion but does not administer the ordinances of public worship, as embodied in the creed of his church, sect, or organization.

§ 1645.5 Impartiality.

Boards may not give preferential treatment to one religion or sect over another and no preferential treatment will be given a duly ordained minister over a regular minister.

§ 1645.6 Considerations relevant to granting or denying a claim for Class 4–D.

(a) The board shall first determine whether the registrant is requesting classification in Class 4–D because he is a regular minister of religion or because he is a duly ordained minister of religion.

(b) If the registrant claims to be a duly ordained minister of religion, the board will:

(1) Determine whether the registrant has been ordained, in accordance with the ceremonial ritual or discipline of a church, religious sect, or organization established on the basis of a community of faith and belief, doctrines and practices of religious character, to preach and teach the doctrines of such church, sect, or organization and to administer the rites and ceremonies thereof in public worship; and

(2) Determine whether the registrant as his regular, customary, and bona fide vocation, preaches and teaches the principles of religion and administers the ordinances of public worship, as embodied in the creed or principles of the church, sect, or organization by which the registrant was ordained.

(c) If the registrant claims to be a regular minister of religion, the board will:

(1) Determine whether the registrant as his customary and regular calling or customary and regular full-time profession, preaches and teaches the principles of religion of a church, a religious sect, or organization of which he is a member, without having been formally ordained as a minister of religion; and

(2) Determine whether the registrant is recognized by such church, sect, or organization as a regular minister.

(d) If the board determines that the registrant is a regular minister of religion or duly ordained minister of religion he shall be classified in Class 4–D.

§ 1645.7 Evaluation of claim.

(a) In evaluating a claim for classification in Class 4–D, the board will not consider:

(1) The training or abilities of the registrant for duty as a minister; or

(2) The motive or sincerity of the registrant in serving as a minister.

(b) The board should be careful to ascertain the actual duties and functions of registrants seeking classification in Class 4–D, such classification being appropriate only for leaders of the various religious groups, not granted to members of such groups generally.

(c) Preaching and teaching the principles of one's sect, if performed part-time or half-time, occasionally or irregularly, are insufficient to establish eligiblity for Class 4–D. These activities must be regularly performed and must comprise the registrant's regular calling or full-time profession. The mere fact of some secular employment on the part of a registrant requesting classification in Class 4–D does not in itself make him ineligible for that class.

(d) The board should request the registrant to furnish any additional information that it believes will be of assistance in the consideration of the registrant's claim for classification in Class 4–D.

§ 1645.8 Types of decisions.

(a) If the board determines that the registrant is a regular minister of religion or a duly ordained minister of religion, he shall be classified in Class 4–D.

(b) The board will deny a claim for Class 4–D when the evidence fails to meet the criteria established in this part.

§ 1645.9 Statement of reason for denial.

(a) Denial of a 4–D claim by a board must be accompanied by a statement specifying the reason(s) for such denial as prescribed in §§ 1633.9, 1651.4 and 1653.3 of this chapter. The reason(s) must in turn, be supported by evidence in the registrant's file.

(b) If the board's denial is based on statements by the registrant or his witnesses at a personal appearance or on documentation in the registrant's file, such basis will be fully explained in the statement of reasons accompanying the denial.

PART 1648—CLASSIFICATION BY LOCAL BOARD

Sec.

1648.1 Authority of local board.
1648.2 Reassignment of local board.
1648.3 Opportunity for personal appearance.
1648.4 Appointment for personal appearance.
1648.5 Procedures during personal appearance before the local board.
1648.6 Registrants transferred for classification.
1648.7 Procedures upon transfer for classification.

Authority: Military Selective Service Act, 50 U.S.C. App. 451 *et seq.*; E.O. 11623.

§ 1648.1 Authority of local board.

The local board of jurisdiction shall consider and determine all claims for classification which it receives.

§ 1648.2 Reassignment of local board.

(a) A registrant who wishes to have his board assignment changed to the board having jurisdiction over the area where he currently resides, must request that change at the time he files a claim for student postponement or reclassification.

(b) A registrant whose current address changes after he files a claim for student postponement or reclassification may request a change of board assignment to the board having jurisdiction over his new address: *Provided,* That,

(1) His claim has not yet been considered by the classifying authority; and

(2) His local board assignment has not previously been changed.

(c) Any registrant whose assignment was changed under the provisions of this section will, if his claim is denied, be rescheduled to report to the MEPS to which he was originally ordered.

(d) A registrant whose assignment was changed under the provisions of this section will not be allowed a subsequent change of assignment until such time as any claims pending at the time of reassignment are adjudicated, unless specifically authorized by the Director.

(e) The Director of Selective Service may change a board assignment when he deems it necessary to assure the fair and equitable administration of the Selective Service Law.

§ 1648.3 Opportunity for personal appearance.

(a) A registrant who has filed a claim for classification in Class 1–A–0 or Class 1–0 shall be scheduled for a personal appearance in accord with § 1648.4 before his claim is considered, except for a claim arising under § 1630.17(b).

(b) A registrant who has filed a claim for classification in Class 2–D, Class 3–A, or Class 4–D, shall, upon his written request, be afforded an opportunity to appear in person before the board before his claim for classification is considered.

(c) Any registrant who has filed a claim for classification in Class 1–C, 1–D–D, 1–D–E, 1–W, 4–A, 4–B, 4–C, 4–F, 4–G, 4–T, or 4–W and whose claim has been denied, shall be afforded an opportunity to appear before the board if he requests that the denial of such claim be reviewed by the board.

§ 1648.4 Appointment for personal appearance.

(a) Not less than 10 days (unless the registrant requests an earlier appointment) in advance of the meeting at which he may appear, the registrant shall be informed of the time and place of such meeting and that he may present evidence, including witnesses, bearing on his classification.

(b) Should the registrant who has filed a claim for classification in Class 1–A–0 or Class 1–0 fail to appear at his scheduled personal appearance the board will not consider his claim for classification in Class 1–A–0 or Class 1–0 and he will be rescheduled for a second personal appearance. If he fails to appear at the second personal appearance, the board shall consider any written explanation of such failure that has been filed within 5 days (or extension thereof granted by the board) after such failure to appear. If the board determines that the registrant's failure to appear was for good cause it shall reschedule the registrant's personal appearance. If the board does not receive a timely written explanation of the registrant's failure to appear for his rescheduled personal appearance or if the board determines that the registrant's failure to appear was not for good cause, he will be deemed to have abandoned his claim for Class 1–A–0 or 1–0 and will be notified that his claim will not be considered. The board will notify the registrant in writing of its action under this paragraph.

(c) Whenever a registrant who has filed a claim for a class other than Class 1–A–0 or Class 1–0 for whom a personal appearance has been scheduled, fails to appear in accord with such schedule, the board shall consider any written explanation of such failure that has been filed within 5 days (or extension thereof granted by the board) after such failure to appear. If the board determines that the registrant's failure to appear was for good cause it shall reschedule the registrant's personal appearance. If the board does not receive a timely written explanation of the registrant's failure to appear for his scheduled personal appearance or if the board determines that the registrant's failure to appear was not for good cause, the registrant will be deemed to have abandoned his request for personal appearance and the board will proceed to classify him on the basis of the material in his file. The board will notify the registrant in writing of its action under this paragraph.

§ 1648.5 Procedures during personal appearance before the local board.

(a) A quorum of a board shall be present during all personal appearances. Only those members of the board before whom the registrant appeared shall classify him.

(b) At any such appearance, the registrant may present evidence, including witnesses; discuss his classification; direct attention to any information in his file; and present such further information as he believes will assist the board in determing his proper classification. The information furnished should be as concise as possible.

(c) The registrant may present the testimony of not more than three witnesses unless it is the judgment of the board that the testimony of additional witnesses is warranted. The registrant may summarize in writing, the oral information that he or his witnesses

presented. Such summary shall be placed in the registrant's file.

(d) A summary will be made of all oral testimony given by the registrant and his witnesses at his personal appearance and such summary shall be placed in the registrant's file.

(e) If the registrant does not speak English adequately he may appear with a person to act as interpreter for him. The interpreter shall be sworn in accordance with § 1605.81(b). Such interpreter will not be deemed to be a witness unless he testifies in behalf of the registrant.

(f) During the personal appearance only the registrant or his witnesses may address the board or respond to questions of the board and only the registrant and the board will be allowed to address questions to witnesses. A registrant may, however, be accompanied by an advisor of his choosing and may confer with the advisor before responding to an inquiry or statement by the board: *Provided,* That, those conferences do not substantially interfere with or unreasonably delay the orderly process of the personal appearance.

(g) If, in the opinion of the board, the informal, administrative nature of the personal appearance is unduly disrupted by the presence of an advisor, the board chairman may require the advisor to leave the hearing room. In such case, the board chairman shall put a statement of reasons for his action in the registrant's file.

(h) The making of verbatim transcripts, and the using of cameras or other recording devices are prohibited in proceedings before the board. This does not prevent the registrant or Selective Service from making a written summary of all testimony presented.

(i) Proceedings before the local boards shall be open to the public only upon the request of or with the permission of the registrant. The board chairman may limit the number of persons attending the hearing in order to maintain order. If during the hearing the presence of nonparticipants in the proceeding becomes disruptive, the chairman may close the hearing.

§ 1648.6 Registrants transferred for classification.

(a) Before a board of jurisdiction has undertaken the classification of a registrant, the file may be transferred by the Director of Selective Service to another board for classification.

(b) The Director of Selective Service may transfer a registrant to another board for classification at any time when:

(1) A board cannot act on the registrant's claim because of disqualification under the provisions of § 1605.55 of this chapter; or

(2) He deems such transfer to be necessary in order to assure equitable administration of the Selective Service Law.

§ 1648.7 Procedures upon transfer for classification.

A board to which a registrant is transferred for classification shall classify the registrant in the same manner it would classify a registrant assigned to it. When the classification has been decided by the transfer board, the file will be returned to the local board of jurisdiction in the manner prescribed by the Director.

PART 1651—CLASSIFICATION BY DISTRICT APPEAL BOARD

Sec.

1651.1 Who may appeal to a district appeal board.
1651.2 Time within which registrants may appeal.
1651.3 Procedures for taking an appeal.
1651.4 Review by district appeal board.
1651.5 File to be returned after appeal to the district appeal board is decided.

Authority: Military Selective Service Act, 50 U.S.C. App. 451 et seq. E.O. 11623.

§ 1651.1 Who may appeal to a district appeal board.

(a) The Director of Selective Service may appeal from any determination of a local board when he deems it necessary to assure the fair and equitable administration of the Selective Service Law: *Provided,* That, no such appeal will be taken after the expiration of the appeal period prescribed in § 1651.2.

(b) The registrant may appeal to a district appeal board from the denial of his claim for classification by the local board.

§ 1651.2 Time within which registrants may appeal.

The registrant who wishes to appeal must file the appeal with his local board within 15 days after the date he is mailed a notice of classification action. The registrant who wishes a personal appearance before the district appeal board must file the request at the same time he files the appeal.

§ 1651.3 Procedures for taking an appeal.

(a) When the Director of Selective Service appeals to a district appeal board he shall place in the registrant's file a written statement of his reasons for taking such appeal. When an appeal is taken by the Director, the registrant will be notified that the appeal has been taken, the reason therefor, and that the registrant may appear in person before the appeal board in accord with § 1651.4(e).

(b) The registrant may appeal the classification action of the local board by filing with it a written notice of appeal. The registrant's notice of appeal need not be in a particular form but must include the name of the registrant and his request. Any notice shall be liberally construed so as to permit the appeal.

(c) The registrant may also request an opportunity to appear in person before the district appeal board and such appeal will be considered by the board having jurisdiction over the local board which last classified him.

(d) The registrant may attach to his appeal a statement specifying the reasons he believes the classification action that he is appealing is inappropriate, directing attention to any information in his file, and setting out any information relevant to his claim.

§ 1651.4 Review by district appeal board.

(a) An appeal to the district appeal board is determined by its classification of the registrant in a class other than 1-A or by its refusal to take such action.

(b) Prior to the adjudication of an appeal, the clerk of the appeal board or any compensated employee authorized to perform the administrative duties of the board shall review the file to insure that no procedural errors have occurred during the history of the current claim. Files containing procedural errors will be returned to the local board that classified the registrant for any additional processing necessary to correct such errors.

(c) Files containing procedural errors that were not detected during the initial screening but which subsequently surfaced during processing by the appeal board, will be acted on and the board will take such action necessary to correct the errors and process the appeal to completion.

(d) A board shall consider appeals in the order of their having been filed.

(e) Upon receipt of the registrant's file, a board shall ascertain whether the registrant has requested a personal appearance before the board. If no such request has been made, the board may classify the registrant on the bases of the material in his file.

(f) Not less than 10 days (unless the registrant requests an earlier appointment) in advance of the meeting at which his classification will be considered, the board shall inform any registrant with respect to whom the Director of Selective Service has appealed or who has requested a

personal appearance that he may appear at such meeting and present written evidence bearing on his classification.

(g) During the personal appearance, only the registrant may address the board or respond to questions of the board. The registrant will not be permitted to present witnesses at the personal appearance before the district appeal board. A registrant may, however, be accompanied by an advisor of his choosing and may confer with the advisor before responding to an inquiry or statement by the board: *Provided,* That, those conferences do not substantially interfere with or unreasonably delay the orderly process of the personal appearance.

(h) If, in the opinion of the board, the informal, administrative nature of the hearing is unduly disrupted by the presence of an advisor during the personal appearance, the board chairman may require the advisor to leave the hearing room. In such case, the board chairman shall put a statement of reasons for his action in the registrant's file.

(i) Whenever a registrant who has filed a claim for whom a personal appearance has been scheduled, fails to appear in accord with such schedule, the board shall consider any written explanation of such failure that has been filed within 5 days (or extension thereof granted by the board) after such failure to appear. If the board determines that the registrant's failure to appear was for good cause it shall reschedule the registrant's personal appearance. If the board does not receive a timely written explanation of the registrant's failure to appear for his scheduled personal appearance or if the board determines that the registrant's failure to appear was not for good cause, the registrant will be deemed to have abandoned his request for personal appearance and he will be classified on the basis of the material in his file. The board will notify the registrant in writing of its action under this paragraph.

(j) A quorum of the board shall be present during all personal appearances. Only those members of the board before whom the registrant appeared shall classify him.

(k) At any personal appearance, the registrant may: Present his oral testimony; point out the class or classes in which he thinks he should have been placed; and direct attention to any information in his file. The registrant may present any additional written information he believes will assist the board in determining his proper classification. The information furnished should be as concise as possible.

(l) The registrant may summarize in writing the oral information that he presented. Such summary shall be placed in the registrant's file.

(m) A summary will be made of oral testimony given by the registrant at his personal appearance and such summary shall be placed in the registrant's file.

(n) A district appeal board shall classify a registrant who has requested a personal appearance after he:

(1) Has appeared before the board; or

(2) Has withdrawn his request to appear; or

(3) Has waived his right to an opportunity to appear; or

(4) Has failed to appear.

(o) In considering a registrant's appeal, a board shall not receive or consider any information other than the following:

(1) Information contained in the registrant's file; and

(2) Oral statements by the registrant during the registrant's personal appearance; and

(3) Written evidence submitted by the registrant to the board during his personal appearance.

(p) In the event a board classifies the registrant in a class other than that which he requested, it shall record its reasons therefor in the file.

(q) The making of verbatim transcripts, and the using of cameras or other recording devices are prohibited in proceedings before the board. This does not prevent the registrant or Selective Service from making a written summary of his testimony.

(r) Proceedings before the appeal boards shall be open to the public only upon the request of or with the permission of the registrant. The board chairman may limit the number of persons attending the hearing in order to maintain order. If during the hearing the presence of non-participants in the proceedings becomes disruptive, the chairman may close the hearing.

§ 1651.5 File to be returned after appeal to the district appeal board is decided.

When the appeal to a district appeal board has been decided, the file shall be returned as prescribed by the Director of Selective Service.

PART 1653—APPEAL TO THE PRESIDENT

Sec.

1653.1 Who may appeal to the President.
1653.2 Procedures for taking an appeal to the President.
1653.3 Review by the National Selective Service Appeal Board.
1653.4 File to be returned after appeal to the President is decided.

Authority: Military Selective Service Act, 50 U.S.C. App. 451 *et seq.*; E.O. 11623.

§ 1653.1 Who may appeal to the President.

(a) The Director of Selective Service may appeal to the President from any non-unanimous determination of a district appeal board when he deems it necessary to assure the fair and equitable administration of the Selective Service Law: *Provided,* That, no such appeal will be taken after the expiration of the appeal period prescribed in paragraph (b) of this section.

(b) When a registrant has been classified by a district appeal board and one or more members of the board dissented from that classification, he may within 15 days after a notice thereof has been mailed, appeal to the President and may request a personal appearance before the National Selective Service Appeal Board.

§ 1653.2 Procedures for taking an appeal to the President.

(a) When the Director of Selective Service appeals to the President he shall place in the registrant's file a written statement of his reasons for taking such appeal. When an appeal is taken by the Director the registrant will be notified that the appeal has been taken, the reasons therefor, and that the registrant may appear in person before the National Board in accord with § 1653.1(b).

(b) An appeal to the President by the registrant shall be taken by filing a written notice of appeal with the local board that classified him. He may at the same time file a written request to appear before the National Selective Service Appeal Board. Such notice need not be in any particular form but must state the name of the registrant and the fact that he wishes the President to review the determination.

§ 1653.3 Review by the National Selective Service Appeal Board.

(a) An appeal to the President is determined by the National Board by its classification of the registrant in a class other than 1–A or by its refusal to take such action.

(b) Prior to the adjudication of an appeal, the clerk of the appeal board or any compensated employee authorized to perform the administrative duties of the board shall review the file to insure that no procedural errors have occurred during the history of the current claim. Files containing procedural errors will be returned to the board where the errors occurred for any additional

processing necessary to correct such errors.

(c) Files containing procedural errors that were not detected during the initial screening but which subsequently surfaced during processing by the appeal board, will be acted on and the board will take such action necessary to correct the errors and process the appeal to completion.

(d) The board shall consider appeals in the order of their having been filed.

(e) Upon receipt of the registrant's file, the board shall ascertain whether the registrant has requested a personal appearance before the board. If no such request has been made, the board may classify the registrant on the basis of the material in his file.

(f) The board shall proceed to classify any registrant who has not requested a personal appearance after the specified time in which to request a personal appearance has elapsed.

(g) Not less than 10 days in advance of the meeting at which his claim will be considered, the board shall inform any registrant with respect to whom the Director of Selective Service has appealed or who has requested a personal appearance that he may appear at such meeting and present written evidence bearing on his classification.

(h) During the personal appearance only the registrant may address the board or respond to questions of the board. The registrant will not be permitted to present witnesses at the personal appearance before the National Appeal Board. A registrant may, however, be accompanied by an advisor of his choosing and may confer with the advisor before responding to an inquiry or statement by the board: *Provided*, That, those conferences do not substantially interfere with or unreasonably delay the orderly process of the personal appearance.

(i) If, in the opinion of the board, the informal, administrative nature of the personal appearance is unduly disrupted by the presence of an advisor, the board chairman may require the advisor to leave the hearing room. In such a case, the board chairman shall put a statement of reasons for his action in the registrant's file.

(j) Whenever a registrant who has filed a claim for whom a personal appearance has been scheduled fails to appear in accord with such schedule, the board shall consider any written explanation of such failure that has been filed within five days (or extension thereof granted by the board) after such failure to appear. If the board determines that the registrant's failure to appear was for good cause it shall reschedule the registrant's personal appearance. If the board does not receive a timely written explanation of the registrant's failure to appear for his scheduled personal appearance or if the board determines that the registrant's failure to appear was not for good cause, the registrant will be deemed to have abandoned his request for personal appearance and the board will proceed to classify him on the basis of the material in his file. The registrant will be notified in writing of its action under this paragraph.

(k) A quorum of the board shall be present during all personal appearances. Only those members of the board before whom the registrant appeared shall classify him.

(l) At any such appearance, the registrant may: Present oral testimony; point out the class or classes in which he thinks he should have been placed; and direct attention to any information in his file. The registrant may present such further written information as he believes will assist the board in determining his proper classification. The information furnished should be as concise as possible.

(m) The registrant may summarize in writing the oral information that he presented and any such summary shall be placed in his file.

(n) A summary will be made of the oral testimony given by the registrant at his personal appearance and such summary shall be placed in the registrant's file.

(o) The board shall classify a registrant who has requested a personal appearance after he:

(1) Has appeared before the National Board; or

(2) Has withdrawn his request to appear; or

(3) Has waived his right to an opportunity to appear; or

(4) Has failed to appear.

(p) Whenever the National Board or the panel thereof to which a case has been assigned cannot act on the case of a registrant, and there is no other panel of the National Board to which the case may be transferred, the decision of the District Appeal Board will be final.

(q) In considering a registrant's appeal, the board shall not receive or consider any information other than the following:

(1) Information contained in the registrant's file; and

(2) Oral statements by the registrant at the registrant's personal appearance; and

(3) Written evidence submitted by the registrant to the board during his personal appearance.

(r) In the event that the board classifies the registrant in a class other than that which he requested, it shall record its reasons therefor in his file.

(s) The making of verbatim transcripts, and the using of cameras or other recording devices are prohibited in proceedings before the board. This does not prevent the registrant or Selective Service from making a written summary of his testimony.

(t) Proceedings before the National Appeal Board are closed to the public.

§ 1653.4 File to be returned after appeal to the President is decided.

When the appeal to the President has been decided, the file shall be returned as prescribed by the Director of Selective Service.

PART 1659—EXTRAORDINARY EXPENSES OF REGISTRANTS

Sec.
1659.1 Claims.

Authority: Military Selective Service Act, 50 U.S.C. App. 451 *et seq.*; E.O. 11623.

§ 1659.1 Claims.

(a) Claims for payment of actual and reasonable expenses of:

(1) Emergency medical care, including hospitalization of registrants who suffer illness or injury; and

(2) The transportation and burial of the remains of registrants who suffer death while acting under orders issued by or under the authority of the Director of Selective Service will be paid in accordance with the provisions of this section.

(b) Claims for payment of expenses incurred for the purposes set forth in paragraph (a) of this section shall be presented to the Director of Selective Service.

(c)(1) The term "emergency medical care, including hospitalization", as used in this section, shall be construed to mean such medical care or hospitalization that normally must be rendered promptly after an occurrence of illness or injury. Discharge by a physician or facility subsequent to such medical care or hospitalization shall be justification to terminate the period of emergency.

(2) The death of a registrant shall be deemed to have occurred while acting under orders issued by or under the authority of the Director of Selective Service if it results directly from an illness or injury suffered by the registrant while so acting and occurs prior to the completion of an emergency medical care, including hospitalization, occasioned by such illness or injury.

(d) No such claim shall be paid unless it is presented within the period of one year from the date on which the expenses were incurred.

(e) No such claim shall be allowed in case it is determined that the cause of injury, illness, or death was due to negligence or misconduct of the registrant.

(f) Burial expenses shall not exceed the maximum prescribed in Section 11 of the Military Selective Service Act in any one case.

(g) Payment of such claims when allowed shall be made only:

(1) Directly to the person or facility with which the expenses were incurred; or

(2) By reimbursement to the registrant, a relative of the registrant, or the legal representative of the registrant's estate, for original payment of such expenses.

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federal register

Monday
February 1, 1982

Part III

Department of Agriculture

Packers and Stockyards Administration

Regulations and Policy Statements

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

9 CFR Parts 201 and 203

Regulations and Policy Statements

AGENCY: Packers and Stockyards Administration, USDA.

ACTION: Notice of proposed rulemaking; review of existing regulations.

SUMMARY: This document proposes to amend the surety bond requirements for market agencies and dealers, to eliminate the bonding requirements for small volume dealers and market agencies buying on commission (order buyers), to extend the time for reimbursement to the custodial account, to consolidate certain regulations, and to remove certain other regulations and the policy statements regarding packer sales promotion programs and the handling of custodial funds.

DATE: Comments must be received on or before April 2, 1982.

ADDRESS: Comments may be mailed to the Administrator, Packers and Stockyards Administration, Room 3039, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. Comments received may be inspected during normal business hours in the office of the Administrator.

FOR FURTHER INFORMATION CONTACT: John A. Sands, Jr., Director, Livestock Marketing Division, phone (202) 447–6951, or William V. Carroll, Director, Packer and Poultry Division, phone (202) 447–6771.

SUPPLEMENTARY INFORMATION: Changes in the regulations and policy statements relating to the requirements for bonding and reimbursement of custodial accounts for uncollected proceeds were first proposed on December 31, 1980 (45 FR 87002), as part of the regulatory review being conducted at that time by the Packers and Stockyards Administration. The Administration had originally scheduled complete review of all existing regulations and policy statements within a 5-year period. In January 1981, however, the agency decided to accelerate this timetable for review (46 FR 35279). As a first step, the Deputy Administrator established an internal task force to review existing regulations and policy statements and to recommend changes which would lessen the regulatory burden imposed upon industry participants without restricting the agency's ability to enforce the Packers and Stockyards Act.

Consideration of the comments filed in response to the December 31, 1980, proposal, the recommendations of the task force, and the comments received in response to the task force report from industry groups has resulted in the following proposed amendments to the regulations and policy statements. Specifically, 33 comments were received and reviewed in response to the notice of December 31, 1980. Additionally, 87 comments submitted in resonse to earlier publications in the **Federal Register,** outlining the agency's plan for review (44 FR 71802; 45 FR 21168), have influenced this proposal.

The bonding requirements and the custodial account regulations promote a well-ordered system for livestock marketing throughout the nation by providing financial stability and security to the sellers of livestock.

The following proposal would remove §§ 201.40 and 201.41 (9 CFR 201.40 and 201.41) and policy statements §§ 203.3 and 203.9 (9 CFR 203.3 and 203.9). Changes are proposed to §§ 201.27 through 201.31, 201.34 and 201.42 (9 CFR 201.27–201.31, 201.34 and 201.42). No changes are proposed to §§ 201.32, 201.33 and 201.39 (9 CFR 201.32, 201.33 and 201.39).

Meat Packer Sales Promotion Programs

Seventeen comments were received in response to the changes proposed in policy statement § 203.3 Eleven of these comments opposed either the entire policy statement or the changes advanced by the agency in the December 31, 1980, publication. The remaining six comments, including four from state departments of agriculture, expressed no objection to the December proposal.

Upon consideration, the Administration has determined that some point promotion programs currently proscribed under this policy statement do not adversely affect competition. Therefore, the Administration now proposes to remove policy statement § 203.3. Removal of this policy statement will not preclude the Administration from proceeding against persons subject to the Act who conduct a point promotion program which adversely affects competition.

Bonding Provisions

The general bonding provisions and the changes in those regulations as proposed on December 31, 1980, have been re-evaluated. The proposal of December 31, 1980, relating to the level of required bond coverage has been altered. The December 31, 1980, notice required the filing of a $5,000 minimum bond by dealers and market agencies buying on commission (order buyers) whose annual purchase of livestock totaled $260,000 or less. The current regulations provide that all dealers and market agencies purchasing $650,000 or less of livestock annually shall file and maintain the $5,000 minimum bond.

The agency has reviewed the bonding program for low volume dealers and market agencies (those registrants whose annual purchases of livestock do not exceed $500,000), and determined that it is not cost effective. The combined agency and industry cost is estimated to be $435,000 annually. The bond claim data, however, concerning $5,000 bonds for the years July 1974 through July 1980 shows that only an average of $51,000 per year in losses was covered by such bonds. For these reasons, The Administration proposes to amend § 201.29 to exempt dealers and order buyers whose annual livestock purchases do not exceed $500,000 from the requirement of filing and maintaining a bond.

Based on the most recent annual reports filed by dealers and market agencies buying on commission, the proposed regulation would exempt 3,207 of the 11,815 dealers and market agencies registered with the Secretary as of September 30, 1981. Many exempted registrants may continue to maintain bond coverage voluntarily or pursuant to state bonding laws.

Additionally, the proposed § 201.29 will require the filing of bonds and trust fund agreements on forms approved by the Administrator. The grandfather clause in paragraph (c) will be eliminated.

Section 201.30 as proposed on December 31, 1980, is reproposed, eliminating the proposal of a $5,000 bond for dealers and order buyers purchasing less than $260,000 annually and establishing the minimum bond at $10,000.

Section 201.31 is amended to eliminate paragraph (e). All bonds to which this paragraph would have aplied have been terminated or modified.

Section 201.34 is amended to add a new paragraph (c) which will provide for the termination of trust fund agreements filed in lieu of bonds. This new paragraph will permit termination of a trust fund agreement and waiver of the 30-day waiting period when a replacement bond is filed.

Section 201.27 is amended to delete the bond and trust fund agreement forms and provide that such bonds and trust fund agreements be filed on forms approved by the Administrator. In addition, the cross references to other bonding regulations are amended to conform to the proposed changes

contained in this Notice of Proposed Rulemaking.

Section 201.28 is amended to change the title of "Area Supervisor" to "Regional Supervisor" and the word "area" to "region." This change is proposed to conform the regulation to the current organization of the Packers and Stockyards Administration.

No changes are proposed in §§ 201.32 and 201.33.

Proceeds of Sale—Custodial Accounts

No changes are proposed in § 201.39. It is proposed to remove §§ 201.40 and 201.41 and policy statement § 203.9. The provisions of these regulations and the policy statement are adequately covered by § 201.39 and the proposed amendments to § 201.42.

The proposal for § 201.42, as originally published in December 1980, has been re-evaluated and additional changes are now proposed. The proposed regulation would (1) require all proceeds collected from the sale of consigned livestock to be deposited in the custodial account, (2) require the market agency to reimburse the custodial account for any uncollected proceeds within 7 days following the date of the sale, (3) delete the provisions requiring custodial accounts for buyers' funds, and (4) allow custodial funds to be deposited in savings accounts as well as certificates of deposit.

The proposed extension of the present 3-day requirement for reimbursement of the custodial account for uncollected proceeds will not significantly diminish the level of protection afforded for consignors' funds and does not affect, in any way, the market agency's responsibility to account promptly to consignors. The amendment provides market agencies adequate time to collect monies due from buyers of consigned livestock and should substantially reduce the amount of money market agencies must, under the current requirements, either borrow or maintain on hand in order to reimburse the custodial account. This proposal will reduce the cost of doing business and the anticipated savings will be significant for small businesses and the industry as a whole.

Executive Order

It has been determined that the proposals to amend and remove regulations relating to bonding of market agencies and dealers are not "major" rules as defined by section 1(b) of E.O. 12291.

It has been determined that the proposals to amend and remove regulations and policy statements with respect to custodial accounts are not "major" rules as defined in section 1(b) of E.O. 12291.

The proposed rules will not have an annual effect on the economy of $100 million or more, will not result in major increases in costs or prices for consumers, individual industries, government agencies or geographic regions, and will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S. based enterprises to compete with foreign based enterprises in domestic or export markets. Accordingly, regulatory impact analyses are not required.

Regulatory Flexibility Act

B. H. (Bill) Jones, Administrator, Packers and Stockyards Administration, has determined that the bonding proposal will not have a significant economic impact on a substantial number of small entities. While this action affects all dealers and market agencies subject to the Act, the proposed regulation will reduce the cost of doing business for market agencies and dealers by permitting small dealers and order buyers to operate without filing bonds and reduce paperwork costs to the industry and the agency. For those registrants who fall within the annual volume group of $500,000 to $650,000 now required to obtain higher bond coverage, the cost of this increased bond coverage will be insignificant, i.e., approximately $50 per year per registrant.

The Administrator additionally has concluded that the proposal with respect to reimbursement of custodial accounts for shippers proceeds will not have a significant economic impact on a substantial number of small entities. Only market agencies selling on a commission basis are affected by this regulation. The proposed changes, by extending the time for reimbursement to the custodial account, allow registrants to reduce the costs of doing business without jeopardizing the interest of producers and consignors.

(7 U.S.C. 228(a))

Done at Washington, D.C. January 27, 1982.

B. H. (Bill) Jones,

Administrator, Packers and Stockyards Administration.

PART 201—REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

§§ 201.40 and 201.41 [Removed]

PART 203—STATEMENTS OF GENERAL POLICY UNDER THE PACKERS AND STOCKYARDS ACT

§§ 203.3 and 203.9 [Removed]

It is proposed to remove §§ 201.40, 201.41, 203.3 and 203.9 (9 CFR 201.40, 201.41, 203.3 and 203.9).

It is proposed to revise §§ 201.27, 201.28, 201.29, 201.30, 201.31, 201.34, 201.39 and 201.42 to read as set forth below.

§ 201.27 Underwriter; equivalent in lieu of bonds; standard forms.

(a) The surety on bonds maintained under the regulations in this part shall be a surety company (1) which is currently approved by the United States Treasury Department for bonds executed to the United States, and (2) which has not failed or refused to satisfy its legal obligations under bonds issued under said regulations.

(b) A bond equivalent may be filed in lieu of a bond. A bond equivalent shall be in the form of a trust fund agreement based on funds actually deposited and readily convertible to currency in the amount required by § 201.30. Such funds shall be invested or deposited, in the name of a trustee as set forth in § 201.32, in: (1) Fully negotiable obligations of the United States, or (2) deposits or accounts insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation. The provisions of §§ 201.27 through 201.34 shall be applicable to such trust agreements.

(c) Bonds and trust fund agreements shall be filed on forms approved by the Administrator.

§ 201.28 Duplicates of bonds or equivalents to be filed with Regional Supervisor.

Fully executed duplicates of bonds or trust fund agreements maintained under the regulations in this part, and duplicates of all endorsements, amendments, riders, indemnity agreements, and other attachments thereto, shall be filed with the Regional Supervisor for the region in which the registrant, or packer or person applying for registration resides, or in the case of a corporation, where the corporation has its home office: *Provided,* That if such registrant, or packer or person does not

engage in business in such area, the foregoing documents shall be filed with the Regional Supervisor for the region in which the registrant's, or packer's or person's principal place of business is located.

§ 201.29 Market agencies, packers and dealers required to file and maintain bonds.

(a) Every market agency, packer, and dealer, except as provided in paragraphs (b) and (d) herein, and except packer buyers registered as dealers to purchase livestock for slaughter only, shall execute and maintain a reasonable bond on forms approved by the Administrator containing the appropriate condition clauses, as set forth in § 201.31 of the regulations, applicable to the activity or activities in which the person or persons propose to engage, to secure the performance of obligations incurred as such market agency, packer, or dealer. No market agency, packer, or dealer required to maintain a bond shall conduct his operations unless there is on file and in effect a bond complying with the regulations in this part.

(b) Every market agency buying on a commission basis and every dealer buying for his own account or for the accounts of others, except those market agencies buying on commission and dealers whose annual purchases do not exceed $500,000, shall file and maintain a bond. If a registrant operates as both a market agency buying on a commission basis and as a dealer, only one bond to cover both buying operations need be filed. Any person operating as a market agency selling on a commission basis and as a market agency buying on a commission basis or as a dealer shall file and maintain separate bonds to cover his selling and buying operations.

(c) Each market agency and dealer whose buying operations are cleared by another market agency shall be named as clearee in the bond filed and maintained by the market agency registered to provide clearing services. Each market agency selling livestock on a commission basis shall file and maintain its own bond.

(d) Every packer purchasing livestock, directly or through an affiliate or employee or a wholly-owned subsidiary, except those packers whose annual purchases do not exceed $500,000, shall file and maintain a reasonable bond. In the event a packer maintains a wholly-owned subsidiary or affiliate to conduct its livestock buying, the wholly-owned subsidiary or affiliate shall be registered as a packer buyer for its parent packer firm, and the required bond shall be maintained by the parent packer firm.

§ 201.30 Amount of market agency, dealer and packer bonds.

(a) *Market agency selling livestock on commission.* To compute the required amount of bond coverage, divide the dollar value of livestock sold during the preceding business year, or the substantial part of that business year, in which the market agency did business, by the actual number of days on which livestock was sold. The divisor (the number of days on which livestock was sold) shall not exceed 130. The amount of bond coverage must be the next multiple of $5,000 above the amount so determined. When the computation exceeds $50,000, the amount of bond coverage need not exceed $50,000 plus 10 percent of the excess over $50,000, raised to the next $5,000 multiple. In no case shall the amount of bond coverage for a market agency selling on commission be less than $10,000 or such higher amount as required to comply with any state law.

(b) *Dealer or market agency buying on commission.* The amount of bond coverage must be based on the average amount of livestock purchased by the dealer or market agency during a period equivalent to 2 business days. To compute the required amount of bond coverage, divide the total dollar value of livestock purchased during the preceding business year, or substantial part of that business year, in which the dealer or market agency or both did business, by one-half the number of days on which business was conducted. The number of days in any business year, for purposes of this regulation, shall not exceed 260. Therefore, the divisor (one-half the number of days on which business was conducted) shall not exceed 130. The amount of the bond coverage must be the next multiple of $5,000 above the amount so determined. When the computation exceeds $75,000, the amount of bond coverage need not exceed $75,000 plus 10 percent of the excess over $75,000, raised to the next $5,000 multiple. In no case shall the amount of bond coverage be less than $10,000 or such higher amount as required to comply with any state law.

(c) *Market agency acting as clearing agency.* The amount of bond coverage must be based on the average amount of livestock purchased by all persons for whom the market agency served as a clearor during a period equivalent to 2 business days. To compute the required amount of bond coverage, divide the total dollar value of livestock purchased by all persons for whom the market agency served as a clearor during the preceding business year, or substantial part of that business year, in which the market agency acting as clearing agency did business, by one-half the number of days on which business was conducted. The number of days in any business year, for purposes of this regulation, shall not exceed 260. Therefore, the divisor (one-half the number of days on which business was conducted) shall not exceed 130. The amount of bond coverage must be the next multiple of $5,000 above the amount so determined. When the computation exceeds $75,000, the amount of bond coverage need not exceed $75,000 plus 10 percent of the excess over $75,000, raised to the next $5,000 multiple. In no case shall the amount of bond coverage be less than $10,000 or such higher amount as required to comply with any state law.

(d) *Packer.* The amount of bond coverage must be based on the average amount of livestock purchased by the packer during a period equivalent to 2 business days. To compute the required amount of bond coverage, divide the total dollar value of livestock purchased during the preceding business year, or substantial part of that business year, in which the packer did business, by one-half the number of days on which business was conducted. The number of days in any business year, for purposes of this regulation, shall not exceed 260. Therefore, the divisor (one-half the number of days on which business was conducted) shall not exceed 130. The amount of bond coverage must be the next multiple of $5,000 above the amount so determined. In no case shall the amount of bond coverage for a packer be less than $10,000.

(e) If a person applying for registration as a market agency or dealer has been engaged in the business of handling livestock before the date of the application, the value of the livestock handled, if representative of future operations, must be used in computing the required amount of bond coverage. If the applicant for registration is a successor in business to a registrant formerly subject to these regulations, the amount of bond coverage of the applicant must be at least that amount required of the prior registrant, unless otherwise determined by the Administrator. If a packer becomes subject to these regulations, the value of livestock purchased, if representative of future operations must be used in computing the required amount of bond coverage. If a packer is a successor in business to a packer formerly subject to these regulations, the amount of bond coverage of the successor must be at least that amount required of the prior packer, unless otherwise determined by the Administrator.

(f) Whenever the Administrator has reason to believe that a bond is inadequate to secure the performance of the obligations of the market agency, dealer or packer covered thereby, the Administrator shall notify such person to adjust the bond to meet the requirements the Administrator determines to be reasonable.

§ 201.31 Conditions in market agency, dealer, and packer bonds.

Each market agency, dealer and packer bond shall contain conditions applicable to the activity or activities in which the person or persons named as principal or clearees in the bond propose to engage, which conditions shall be as follows or in terms to provide equivalent protection:

(a) *Condition Clause No. 1: When the principal sells livestock for the accounts of others.* If the said principal shall pay when due to the person or persons entitled thereto the gross amount, less lawful charges, for which all livestock is sold for the accounts of others by said principal.

(b) *Condition Clause No. 2: When the principal buys livestock for his own account or for the accounts of other.* If the said principal shall pay when due to the person or persons entitled thereto the purchase price of all livestock purchased by said principal for his own account or for the accounts of others, and if the said principal shall safely keep and properly disburse all funds, if any, which come into his hands for the purpose of paying for livestock purchased for the accounts of others.

(c) *Condition Clause No. 3: When the principal clears other registrants buying livestock and thus is responsible for the obligations of such other registrants.* If the said principal, acting as a clearing agency responsible for the financial obligations of other registrants engaged in buying livestock, viz: (Insert here the names of such other registrants as they appear in the application for registration), or if such other registrants, shall (1) pay when due to the person or persons entitled thereto the purchase price of all livestock purchased by such other registrants for their own account or for the accounts of others; and (2) safely keep and properly disburse all funds coming into the hands of such principal or such other registrants for the purpose of paying for livestock purchased for the accounts of others.

(d) *Condition Clause No. 4: When the principal buys livestock for his own account as a packer.* If the said principal shall pay when due to the person or persons entitled thereto the purchase price of all livestock purchased by said principal for his own account.

§ 201.34 Termination of market agency, dealer and packer bonds.

(a) Each bond shall contain a provision requiring that, prior to terminating such bond, at least 30 days notice in writing shall be given to the Administrator, Packers and Stockyards Administration, U.S. Department of Agriculture, Washington, D.C. 20250, by the party terminating the bond. Such provision may state that in the event the surety named therein writes a replacement bond for the same principal, the 30-days notice requirement may be waived and the bond will be terminated as of the effective date of the replacement bond.

(b) Each bond filed by a market agency who clears other registrants who are named in the bond shall contain a provision requiring that, prior to terminating the bond coverage of any clearee named therein, at least 30 days' notice in writing shall be given to the Administrator, Packers and Stockyards Administration, U.S. Department of Agriculture, Washington, D.C. 20250, by the surety. Such written notice shall be in the form of a rider or endorsement to be attached to the bond of the clearing agency.

(c) Each trust fund agreement shall contain a provision requiring that, prior to terminating such trust fund agreement, at least 30 days' notice in writing shall be given to the Administrator, Packers and Stockyards Administration, U.S. Department of Agriculture, Washington, D.C. 20250, by the party terminating the trust fund agreement. Such provision may state that in the event the principal named therein files an acceptable bond written by an approved surety to replace the trust fund agreement, the 30-day notice requirement may be waived and the trust fund agreement will be terminated as of the effective date of the replacement bond.

§ 201.42 Custodial accounts for trust funds.

(a) *Payments for livestock are trust funds.* Each payment that a livestock buyer makes to a market agency selling on commission is a trust fund. Funds deposited in custodial accounts are also trust funds.

(b) *Custodial accounts for shippers' proceeds.* Every market agency engaged in selling livestock on a commission or agency basis shall establish and maintain a separate bank account designated as "Custodial Account for Shippers' Proceeds," or some similar identifying designation, to disclose that the depositor is acting as a fiduciary and that the funds in the account are trust funds.

(c) *Deposits in custodial accounts.* The market agency shall deposit in its custodial account before the close of the next business day (the next day on which banks are customarily open for business whether or not the market agency does business on that day) after livestock is sold (1) the proceeds from the sale of livestock that have been collected, and (2) an amount equal to the proceeds receivable from the sale of livestock that are due from (i) the market agency, (ii) any owner, officer, or employee of the market agency, and (iii) any buyer to whom the market agency has extended credit. The market agency shall thereafter deposit in the custodial account all proceds collected until the account has been reimbursed in full, and shall, before the close of the seventh day following the sale of livestock, deposit an amount equal to all the remaining proceeds receivable whether or not the proceeds have ben collected by the market agency.

(d) *Withdrawals from custodial accounts.* The custodial account for shippers' proceeds shall be drawn on only for payment of (1) the net proceeds to the consignor or shipper, or to any person that the market agency knows is entitled to payment, (2) to pay lawful charges against the consignment of livestock which the market agency shall, in its capacity as agent, be required to pay, and (3) to obtain any sums due the market agency as compensation for its services.

(e) *Accounts and records.* Each market agency shall keep such accounts and records as will disclose at all times the handling of funds in such custodial accounts for shippers' funds. Accounts and records must at all times disclose the names of the consignors and the amount due and payable to each from funds in the custodial account for shippers' proceeds.

(f) *Insured banks.* Such custodial accounts for shippers' funds must be established and maintained in banks whose deposits are insured by the Federal Deposit Insurance Corporation.

(g) *Certificates of deposit and/or savings accounts.* Funds in a custodial account for shippers' proceeds may be

maintained in an interest-bearing savings account and/or invested in one or more certificates of deposit, to the extent that such deposit or investment does not impair the ability of the market agency to meet its obligations to its consignors. The savings account must be properly designated as a part of the custodial account of the market agency in its fiduciary capacity as trustee of the custodial funds and maintained in the same bank as the custodial account. The certificates of deposit, as property of the custodial account, must be issued by the bank in which the custodial account is kept and must be made payable to the market agency in its fiduciary capacity as trustee of the custodial funds.

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Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
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FEDERAL REGISTER PAGES AND DATES, FEBRUARY

4489-4672 1

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the

Day-of-the-Week Program Coordinator,
Office of the Federal Register,
National Archives and Records Service,
General Services Administration,
Washington, D.C. 20408.

TABLE OF EFFECTIVE DATES AND TIME PERIODS—FEBRUARY 1982

This table is for determining dates in documents which give advance notice of compliance, impose time limits on public response, or announce meetings.

Agencies using this table in planning publication of their documents must allow sufficient time for printing production.

In computing these dates, the day after publication is counted as the first day. When a date falls on a weekend or a holiday, the next Federal business day is used (see 1 CFR 18.17).

A new table will be published in the first issue of each month.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
February 1	February 16	March 3	March 18	April 2	May 3
February 2	February 17	March 4	March 19	April 5	May 3
February 3	February 18	March 5	March 22	April 5	May 4
February 4	February 19	March 8	March 22	April 5	May 5
February 5	February 22	March 8	March 22	April 6	May 6
February 8	February 23	March 10	March 25	April 9	May 10
February 9	February 24	March 11	March 26	April 12	May 10
February 10	February 25	March 12	March 29	April 12	May 11
February 11	February 26	March 15	March 29	April 12	May 12
February 12	March 1	March 15	March 29	April 13	May 13
February 16	March 3	March 18	April 2	April 19	May 17
February 17	March 4	March 19	April 5	April 19	May 18
February 18	March 5	March 22	April 5	April 19	May 19
February 19	March 8	March 22	April 5	April 20	May 20
February 22	March 9	March 24	April 8	April 23	May 24
February 23	March 10	March 25	April 9	April 26	May 24
February 24	March 11	March 26	April 12	April 26	May 25
February 25	March 12	March 29	April 12	April 26	May 26
February 26	March 15	March 29	April 12	April 27	May 27

CFR CHECKLIST; 1981 ISSUANCES

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1981. New units issued during the month are announced on the back cover of the daily **Federal Register** as they become available.

For a checklist of current CFR volumes comprising a complete CFR set, see the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription service to all revised volumes is $525 domestic, $131.25 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (Rev. as of Jan. 1, 1981):

Title	Price
1–2	$5.00
3	7.50
4	7.50
5	14.00
6	4.00
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0–52	8.50
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210–299	8.00
300–399	7.00
400–699	7.50
700–899	8.00
900–944	8.00
945–980	6.50
981–999	6.50
1000–1059	7.50
1060–1119	7.50
1120–1199	12.00
1200–1499	8.50
1500–1899	7.00
1900–2799	11.00
2800–2851	8.00
2853–end	9.00
8	6.50
9 Parts:	
1–199	8.50
200–end	7.50
10 Parts:	
0–199	12.00
200–399	8.50
400–499	8.00
500–end	8.50
11	6.50
12 Parts:	
1–199	7.00
200–299	9.00
300–499	7.00
500–end	17.00
13	8.00
14 Parts:	
1–59	8.50
60–199	9.50
200–1199	8.50
1200–end	7.00
15 Parts:	
0–299	6.50
300–end	9.50
16 Parts:	
0–149	7.50
150–999	7.50
1000–end	8.00

CFR Unit (Rev. as of Apr. 1, 1981):

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150–399	8.00
400–end	7.00
19	13.00
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400–499	8.50
500–end	9.00
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200–299	5.50
300–499	9.00
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600–799	6.50
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1300–end	5.50
22	9.50
23	8.50
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31 Parts:	
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32 Parts:	
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1–39, Vol. II (rev. Aug. 1, 1981)	13.00
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CFR Index	9.50

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NOTE: ABOVE PRICES REFLECT RECENT GPO INCREASE.

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AGENCY ABBREVIATIONS
Used in Highlights and Reminders

(This List Will Be Published Monthly in First Issue of Month.)

USDA Agriculture Department

AMS Agricultural Marketing Service
APHIS Animal and Plant Health Inspection Service
ASCS Agricultural Stabilization and Conservation Service
CCC Commodity Credit Corporation
CSRS Cooperative State Research Service
EOA Energy Office, Agriculture Department
EQOA Environmental Quality Office, Agriculture Department
ERS Economic Research Service
FmHA Farmers Home Administration
FAS Foreign Agricultural Service
FCIC Federal Crop Insurance Corporation
FGIS Federal Grain Inspection Service
FNS Food and Nutrition Service
FS Forest Service
FSIS Food Safety and Inspection Service
IGO Inspector General Office
PSA Packers and Stockyards Administration
REA Rural Electrification Administration
SCS Soil Conservation Service
SEA Science and Education Administration
SRS Statistical Reporting Service
TOA Transportation Office, Agriculture Department

COMMERCE Commerce Department

BEA Bureau of Economic Analysis
BIE Bureau of Industrial Economics
Census Census Bureau
EDA Economic Development Administration
FSPSO Federal Statistical Policy and Standards Office
FTZB Foreign-Trade Zones Board
ITA International Trade Administration
MBDA Minority Business Development Agency
NBS National Bureau of Standards
NOAA National Oceanic and Atmospheric Administration
NTIA National Telecommunications and Information Administration
NTIS National Technical Information Service
PTO Patent and Trademark Office
USTS United States Travel Service

DOD Defense Department

AF Air Force Department
Army Army Department
DCAA Defense Contract Audit Agency
DIA Defense Intelligence Agency
DIS Defense Investigative Service
DLA Defense Logistics Agency
DMA Defense Mapping Agency
DNA Defense Nuclear Agency
EC Engineers Corps
Navy Navy Department

ED Education Department

NCH National Council for the Handicapped

DOE Energy Department

APA Alaska Power Administration
BPA Bonneville Power Administration
CRE Conservation and Renewable Energy Office
EIA Energy Information Administration
ERA Economic Regulatory Administration
ERO Energy Research Office
ETO Energy Technology Office
FERC Federal Energy Regulatory Commission
OHA Hearings and Appeals Office, Energy Department
SEPA Southeastern Power Administration
SWPA Southwestern Power Administration
WAPA Western Area Power Administration

HHS Health and Human Services Department

ADAMHA Alcohol, Drug Abuse, and Mental Health Administration
CDC Centers for Disease Control
FDA Food and Drug Administration
HCFA Health Care Financing Administration
HDSO Human Development Services Office
HRA Health Resources Administration
HSA Health Services Administration
NIH National Institutes of Health
NIOSH National Institute for Occupational Safety and Health
PHS Public Health Service
SSA Social Security Administration

HUD Housing and Urban Development Department

CARF Consumer Affairs and Regulatory Functions, Office of Assistant Secretary
CPD Community Planning and Development, Office of Assistant Secretary
E&EO Environment and Energy Office, Housing and Urban Development Department
FHC Federal Housing Commissioner, Office of Assistant Secretary for Housing
FHEO Fair Housing and Equal Opportunity, Office of Assistant Secretary
GNMA Government National Mortgage Association
ILSRO Interstate Land Sales Registration Office
NCA New Communities Administration
NCDC New Community Development Corporation
NVACP Neighborhoods, Voluntary Associations and Consumer Protection, Office of Assistant Secretary
SEECB Solar Energy and Energy Conservation Bank

INTERIOR Interior Department

BIA Bureau of Indian Affairs
BLM Bureau of Land Management
FWS Fish and Wildlife Service
GS Geological Survey
Mines Mines Bureau
NPS National Park Service
OHA Office of Hearings and Appeals, Interior Department
RB Reclamation Bureau
SMREO Surface Mining Reclamation and Enforcement Office

JUSTICE Justice Department

ANTITRUST Antitrust Division
BJS Bureau of Justice Statistics
DEA Drug Enforcement Administration
FCSC Foreign Claims Settlement Commission
INS Immigration and Naturalization Service
JJDPO Juvenile Justice and Delinquency Prevention Office
LEAA Law Enforcement Assistance Administration
NIC National Institute of Corrections
NIJ National Institute of Justice
OJARS Justice Assistance, Research and Statistics Office
PARCOM Parole Commission
PB Prisons Bureau

LABOR Labor Department

BLS Bureau of Labor Statistics
ESA Employment Standards Administration

ETA Employment and Training Administration
FCCPO Federal Contract Compliance Programs Office
LMSEO Labor Management Standards Enforcement Office
MSHA Mine Safety and Health Administration
OSHA Occupational Safety and Health Administration
P&WBP Pension and Welfare Benefit Programs Office
W&H Wage and Hour Division

STATE State Department

FSGB Foreign Service Grievance Board

DOT Transportation Department

CG Coast Guard
FAA Federal Aviation Administration
FHWA Federal Highway Administration
FRA Federal Railroad Administration
MA Maritime Administration
NHTSA National Highway Traffic Safety Administration
RSPA Research and Special Programs Administration
SLSDC Saint Lawrence Seaway Development Corporation
UMTA Urban Mass Transportation Administration

TREASURY Treasury Department

ATF Alcohol, Tobacco and Firearms Bureau
Customs Customs Service
Comptroller Comptroller of the Currency
FACO Foreign Assets Control Office
FS Fiscal Service
IRS Internal Revenue Service
Mint Mint Bureau
PDB Public Debt Bureau
RSO Revenue Sharing Office
SS Secret Service

Independent Agencies

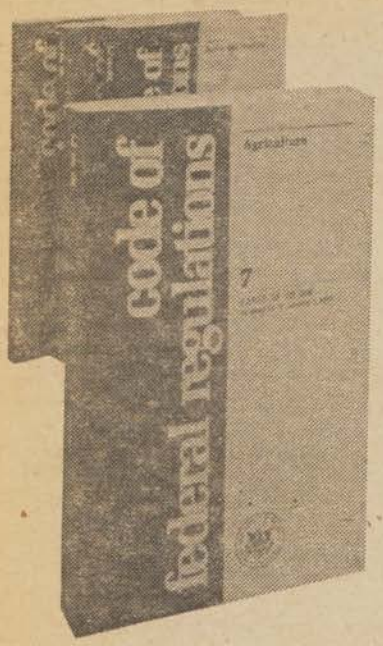
ACHP Historic Preservation, Advisory Council
ANGTS Alaska Natural Gas Transportation System, Office of Federal Inspector
ATBCB Architectural and Transportation Barriers Compliance Board
CAB Civil Aeronautics Board
CEQ Council on Environmental Quality
CFTC Commodity Futures Trading Commission
CITA Textile Agreements Implementation Committee
CPSC Consumer Product Safety Commission
CRC Civil Rights Commission
CSA Community Services Administration
DIDC Depository Institutions Deregulation Committee
EEOC Equal Employment Opportunity Commission
EPA Environmental Protection Agency
ESC Endangered Species Committee
EXIMBANK Export-Import Bank of the U.S.
FCA Farm Credit Administration
FCC Federal Communications Commission
FDIC Federal Deposit Insurance Corporation
FEC Federal Election Commission
FEMA Federal Emergency Management Agency
FEMA/USFA United States Fire Administration
FFIEC Federal Financial Institutions Examination Council
FHLBB Federal Home Loan Bank Board
FHLMC Federal Home Loan Mortgage Corporation
FLRA Federal Labor Relations Authority
FMC Federal Maritime Commission
FRAC Federal Register Administrative Committee
FRS Federal Reserve System
FSIDP Foreign Service Impasse Disputes Panel
FSLRB Foreign Service Labor Relations Board
FTC Federal Trade Commission
GAO General Accounting Office
GOLD Gold Commission
GPO Government Printing Office
GSA General Services Administration
GSA/ADTS Automated Data and Telecommunications Service
GSA/FPRS Federal Property Resources Service
GSA/FSS Federal Supply Service
GSA/NARS National Archives and Records Service
GSA/OFR Office of the Federal Register
GSA/PBS Public Buildings Service
GSA/TPUS Transportation and Public Utilities Service
ICA International Communication Agency
ICC Interstate Commerce Commission
IDCA International Development Cooperation Agency
IDCA/AID Agency for International Development
ITC International Trade Commission
IRLG Interagency Regulatory Liaison Group
LSC Legal Services Corporation
MB Metric Board
MSPB Merit Systems Protection Board
MWSC Minimum Wage Study Commission
NACEO National Advisory Council on Economic Opportunity
NASA National Aeronautics and Space Administration
NCCB National Consumer Cooperative Bank
NCUA National Credit Union Administration
NFAH National Foundation for the Arts and the Humanities
NLRB National Labor Relations Board
NRC Nuclear Regulatory Commission
NSF National Science Foundation
NTSB National Transportation Safety Board
OMB Office of Management and Budget
OMB/FPPO Federal Procurement Policy Office
OPIC Overseas Private Investment Corporation
OPM Office of Personnel Management
OPM/FPRAC Federal Prevailing Rate Advisory Committee
OSTP Office of Science and Technology Policy
PADC Pennsylvania Avenue Development Corporation
PBGC Pension Benefit Guaranty Corporation
PRC Postal Rate Commission
PS Postal Service
RRB Railroad Retirement Board
SBA Small Business Administration
SEC Securities and Exchange Commission
SFC Synthetic Fuels Corporation
SSS Selective Service System
Trade Representative Trade Representative, Office of United States
TVA Tennessee Valley Authority
VA Veterans Administration
WRC Water Resources Council

REMINDERS

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing January 6, 1982



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