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11-22-82
Vol. 47 No. 225
Pages 52405-52690

federal register

Monday
November 22, 1982

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Environmental Protection Agency
Aviation Safety
Federal Aviation Administration
Credit Unions
National Credit Union Administration
Drug Traffic Control
Drug Enforcement Administration
Endangered and Threatened Wildlife
Fish and Wildlife Service
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Presidential Documents

Title 3—

The President

Executive Order 12394 of November 18, 1982

Incentive Pay for Hazardous Duty

By the authority vested in me as President of the United States of America by Section 301(a) of Title 37 of the United States Code, and in order to define the scope of two categories of hazardous duty, it is hereby ordered as follows:

Section 1. Executive Order No. 11157 of June 22, 1964, as amended, is further amended by striking out subsection (f) of Section 109 of Part I and inserting in lieu thereof the following:

"(f) The term "duty involving frequent and regular participation in flight operations on the flight deck of an aircraft carrier or of a ship other than an aircraft carrier from which aircraft are launched" shall be construed to mean duty performed by members who are designated for and ordered to such duty by competent authority from among the crew of a ship from which aircraft are launched or an aviation unit operating from that type of ship, and who, in any calendar month (1) participate in flight operations on the flight deck during a minimum of four days, or (2) participate, on the flight deck, in a minimum number of aircraft launches or recoveries, or both, that is prescribed by the Secretary concerned as the equivalent of participation under clause (1). No member shall be entitled, however, to receive the pay provided for in this subsection if, during any month or portion thereof, he is also eligible to receive incentive pay for other hazardous duty under the provisions of Section 301 of Title 37, United States Code.

"(g) The term "duty involving the servicing of aircraft or missiles with highly toxic fuels or propellants" shall be construed to mean duty performed by members as a primary duty that requires (1) removal, replacement, and servicing of the emergency power unit of an aircraft with H–70 propellant (30 percent water, 70 percent hydrazine); (2) participation by those personnel performing duties in (g)(1) who must also participate in an emergency response force, spill containment, or spill cleanup involving H–70 propellant (30 percent water, 70 percent hydrazine); (3) handling and maintaining the liquid propellants (liquid oxidizer-nitrogen tetroxide; unsymmetrical dimethyl hydrazine) used in the Titan weapon system, if such duty requires qualification in the use of the Rocket Fuel Handler's Clothing Outfit and involves (A) launch duct operations, including flow, pressurization, on-load, off-load, set-up, or tear down involving propellant transfer operations; (B) set-up, installation or tear down for fuel/oxidizer flow; (C) decontamination of equipment, including, but not limited to the Rocket Fuel Handler's Clothing Outfit; (D) venting or pressurizing missile fuel or oxidizer tanks; (E) removing or replacing missile components while missile fuel and oxidizer tanks are loaded with such propellants; (F) transferrring propellants between commercial and military holding trailers, or between holding trailers and fuel/oxidizer pump rooms; or (G) normal preventive maintenance activities including, but not limited to, seal changes; (4) handling and maintaining the propellants, unsymmetrical dimethyl hydrazine and inhibited red-fuming nitric acid, used in the LANCE missile system; or (5) handling and maintaining other toxic substances contained in missile or aircraft weapon system propellants as determined by the Secretary concerned. The entitlement to the pay provided for in this subsection is based upon the performance of such duty which has the potential for accidental or inadvertent exposure to highly toxic fuels or propellants or related substances and not upon actual quantifiable exposure to such substances. Therefore, neither this construction of the term nor the receipt of the

pay provided for in this subsection may be construed as indicating that any person entitled to such pay has been actually exposed to highly toxic fuels or propellants or related substances contrary to the provisions of any statute, Executive order, rule, or regulations relating to health or safety which is applicable to the uniformed services.".

Sec. 2. This order shall be effective as of October 1, 1981.

Ronald Reagan

THE WHITE HOUSE,
November 18, 1982.

[FR Doc. 82-32121
Filed 11-19-82; 10:30 am]
Billing code 3195-01-M

Rules and Regulations

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 331

[Docket No. 82-340]

Scleroderris Canker

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document removes emergency regulations concerning restrictions on the interstate movement of certain articles from New Hampshire, New York, and Vermont which had been imposed because of the European strain of Scleroderris canker, a fungus disease which affects certain trees. No funds are available for administering federal regulations imposing restrictions on the interstate movement of articles because of any strains of Scleroderris canker. Removal of the emergency regulations will delete the restrictions imposed by the emergency regulations, and will leave action to prevent the interstate spread of any strains of Scleroderris canker to the States.

EFFECTIVE DATE: December 22, 1982.

FOR FURTHER INFORMATION CONTACT: Richard L. Cowden, Staff Officer, Field Operations Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 663 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8295.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This action is issued in conformance with Executive Order 12291 and Secretary's Memorandum No. 1512-1, and has been determined to be not a "major rule." This action removes emergency regulations which imposed restrictions on the interstate movement of certain articles from areas in New Hampshire, New York, and Vermont because of the European strain of Scleroderris canker. Based on information compiled by the Department, it has been determined that this action will not have a significant effect on the economy; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and will not have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

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

Regulatory Flexibility Act

Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action almost exclusively affects the interstate movement of Christmas trees from listed areas in New Hampshire, New York, and Vermont. There are approximately 14,000 small entities in the United States that move Christmas trees interstate. However, based on information compiled by the U.S. Department of Agriculture, it has been determined that fewer than 300 small entities move such articles interstate from the previously regulated areas. Further, it appears that this action will not have a significant economic effect on the economy.

Background

Prior to the effective date of this document, emergency regulations restricted the interstate movement of certain articles from certain areas in New Hampshire, New York, and Vermont for the purpose of preventing the artificial spread of the European strain of Scleroderris canker into noninfected States. The emergency regulations were contained in 7 CFR 331.5.

The emergency regulations restricted the movement from listed areas in New Hampshire, New York, and Vermont of the following articles:

Nursery stock, Christmas trees, wreaths, branches, twigs of any species of the genera of *Larix, Pinus,* and *Picea* and the species *Pseudotsuga menziesii;* or any parts of such products or articles, of any species of the genera of *Larix, Pinus,* and *Picea* and the species *Pseudotsuga menziesii;* except logs or pulpwood without twigs or branches.

The movement of these articles was restricted under the emergency regulations if from a listed portion of Coos County in New Hampshire, if from any part of Franklin or Lewis Counties in New York, or if from a listed portion of one of the following counties in New York: Clinton, Essex, Fulton, Hamilton, Herkimer, Jefferson, Oneida, Oswego, St. Lawrence, or Warren. The movement of these articles was also restricted under the emergency regulations if from any part of Lamoille County in Vermont or if from a portion of one of the following counties in Vermont: Addison, Caledonia, Chittenden, Essex, Franklin, Orange, Orleans, or Washington.

In a document published in the Federal Register on January 8, 1980 (45 FR 1615-1621), the Department proposed to remove the emergency regulations and to supersede them with a final quarantine and regulations concerning the European strain of Scleroderris canker. It was proposed to establish a final quarantine and regulations imposing restrictions on the interstate movement of essentially the same articles as those specified in the emergency regulations from the areas specified in the emergency regulations and also from portions of Jefferson County in New York and from portions of Caledonia, Orleans, and Washington Counties in Vermont.

The document of January 8, 1980, provided that written comments concerning the proposal were to be received on or before March 10, 1980. Also, in accordance with the notice given in the document of January 8, 1980, a public hearing to consider the proposal was held on February 7, 1980, in Albany, New York.

Twenty-one written comments were received in response to the proposal. In addition, seven oral comments were made at the public hearing. Thirteen

commenters agreed with the proposal. One commenter asserted that action should be taken to restrict the movement into the United States of articles from Canada in order to prevent the spread of the European strain of Scleroderris canker. One commenter asserted that whatever action was to be taken should be taken as soon as possible. Seven commenters asserted that the proposed quarantine and regulations should be expanded for the purpose of preventing the spread of all strains of Scleroderris canker. Six of the commenters mistakenly indicated that the proposal was to establish a quarantine and regulations for the purpose of preventing the spread of all strains of Scleroderris canker, and further indicated that such restrictions are not necessary.

A document published in the **Federal Register** on October 26, 1981 (46 FR 52117–52119), proposed to remove the emergency regulations contained in 7 CFR 331.5 and withdrew the proposal of January 8, 1980. The document of October 26, 1981, provided that written comments were to be received on or before November 16, 1981, and three comments were received in response to that document. Two commenters asserted that a federal quarantine and regulations should be imposed for the purpose of preventing the spread of the European strain of Scleroderris canker. The other commenter questioned certain biological determinations stated in the proposal.

No funds are available for administering federal regulations to impose restrictions on the interstate movement of articles because of any strains of Scleroderris canker. Accordingly, it does not appear that federal regulations would be effective since the Department would not be able to conduct those activities necessary to update such regulations, and would not be able to take the necessary action to enforce such regulations. Therefore, this document removes the emergency regulations.

This removal of the emergency regulations will leave action to prevent the interstate spread of strains of Scleroderris canker to the States. Each State could, under its own authority, impose restrictions on the interstate movement into its jurisdiction of articles presenting a risk of spreading strains of Scleroderris canker, and thereby help prevent the spread of such strains of Scleroderris canker. It appears that those strains of Scleroderris canker (including the European strain) that may present a significant risk of causing significant economic damage or mortality to trees occur in Maine, New Hampshire, New York, and Vermont. These States are taking measures, such as control or quarantine measures, which appear to be effective to prevent the further spread of these strains of Scleroderris canker.

List of Subjects in 7 CFR Part 331

Agricultural commodities, Plant diseases, Plants (agriculture), Quarantine, Transportation, Scleroderris canker.

PART 331—PLANT PEST REGULATIONS GOVERNING INTERSTATE MOVEMENT OF CERTAIN PRODUCTS AND ARTICLES

§ 331.5 [Removed]

Under the circumstances referred to above, this document amends 7 CFR Part 331 by removing "Subpart-Scleroderris Canker (European Strain)", consisting of § 331.5.

(Secs. 8 and 9, 37 Stat. 318, as amended (7 U.S.C. 161, 162); Sections 105 and 106, 71 Stat. 32, 71 Stat. 33 (7 U.S.C. 150dd, 150ee); 37 FR 28464, 28477, as amended; 45 FR 8564, 8565)

Done at Washington, D.C. this 17th day of November 1982.

Harvey L. Ford,

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

[FR Doc. 82-31915 Filed 11-19-82; 8:45 am]

BILLING CODE 3410-34-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 721

Insurance and Group Purchasing Activities

AGENCY: National Credit Union Administration.

ACTION: Final rule.

SUMMARY: The National Credit Union Administration recently adopted simplified regulations governing Federal credit union insurance and group purchasing activities. This is a technical amendment to those regulations to allow "actual costs" as a method of determining permissible reimbursement to Federal credit unions for performance of administrative functions in making insurance other than credit insurance available to their members.

EFFECTIVE DATE: October 30, 1982.

ADDRESS: National Credit Union Administration, 1776 G Street NW., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Robert M. Fenner, Deputy General Counsel, at the above address, Telephone: (202) 357–1030.

SUPPLEMENTARY INFORMATION: On October 7, 1982 (47 FR 44242), NCUA published a revised, simplified rule concerning Federal credit union participation in insurance and other group purchasing activities, through which insurance and other goods and service are made available from third party vendors to credit union members. In that rule, NCUA limited the amount of compensation or reimbursement that a Federal credit union may receive for performing administrative functions in connection with insurance activities to $4 per policy ($6 for combination policies), or as an alternative in the case of credit insurance to 10% of the "prima facie" premium rate established by the state insurance authority.

These limitations were established, as opposed to allowing Federal credit unions to receive either unlimited compensation or compensation for any documentable costs, partially because of concern expressed by some commentors that a circumstance known as "reverse competition" would otherwise have the effect of increasing the cost of credit insurance to credit union members. Specifically, since a credit insurance decision is generally made by the member in connection with applying for a loan and not under circumstances that lend themselves to comparison shopping for the price of insurance, it is thought that members tend to be less price sensitive in making the decision on credit insurance as compared to other insurance and other goods and services. Therefore, it was determined that it would be advisable to retain specific upper limits on reimbursement, rather than allowing unlimited compensation or reimbursement based on the admittedly somewhat subjective test of direct and indirect costs. In the absence of specific limits, insurance companies might be expected to bid up the amount of compensation paid, which would result in increased costs to credit union members for credit insurance. In issuing the final rule, however, the option of basing reimbursement on actual costs was precluded not only for credit insurance but for other forms of insurance as well. This result was unintended, and is unnecessary inasmuch as reverse competition is not an issue with other forms of insurance which do lend themselves to comparison shopping. Accordingly, this technical amendment revises Part 721.2 to restore "actual costs" as a method of determining permissible reimbursement for activities related to insurance plans other than credit insurance plans.

List of Subjects in 12 CFR Part 721

Credit unions, Insurance, Group purchasing.

Accordingly, 12 CFR Part 721 is amended as set forth below.

Dated: November 16, 1982.

Rosemary Brady,

Secretary to the National Credit Union Administration Board.

PART 721—[AMENDED]

Section 721.2 of 12 CFR is revised to read as follows:

§ 721.2 Reimbursement.

(a) For purposes of paragraph (b) of this section, the following definitions shall apply:

(1) "Dollar amount" shall mean $4 per single-payment policy, $6 per combination policy, or $4 per annum for any other type of policy.

(2) "Percentage amount" shall mean 10% (per policy) of the "prima facie" premium rate established or other rate approved by the state insurance authority for the plan in question.

(3) "Cost amount" shall mean the total of the direct and indirect costs to the Federal credit union of any administrative functions performed on behalf of the vendor. The Federal credit union must be able to justify this amount using standard accounting procedures.

(b) A Federal credit union may be reimbursed or compensated by a vendor for activities under § 721.1 as provided below:

(1) For credit insurance plans, a Federal credit union may receive an amount not exceeding the greater of the dollar amount or the percentage amount.

(2) For insurance plans other than credit insurance plans, a Federal credit union may receive an amount not exceeding the greater of the dollar amount or the cost amount.

(3) For group purchasing plans other than insurance plans, a Federal credit union may receive an amount not exceeding the cost amount.

(c) No official or employee of a Federal credit union or any member of their immediate family may receive any compensation or benefit, directly or indirectly, in conjunction with any activity covered under this regulation.

(12 U.S.C. 1752(1); 12 U.S.C. 1757(15); 12 U.S.C. 1766(a))

[FR Doc. 82-31916 Filed 11-19-82; 8:45 am]

BILLING CODE 7535-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 82-ACE-24]

Alteration of Transition Area—Cherokee, Iowa

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to alter the 700-foot transition area at Cherokee, Iowa. The FAA has revised the Cherokee, Iowa, NDB Runway 36 final approach by using the 201° bearing instead of the 206° bearing. This change requires a slight alteration to the transition area.

EFFECTIVE DATE: December 29, 1982.

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

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71.181) is to alter the Cherokee, Iowa, transition area. The alteration is necessary because the FAA has revised the Cherokee, Iowa, NDB final approach course by using the 201° bearing instead of the 206° bearing. This change requires a slight alteration to the transition area. The intended effect of this action is to ensure segregation of aircraft using this new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Since this change is not significant and does not impose any additional burden, notice and public procedure under 5 U.S.C. 553(b) is impracticable and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 GMT, December 29, 1982 by altering the following transition area:

Cherokee, Iowa

That airspace extending upward from 700 feet above the surface within a 6½ mile radius of the Cherokee Municipal Airport (latitude 42°44'15" N, longitude 95°33'20" W), and within 3 miles each side of the 201° bearing from Cherokee NDB latitude 42°42'56"N, longtitude 95°33'10" W), extending from the 6½ mile radius area to 8½ miles southwest of the NDB.

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

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

Issued in Kansas City, Missouri, on November 5, 1982.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 82-31919 Filed 11-19-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 82-ASW-64]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Transition Area: Duncan, OK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will alter the transition area at Duncan, OK. The intended effect of the amendment is to provide additional controlled airspace for aircraft executing a new instrument approach procedure to Halliburton Field. This amendment is necessary to provide protection for aircraft executing a new standard instrument approach procedure (SIAP) using the back course of the ILS localizer to Runway 17.

EFFECTIVE DATE: February 17, 1983.

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

On September 23, 1982, a notice of proposed rulemaking was published in the **Federal Register** (47 FR 41984) stating that the Federal Aviation Administration proposed to alter the Duncan, OK, transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes, this amendment is that proposed in the notice.

List of Subjects in 14 CFR Part 71

Control zones, Transition areas, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart G of Part 71, § 71.181 of the Federal Aviation Regulations (14 CFR Part 71) as republished in Advisory Circular AC 70-3 dated January 29, 1982, is amended, effective 0901 G.m.t., February 17, 1983, as follows:

Duncan, OK [Amended]

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Halliburton Field (latitude 34°28'20" N., longitude 97°57'34" W.) and within 5 miles each side of a 359° bearing from the airport, extending from the 8.5-mile radius area to 17.5 miles north of the airport; and within 2 miles each side of the Duncan VOR 155° radial extending from the 8.5-mile radius area to 7 miles southeast of the VOR.

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

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

Issued in Forth Worth, TX, on November 10, 1982.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 82-31925 Filed 11-19-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 82-ASO-45]

Alteration of Transition Area, Cheraw, South Carolina

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment increases the size of the Cheraw, South Carolina transition area to provide additional controlled airspace for aircraft departing the Cheraw Municipal Airport during Instrument Flight Rule (IFR) operations. In addition, two arrival extensions are revoked as one is in excess of needs and the other will be encompassed by the increased size of the basic radius area.

EFFECTIVE DATE: 0901 G.m.t. December 23, 1982.

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

SUPPLEMENTARY INFORMATION:

History

On Monday, September 20, 1982, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by increasing the radius of the Cheraw transition area to encompass airspace needed for protection of IFR departure operations from the Cheraw Municipal Airport. Existing transition area arrival extensions, which are predicated on the Chesterfield VOR and the Cheraw radio beacon, are revoked as the airspace required for arrival operations will be contained in the enlarged radius area (47 FR 41400). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3 dated January 29, 1982.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations increases the size of the basic radius transition area centered on the Cheraw Municipal Airport and revokes two extensions which are no longer needed.

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Transition area.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (as amended) is further amended, effective 0901 G.m.t., December 23, 1982, as follows:

Cheraw, SC—[Revised]

That airspace extending upwards from 700 feet above the surface within a 7-mile radius of Cheraw Municipal Airport (Lat. 34°42'45" N., Long. 79°57'35" W.).

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

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

Issued in East Point, Georgia, on November 8, 1982.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 82-31918 Filed 11-19-82; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 436

Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures

AGENCY: Federal Trade Commission.

ACTION: Temporary partial stay of rules and request for comments.

SUMMARY: The Commission is requesting public comment with respect to requests of several automobile companies for an exemption from the requirements of the Franchise Rule regarding disclosure requirements and prohibitions concerning franchising and business opportunity ventures. The Commission has also temporarily stayed the Franchise Rule (16 CFR Part 436) insofar as it applies to such automobile companies pending a final decision by the Commission on the exemption requests.

DATE: The temporary stay is effective November 22, 1982. Written comments will be accepted until January 21, 1983.

ADDRESS: Comments may be filed in person or mailed to: FTC/S, Federal Trade Commission, Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: FTC/PC–B–800–9, Neil J. Blickman, Federal Trade Commission, 600 E St., N.W. (8th floor), Washington, D.C. 20580. (202) 376–2805.

SUPPLEMENTARY INFORMATION: On December 21, 1978, the Federal Trade Commission promulgated a Trade Regulation Rule entitled "Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures." In general, the Rule provides for pre-sale disclosure to prospective franchisees of important information about the franchisor, the franchise business and the terms of the proposed franchise relationship. A summary of the Rule appears as Appendix A below.

Section 18(g) of the Federal Trade Commission Act provides that any person or class of persons covered by a trade regulation rule may petition the Commission for an exemption from such rule, and if the Commission finds that the application of such rule to any person or class of persons is not necessary to prevent the unfair or deceptive act or practice to which the rule relates, the Commission may exempt such person or class from all or any part of the rule.

The following companies filed petitions for exemption pursuant to Section 18(g):

August 26, 1980: Gulf States Toyota, Inc.
September 25, 1980: Southeast Toyota Distributors, Inc.
October 1, 1980: Mid-Atlantic Toyota Distributors, Inc.
December 23, 1980: Subaru of New England, Inc.; Distributors, Inc.; Subaru Distributors Corporation; Subaru Northwest, Inc.; Subaru Mid-America, Inc.; and Subaru South, Inc.
January 15, 1981: Subaru Mid-America, Inc.—Supplementary Petition
January 19, 1981: Penn Jersey Subaru, Inc.
January 20, 1981: Volkswagen of America, Inc.
April 28, 1981: Southwest Subaru Star Corporation

Each petition is reproduced in full in Appendix B.

Briefly stated, Petitioners allege that an exemption should be granted to the companies listed in their exemption petitions because: (1) There is no franchisee support for coverage under the Rule; (2) the disclosures required by the Rule would not provide any meaningful assistance to franchisees; (3) the Rule was not intended to cover franchisors with characteristics like the automobile industry; instead, the Rule was intended to protect franchisees from financially unstable franchisors, using high-pressure sales tactics to acquire franchisees as a source of low-cost capital; (4) there is no harm to dealers at the present time in the sale of franchises; (5) existing federal and state regulations provide all the necessary protection; (6) some disclosures would be extremely burdensome, especially the Rule's requirements regarding financial statements and the Rule's requirement that out-of-court settlements of litigation be disclosed; (7) none of the three characteristics which the Commission has articulated in its Statement of Basis and Purpose for the Franchise Rule as creating the potential for unfair and deceptive trade practices by franchisors is present with respect to Petitioners; for example, Petitioners neither grant dealerships in order to raise low-cost capital, nor select dealers who are unsophisticated persons with little previous business experience, nor use high-pressure sales tactics to sign up new dealers; (8) coverage by the Rule is not necessary because sufficient disclosure to prevent potential abuses is already provided to prospective dealers as a matter of standard industry practice; and (9) since the Commission has previously granted exemptions from the Rule to several other automobile companies and their subsidiaries who conduct their business in a manner quite similar to that of Petitioners, it would be unfair to apply the rule to a limited number of distributors but not to others.

For a complete presentation of the arguments submitted by each Petitioner, please refer to the full text of the petitions set forth as Appendix B.

Previously, on July 17, 1980 the Commission issued an Order Granting Exemption from the Franchise Rule to the American Motors Corporation and the members and subscribing members of the Automobile Importers of America, Inc., as well as to the subsidiaries of these companies. 45 Fed. Reg. 51763 (1980). In addition to the current Petitioners, neither General Motors, Ford, Chrysler, nor various specialty car manufacturers are covered by that Exemption Order.*

* Although the Commission has previously ratified staff advisory opinions to General Motors, Ford and Chrysler stating that the manner in which they sell automobile dealerships would not constitute a "franchise" within the meaning of the Rule, neither GM, Ford nor Chrysler has been granted a formal exemption from the Franchise Rule.

In assessing the present exemption requests, the Commission would like comments on all relevant issues germane to the proceeding including the following: (1) Do Petitioners engage in unfair or deceptive acts or practices in the offer and sale of motor vehicle franchises? If they do not, is it in the public interest to exempt them from coverage under the Franchise Rule? (2) If an exemption is appropriate, should it be (a) limited to Petitioners, (b) expanded and made applicable to all motor vehicle manufacturers including GM, Ford, Chrysler and the specialty car manufacturers, or (c) expanded only to a particular class, and if so, what is the proper definition of the class sharing the characteristics that make applicability of the Franchise Rule unnecessary?

The Commission is also interested in receiving comments on whether provisions of the Automobile Dealer Franchise Act or the Automobile Dealers Day in Court Act constitute industry-specific federal substantive law sufficient to remedy the same abuses that the Rule attempts to remedy through the alternative strategy of information disclosure.

The Commission has analyzed the arguments made by Petitioners and concluded that further inquiry is warranted before a determination regarding the petitions can be made. The Commission, therefore, seeks comments regarding the exemption requested by Petitioners. Weighing also the potential harm to Petitioners, and the public interest, the Commission has determined that a temporary stay of the Franchise Rule (16 C.F.R. Part 436) insofar as it applies to the automobile company Petitioners, pending a final Commission decision on the exemption requests, is appropriate and shall become effective this date.

All interested parties are hereby notified that they may submit written data, views or arguments on any issues of fact, law or policy that may have some bearing on the requested exemption whether or not such issues have been raised by the petitions or in this Notice. Such submissions may be made for sixty days to the Secretary of the Commission.

Written comments will be accepted until January 21, 1983. Comments may be filed in person or mailed to: Secretary, Federal Trade Commission, 6th & Pennsylvania Ave., NW., Washington, D.C. 20580.

Comments should be identified as "Auto Industry Franchise Rule Exemption Comment" and, if possible, be submitted with five copies.

By direction of the Commission.

Carol M. Thomas,

Secretary.

Appendix A

FEDERAL TRADE COMMISSION;
WASHINGTON, D.C. 20580

Franchise Rule Summary

The Franchise rule, which is formally titled "Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures," was adopted in response to widespread evidence of deceptive and unfair practices in connection with the sale of the types of businesses covered by the Rule. These practices often appear when prospective franchisees lack a ready means of obtaining essential and reliable information about their proposed business investment. This lack of information reduces the ability of prospective franchisees either to make an informed investment decision or otherwise verify the representations of the business' salespersons.

The Rule attempts to deal with these problems by requiring franchisors and franchise brokers to furnish prospective franchisees with information about the franchisor, the franchise business and the terms of the franchise agreement. Franchisors and franchise brokers must furnish additional information if they have made any claim about actual or potential earnings, either to the prospective franchisee or in the media. All disclosures must be made (i) before any sale is made and (ii) by means of disclosure documents whose form and content are set forth in the Rule.

The Rule requires disclosure of material facts. It does not regulate the substantive terms of the franchisor-franchisee relationship. It does not require registration of the offering or the filing of any documents with the Federal Trade Commission in connection with the sale of franchises.

A. Businesses Covered by the Rule

Either of two types of continuing commercial relationships are defined as a "franchise" and covered by the Rule.

The first type involves three characteristics: (1) The franchisee sells goods or services which meet the franchisor's quality standards (in cases where the franchisee operates under the franchisor's trade mark, service mark, trade name, advertising or other commercial symbol designating the franchisor ("mark")) or which are identified by the franchisor's mark; (2) the franchisor exercises significant control over, or gives the franchisee significant assistance in, the franchisee's method of operation; and (3) the franchisee is required to make a payment of $500 or more to the franchisor or a person affiliated with the franchisor at any time before to within six months after the business opens.

The second type also involves three characteristics: (1) The franchisee sells goods or services which are supplied by the franchisor or a person affiliated with the franchisor; (2) the franchisor assists the franchisee in any way with respect to securing accounts for the franchisee, or securing locations or sites for vending machines or rack displays, or providing the services of a person able to do either; and (3) the franchisee is required to make a payment of $500 or more to the franchisor or a person affiliated with the franchisor at any time before to within six months after the business opens.

Relationships covered by the Rule include those which are within the definition of "franchise" and those which are represented as being within the definition when the relationship is entered into, regardless of whether, in fact, they are within the definition.

The Rule exempts (1) fractional franchises; (2) leased department arrangements; and (3) purely verbal agreements. The Rule excludes (1) relationships between employer/employees, and among general business partners; (2) membership in retailer-owned cooperatives; (3) certification and testing services; and (4) single trademark licenses.

B. The Disclosure Document

All franchisors must furnish the document described in this section. The disclosure document requires information on the following 20 subjects:

1. Identifying information about the franchisor.
2. Business experience of the franchisor's directors and key executives.
3. The franchisor's business experience.
4. Litigation history of the franchisor and its directors and key executives.
5. Bankruptcy history of the franchisor and its directors and key executives.
6. Description of the franchise.
7. Money required to be paid by the franchisee to obtain or commence the franchise operation.
8. Continuing expenses to the franchisee in operating the franchise business that are payable in whole or in part to the franchisor.
9. A list of persons who are either the franchisor or any of its affiliates, with whom the franchisee is required or advised to do business.
10. Realty, personalty, services, etc. which the franchisee is required to purchase, lease or rent, and a list of any persons from whom such transactions must be made.
11. Description of consideration paid (such as royalties, commissions, etc.) by third parties to the franchisor or any of its affiliates as a result of a franchisee's purchase from such third parties.
12. Description of any franchisor assistance in financing the purchase of a franchise.
13. Restrictions placed on a franchisee's conduct of its business.
14. Required personal participation by the franchisee.
15. Termination, cancellation and renewal of the franchise.
16. Statistical information about the number of franchises and their rate of terminations.
17. Franchisor's right to select or approve a site for the franchise.
18. Training programs for the franchisee.
19. Celebrity involvement with the franchise.
20. Financial information about the franchisor.

The disclosures must be made in a single document. The document may not include information other than that required by the Rule or by State law not preempted by the Rule. However, the franchisor may furnish other information to the prospective franchisee which is not inconsistent with the material set forth in the disclosure document.

The information in the disclosure document must be current as of the completion of the franchisor's most recent fiscal year. In addition, a revision of the document must be prepared quarterly whenever there has been a material change in the information contained in the document.

The disclosure document must be given to a prospective franchisee at the earlier of either (1) the prospective franchisee's first personal meeting with the franchisor, or (2) ten days prior to the execution of a contract or payment of money relating to the franchise relationship.

In addition to the document, the franchisee must receive a copy of all agreements which he will be asked to sign.

C. Earnings Claims

The Rule prohibits earnings representations about the actual or potential sales, income, or profits of existing or prospective franchisees unless (i) reasonable proof exists to support the accuracy of the claim, (ii) the franchisor has in its possession, at the time the claim is made, information sufficient to substantiate the accuracy of

the claim, (iii) the claim is geographically relevant to the prospective franchisee's proposed location (except for media claims) and (iv) an earnings claim disclosure document is given to the prospective franchisee at the same time that the other disclosures are given. The earnings claim document must contain six items:

1. A cover sheet in the form specified in the Rule.
2. The earnings claim.
3. A statement of the bases and assumptions upon which the earnings claim is made.
4. Information concerning the number and percentage of outlets that have earned at least the amount set forth in the claim, or a statement of lack of experience, as well as the beginning and ending dates of the time period covered by the claim.
5. A mandatory caution statement, whose text is set forth in the Rule, concerning the likelihood of duplicating the earnings claim.
6. A statement that information sufficient to substantiate the accuracy of the claim is available for inspection by the franchise (except for media claims).

Prospective franchisees must be notified of any material changes in the information contained in the earnings claim document prior to becoming a franchisee.

D. Acts or Practices Which Violate the Rule

It is an unfair or deceptive act or practice within the meaning of section 5 of the Federal Trade Commission Act for any franchisor or franchise broker:

1. To fail to furnish prospective franchisees, within the time frames established by the Rule, with a disclosure document containing information on 20 different subjects relating to the franchisor, the franchise business and the terms of the franchise agreement [§ 436.1(a)];
2. to make any representations about the actual or potential sales, income, or profits of existing or prospective franchises except in the manner set forth in the Rule [§ 436.1(b)–(e)];
3. to make any claim or representation (such as in advertising or oral statements by salespersons) which is inconsistent with the information required to be disclosed by the Rule [§ 436.1(f)];
4. to fail to furnish prospective franchisees, within the time frames established by the Rule, with copies of the franchisor's standard forms of franchise agreements and copies of the final agreements to be signed by the parties [§ 436.1(g)]; and
5. to fail to return to prospective franchisees any funds or deposits (such as down-payments) identified as refundable in the disclosure document [§ 436.1(h)].

Violators are subject to civil penalty actions brought by the Commission of up to $10,000 per violation.

The Commission believes that the courts should and will hold that any person injured by a violation of the Rule has a private right of action against the violator, under the Federal Trade Commission Act, as amended, and the Rule. The existence of such a right is necessary to protect the members of the class for whose benefit the statute was enacted and the Rule is being promulgated, is consistent with the legislative intent of the Congress in enacting the Federal Trade Commission Act, as amended, and is necessary to the enforcement scheme established by the Congress in that Act and to the Commission's own enforcement efforts.

E. State Franchise Laws

The Commission's goals are to create a minimum Federal standard of disclosure applicable to all franchisor offerings, and to permit States to provide additional protection as they see fit. Thus, while Federal Trade Commission Trade Regulation Rules have the force and effect of Federal law and, like other Federal substantive regulations, preempt State and local laws to the extent that these laws conflict, the Commission has determined that the Rule will not preempt State or local laws and regulations which either are consistent with the Rule or, even if inconsistent, which would provide protection to prospective franchisees equal to or greater than that imposed by the Rule.

Examples of State laws or regulations which would not be preempted by the Rule include State provisions requiring the registration of franchisors and franchise salesmen, State requirements for escrow or bonding arrangements and State required disclosure obligations exceeding the disclosure obligations set forth in the Rule. Moreover, the Rule does not affect State laws or regulations which substantively regulate the franchisor/franchisee relationship, such as termination practices, contract provisions and financing arrangements.

The following States have franchise disclosure laws:

California	North Dakota
Hawaii	Oregon
Illinois	Rhode Island
Indiana	South Dakota
Maryland	Virginia
Michigan	Washington
Minnesota	Wisconsin.
New York	

F. The Uniform Franchise Offering Circular

The Uniform Franchise Offering Circular ("UFOC") now is accepted in satisfaction of the disclosure requirements in the 15 States which have franchise registration and disclosure laws. The UFOC format is not identical to the disclosure format prescribed in the Rule. For example, there are minor differences in language on similar disclosure requirements; there are subjects about which the UFOC requires more disclosure than the Rule, and subjects where the Rule requires more disclosure than UFOC. Even though the two documents are not identical in language, they are quite similar; in any event, both documents are designed to achieve the same result regardless of any minor variations in the means used to reach that result. Accordingly, the Commission will permit franchisors to use the UFOC format in lieu of the disclosure document provided by the Rule. This alternative use is limited to the UFOC version adopted by the Midwest Securities Commissioners Association on September 2, 1975 plus any modifications thereof which do not diminish the protection accorded to the prospective franchisee which may be made by a State in which such registration has been made effective.

Certain provisions of the Rule still will control even if the UFOC format is used in lieu of the Rule's disclosure document, such as: (i) The persons required to make disclosure; (ii) transactions requiring disclosure; (iii) the timing of the disclosure; and (iv) the types of documents to be given to prospective franchisees.

The Commission's decision to permit use of a State disclosure document in lieu of its own document does not constitute Commission deferral to State law enforcement. The Commission is expressly providing for concurrent jurisdiction between the Commission and the States in appropriate instances. The Commission's action does not and is not intended to deprive the Commission of its responsibility to determine whether particular franchisors have complied with the Rule.

G. Relevant Legal Citations

1. The Rule—16 CFR Part 436.
2. Final interpretive guides to the Rule (including text of the rule)—44 FR at pp. 49966–49992 (August 24, 1979).
3. Statement of Basis and Purpose of the Rule. A discussion of the historical, legal and evidentiary basis for the

Rule—43 FR at pp. 59621–59733 (December 21, 1978).

4. Rule—definition of franchise § 436.2(a) (1) and (2).

5. Rule—description of disclosure document § 436.1(a) (1)—(20).

6. Rule—earnings claims § 436.1(b)–(e).

7. Staff Advisory Opinions are issued in appropriate cases. They are published in several legal publications and are on file at the Commission's Public Record Office.

Appendix B

Exhibit B

August 26, 1980

Gulf States Toyota, Inc., Petitioner

John M. Tifford, Esquire,
Program Advisor for Franchising, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580

A Request for Exemption From FTC Franchise Disclosure Rule

On July 17, 1980, the Federal Trade Commission issued an order granting exemption in response to Automobile Importers of America, Inc. (AIA) petition dated November 29, 1979. It is the contention of petitioner that independent distributors of imported automobiles should be exempt from the FTC Franchising Disclosure Regulations as well.

I. Application of the Rule to Independent Distributors of Imported Automobiles is Unnecessary

Gulf States Toyota, Inc. is an independent distributor of Toyota automobiles and products for five (5) states. It is under contract with the American importer of Toyota automobiles, Toyota Motor Sales, U.S.A., Inc.

It appears that the new Franchising Disclosure Rule (16 CFR Part 436) was created with the intention of protecting a small investor who is not completely aware of the consequences of his entering into a franchise agreement. In the case of petitioner, transactions are negotiated with knowledgeable investors; in fact, discussions and conferences with the new dealer include information needed concerning risks, capital requirements, and necessary facilities. As a practical matter, the majority of the time business advisors are utilized by prospective dealers and dealers themselves are often experienced in similar transactions. It is to the advantage of petitioner that prior to entering into an agreement, a prospective dealer understands what is required for the dealer's success. It should be noted that petitioner has on its staff a dealer development manager whose job description includes negotiating with and informing new prospective dealers of prerequisites for success. This manager coordinates with the actual importer of the Toyota vehicle, Toyota Motor Sales, U.S.A., Inc., in the selection of a dealer and in the dissemination of information to that prospective dealer.

It should further be noted that potential investors are informed and sophisticated and in the great majority of cases, are experienced in the automobile business. Further, there is no record of abuse by petitioner or independent distributors as a group and no indication that prospective dealers have been taken advantage of. In that connection petitioner contends that the Ruling, if applied to them, would be excessively burdensome.

The above points make it clear the application of the Rule to petitioner is unnecessary.

II. No Franchise Fees Are Required

No fee or royalty payment is required by petitioner. The agreement between the petitioner and its dealers calls for the purchase of cars and parts at bona fide wholesale prices. Petitioner contends that the method of doing business outlined above does not fall within the scope of the Rule. Any purchases of special tools or signs at the outset which amount to more than $500.00 can be deferred for six (6) months if necessary.

III. Petitioner Is an Integral Part of the Franchising Aspect of the Operation of the Importer, Toyota Motor Sales, U.S.A., Inc.

Since AIA members, including Toyota Motor Sales, U.S.A., Inc., have been granted an exemption from the FTC Franchising Disclosure Rule, it is contended that petitioner, as an integral part of the operation of Toyota motor Sales, U.S.A., Inc., should be granted the same exemption. The identical facts which created the exemption for the above groups exist with regard to petitioner and other independent distributors of imported automobiles. As an independent distributor, with distributor rights granted by Toyota Motor Sales, U.S.A., Inc., petitioner purchases the automobiles from Toyota Motor Sales, U.S.A., Inc. (the North American importer of the Toyota) and sells at wholesale to its dealers, those same automobiles. Petitioner complies with the programs and policies of Toyota Motor Sales, U.S.A., Inc., even though it is an independent corporation.

In conclusion, there is no substantive difference in the status of the independent distributor and a wholly-owned subsidiary operating under the organization of Toyota Motor Sales, U.S.A., Inc. Therefore, logic calls for extending the same exemption to petitioner that has been granted to Toyota Motor Sales, U.S.A., Inc., and other AIA members.

Dated this the 26 day of August, 1980.

Respectfully submitted,
Gulf States Toyota, Inc.
Curby Ligon,
Attorney for petitioner, 10310 Harwin, P.O. Box 36268, Houston, Texas 77036, (713) 776–6700.

September 25, 1980

Southeast Toyota Distributors, Inc., Petitioner

John M. Tifford, Esquire,
Program Advisor for Franchising, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580

A Request for Exemption From FTC Franchise Disclosure Rule

On or about July 17, 1980, the Federal Trade Commission issued an order granting exemption in response to Automobile Importers of America, Inc. (AIA) petition dated November 29, 1979. It is the contention of petitioner that independent distributors of imported automobiles should be exempt from the FTC Franchising Disclosure Regulations as well.

I. Application of the rule to Independent Distributors of Imported Automobiles Is Unnecessary

Southeast Toyota Distributors, Inc. is an independent distributor of Toyota automobiles and products for five (5) states. It is under contract with the American importer of Toyota automobile, Toyota Motor Sales, U.S.A., Inc.

It appears that the new Franchising Disclosure Rule (16 CFR Part 436) was created with the intention of protecting a small investor who is not completely aware of the consequences of his entering into a franchise agreement. In the case of petitioner, transactions are negotiated with knowledgeable investors; in fact, discussions and conferences with the new dealer include information needed concerning risks, capital requirements, and necessary facilities. As a practical matter, the majority of the time business advisors are utilized by prospective dealers and dealers themselves are often experienced in similar transactions. It is to the advantage of petitioner that prior

to entering into an agreement, a prospective dealer understands what is required for the dealer's success. It should be noted that petitioner has on its staff a dealer development manager whose job description includes negotiating with and informing new prospective dealers of prerequisites for success. This manager coordinates with the actual importer of the Toyota vehicle, Toyota Motor Sales, U.S.A., Inc., in the selection of a dealer and in the dissemination of information to that prospective dealer.

It should further be noted that potential investors are informed and sophisticated and in the great majority of cases, are experienced in the automobile business. Further, there is no record of abuse by petitioner or independent distributors as a group and no indication that prospective dealers have been taken advantage of. In that connection petitioner contends that the Ruling, if applied to them, would be excessively burdensome.

The above points make it clear the application of the Rule to petitioner is unnecessary.

II. No Franchise Fees Are Required

No fee or royalty payment is required by petitioner. The agreement between the petitioner and its dealers calls for the purchase of cars and parts at bona fide wholesale prices. Petitioner contends that the method of doing business outlined above does not fall within the scope of the Rule. Any purchases of special tools or signs at the outset which amount to more than Five hundred ($500.00) Dollars can be deferred for six (6) months if necessary.

III. Petitioner Is an Integral Part of the Sales and Servicing Aspect of the Operation of the Importer, Toyota Motor Sales, U.S.A., Inc.

Since AIA members, including Toyota Motor Sales, U.S.A., Inc., have been granted an exemption from the FTC Franchising Disclosure Rule, it is contended that petitioner, as an integral part of the operation of Toyota Motor Sales, U.S.A., Inc., should be granted the same exemption. The identical facts which created the exemption for the above groups exist with regard to petitioner and other independent distributors of imported automobiles. As an independent distributor, with distributor rights granted by Toyota Motor Sales, U.S.A., Inc., petitioner purchases the automobiles from Toyota Motor Sales, U.S.A., Inc. (the North American importer of the Toyota) and sells at wholesale to its dealers, those same automobiles. Petitioner complies with the programs and policies of Toyota Motor Sales, U.S.A., Inc. even though it is an independent corporation.

In conclusion, there is no substantive difference in the status of the independent distributor and a wholly-owned subsidiary operating under the organization of Toyota Motor Sales, U.S.A., Inc. Therefore, logic calls for extending the same exemption to petitioner that has been granted to Toyota Motor Sales, U.S.A., Inc. and other AIA members.

Dated this 25th day of September, 1980.

Respectfully submitted,
Southeast Toyota Distributors, Inc.
Ernest A. Kollra,
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United States of America, Before the Federal Trade Commission

In the matter of Trade Regulation Rule entitled "Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures", TRR. No. 215–34

Petition of Mid-Atlantic Toyota Distributors, Inc. for Exemption From Trade Regulation Rule; Preliminary Statement

Mid-Atlantic Toyota Distributors, Inc. ("MAT") hereby petitions the Federal Trade Commission ("FTC") for an exemption from its trade regulation rule entitled "Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures" (hereinafter the "Franchise Rule").[1] 16 CFR Part 436 (1980). The scope of this exemption request covers all present and future activities of MAT and its subsidiaries, Global Properties, Inc. ("Global") and MAT Port Services, Inc. ("MAT Port"), which would be deemed to be in connection with the advertising, offering, licensing, contracting, sale or other promotion of dealerships for the retail sale of Toyota motor vehicles and related parts, options, and accessories ("Toyota products").

On July 17, 1980, the FTC granted an exemption from the Franchise Rule to American Motors Corp. ("AMC") and the members and subscribing members of the Automobile Importers of America, Inc. ("AIA"), as well as to the subsidiaries of these companies, with respect to "the advertising, offering, licensing, contracting, sale or other promotion of dealerships for the sale of motor vehicles* * *." Exh. 1, p. 3. As a member of the AIA, Toyota Motor Sales, U.S.A., Inc. ("TMS"), is covered by the umbrella of this exemption as is its own subsidiary-distributor, Toyota Motor Distributors, Inc. ("TMD"). Exh. 1, pp. 3–4.

As an independent distributor of Toyota products pursuant to a distributorship agreement with TMS, MAT, like TMD, establishes new Toyota dealerships, subject to final approval by TMS. MAT is similarly situated to TMD, which now enjoys exemption from the Franchise Rule, and the FTC's rationale for granting such exemption to TMS and its subsidiary-distributor applies with equal force to MAT and its subsidiaries.[2] An equally (if not more) compelling argument for granting the requested exemption is based on the fact that, at the present time, MAT is operating at an unfair competitive disadvantage vis-a-vis those automobile manufacturers and distributors who have been given an exemption from the Franchise Rule. Accordingly, MAT's petition for exemption from the Franchise Rule should be granted.

Background

1. *The Petitioner.* MAT is a corporation organized under the laws of the State of Delaware and has its principal offices at 6710 Baymeadow Drive, Glen Burnie, Maryland 21061.

MAT engages in the sale of Toyota products at wholesale to its authorized Toyota dealers located in the five-state area of Virginia, Maryland, Pennsylvania, Delaware, and West Virginia, as well as the District of Columbia.[3] As an independent distributor of Toyota products pursuant to a distributorship agreement with TMS, MAT establishes authorized Toyota dealerships to be operated by an appointed Toyota dealer doing business as a proprietorship, corporation or partnership.[4] MAT does not presently

[1] This petition is made pursuant to 15 U.S.C. 57a(g)(1) and (g)(2) (1975) and 16 CFR 1.16 and 1.21 et seq. (1980).

[2] Although TMS requested that MAT and its other two independent Toyota distributors be included, along with its own subsidiary-distributor (TMD), in the petition for exemption, such request was denied without prejudice to refiling an exemption request on behalf of such independent Toyota distributors. The sole reason for such denial was that the request was untimely inasmuch as it was received after the close of the public comment period. *See* Exh. 1, p. 4.

[3] Since March 17, 1970, pursuant to successive agreements with Toyota Motor Sales, U.S.A., Inc. ("TMS"), MAT has been the distributor of Toyota motor vehicles, parts, and accessories in this five-state mid-Atlantic region. TMS is a California corporation with principal offices at 2055 West 190th Street, Torrance, California 90509, and is the exclusive importer in the United States of Toyota motor vehicles, parts, and accessories manufactured by Toyota Motor Co., Ltd., of Tokyo, Japan. The present distributor agreement between TMS and MAT became effective on October 12, 1977 and expires on October 11, 1982.

[4] MAT has established authorized Toyota dealerships in the five-state area of Virginia,

own or operate any Toyota dealerships itself nor does it engage in any other business activities other than set forth above.[5]

Through its wholly-owned subsidiary, Global Properties, Inc. ("Global"),[6] MAT affords each of its Toyota dealers the option of renting specialized computer equipment designed to provide vehicle and parts inventory information as well as other accounting data for such Toyota dealers. The rental fees charged by Global under this computer equipment lease are competitive and payable on a monthly basis.[7]

MAT's other subsidiary, MAT Port Services, Inc. ("MAT Port"),[8] is engaged solely in providing port servicing (cleaning, inspection, marine damage repair, dewaxing, etc.) for imported foreign vehicles arriving at the Dundalk Marine Terminal at Baltimore, Maryland. At the present time, MAT Port does not engage in any activity directly or indirectly connected with MAT's establishment of new Toyota dealerships.

2. *The Franchise Rule.* On December 21, 1978, pursuant to its rulemaking authority under 15 U.S.C. 41 *et seq.*, the FTC promulgated the Franchise Rule, which is entitled "Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures." 43 FR 59,614 (1978). This Franchise Rule became effective on October 21, 1979. 16 CFR Part 436 (1980).

In general, the Franchise Rule requires, *inter alia*, pre-sale disclosure by a franchisor of material information in connection with the advertising, offering, licensing, contracting, sale or other promotion of "product franchises," which are defined as business relationships having the following three elements: (1) The use of a franchisor's trademark by a franchisee; (2) the exercise of significant control over or the provision of significant assistance to the franchisee by the franchisor; and (3) a required payment to the franchisor from the franchisee of at least $500.00 within the franchisee's first six months of business. 16 CFR 436.2(a)(2) and (a)(3)(iii) (1980.)[9]

In its Statement of Basis and Purpose which accompanied the promulgation of the Franchise Rule on December 21, 1978, the FTC declared that the purpose of the Franchise Rule was to prevent unlawful and deceptive franchise marketing practices. *Statement of Basis and Purpose,* 43 FR 59,638 (1978).[10] The FTC identified three conditions which would actively create a potential for franchise marketing fraud or deception:

(1) The relative lack of business sophistication of the proposed franchisee;[11]

(2) The lack of adequate time for franchisees to review complex franchise agreements prior to establishment of the franchise relationship;[12]

(3) A serious information imbalance between the franchisor and the franchisee such that the franchisee often is unaware of the relevant and essential facts germane to the proposed investment.[13]

As hereinafter discussed, none of these conditions exist in connection with MAT's appointment (subject to TMS approval) of new Toyota dealers. Further, there has been a complete absence of any deceptive practices in connection with MAT's establishment (subject to TMS approval) of new Toyota dealerships. Thus, in light of the intended purpose of the Franchise Rule, it is totally unnecessary to subject MAT and its subsidiaries to the application of the Rule.

3. FTC Order Granting Exemption From Franchise Rule To Manufacturers And Distributors In The Imported Motor Vehicle Industry. As previously mentioned, on July 17, 1980, the FTC granted an exemption from the Franchise Rule to American Motors Corporation and its subsidiaries and to the members of the Automobile Importers of America, Inc. and their subsidiary companies with respect to the advertising, offering, licensing, contracting, sale or other promotion of dealerships by such companies for the retail sale of motor vehicles. *See* Exh. 1. Toyota Motor Sales, U.S.A., Inc. ("TMS") and its subsidiary-distributor, Toyota Motor Distributors, Inc. ("TMD") are both specifically covered by this exemption.[14] *Id.*

In granting this exemption from the Franchise Rule, the FTC found that application of the Franchise Rule to these imported motor vehicle manufacturers and distributors was not necessary to prevent the unfair or deceptive acts or practices to which the Franchise Rule relates because: (i) The establishment of dealerships for the retail sale of inported motor vehicles, for the most part, do not constitute the sale of a franchise within the meaning of the Franchise Rule; (ii) the conditions which are most likely to lead to consumer abuses do not exist in connection with the establishment of such dealerships; and (iii) transactions involved in the establishment of such dealerships include sufficient information disclosure to ensure that the prospective investor is in a position to make an informed

Maryland, Delaware, Pennsylvania, and West Virginia, and the District of Columbia since April 1, 1970. At the present time, there are no Toyota dealerships located in the District of Columbia. MAT has not offered franchises in any other lines of business.

[5] MAT may, under certain circumstances, engage in the ownership and/or operation of a Toyota dealership to the extent permitted by local law. In this regard, the TMS–MAT distributorship agreement provides that neither MAT, its officers, directors, owner, nor members of the families (including brothers and sisters) of such officers, directors, or owners, shall own any director indirect interest in any retail Toyota dealership, nor shall they make loans to or finance any retail Toyota dealership without first obtaining the written approval of TMS.

[6] Global is a corporation organized under the laws of the State of Delaware and has its principal offices at 6710 Baymeadow Drive, Glen Burnie, Maryland 21061. At the present time, Global is engaged solely in the business of leasing computer equipment to electing Toyota dealers. Global is affiliated with MAT within the meaning of 16 CFR 436.2, which defines an "affiliated person" as including any corporation which, *inter alia*, is controlled by a franchisor or has in common with a franchisor one or more officers or directors.

[7] It is the present belief of MAT and Global that these lease payments do not constitute "required payments" under the Franchise Rule because: (i) Each of MAT's Toyota dealers has a genuine and realistic opportunity to seccessfully operate his dealership without the benefit of such computer equipment; (ii) each dealer's option to rent such computer equipment is real, legitimate, and practical as evidenced, in part, by the fact that approximately forty percent of MAT's dealers do not participate in the computer equipment leasing program. Nonetheless, MAT's request for exemption from the Franchise Rule covers this activity of Global in the event that it might be deemed to be within the purview of the Franchise Rule.

[8] MAT Port is a wholly-owned subsidiary of MAT which is organized under the laws of the State of Delaware and has its principal offices at the Dundalk Marine Terminal, 2700 Broening Highway, Baltimore, Maryland. MAT is the principal customer of MAT Port.

[9] On August 24, 1979, the FTC promulgated final interpretative guides for its Franchise Rule. 44 FR 49,966 (1979). These final interpretative guides provided that: (i) payments made by a person to purchase reasonable amounts of inventory items at a *bona fide* wholesale price would not be construed as a "required payment" within the meaning of the Franchise Rule (*id.* at 49,967); and (ii) a promissory note which is received by a franchisor within the first six months of a franchisee's commencement of business but which is not payable until sometime after the expiration of this six-months period would not be counted toward the $500 minimum required payment. (*Id.* at 49,968.)

[10] The FTC concluded that the deceptive practices in the marketing of franchises generally involved: (i) Misrepresentation of material facts relevant to the nature and value of the franchise; (ii) unsubstantiated claims regarding the potential sales, income, gross or net profit of franchises; (iii) unfair refusal by franchisors to honor refund provisions and (iv) failure to disclose material facts about the franchise offering. *Statement of Basis and Purpose,* 43 FR at 59,628, 59,637 (1980); *Final Guides,* 44 FR at 49,966 (1979). *See* Exh. 1, p. 2.

[11] 43 FR 59,614 at 59,625–59,626 (1978).

[12] *Id.* at 59,625.

[13] *Id.* at 59,627.

[14] As previously noted, MAT is an independent distributor of Toyota motor vehicles pursuant to a distributorship agreement with TMS.

evaluation of the potential risks and benefits of operating a Toyota dealership. *See* Exh. 1, p. 3.

Summary of Argument

MAT submits that its petition for exemption from the Franchise Rule should be granted for the following reasons.

First, as an independent distributor of Toyota products for TMS, MAT is similarly situated to TMD (TMS's one subsidiary-distributor), which is exempt from the Franchise Rule. Like TMD, MAT establishes new Toyota dealerships in accordance with Toyota standards and subject to final approval by TMS. Hence, the FTC's rationale for granting such exemption to TMS and TMD applies with equal force to MAT and its subsidiaries; it would be completely incongrous to apply the Franchise Rule to MAT and its subsidiaries but not to TMS and TMD with respect to the establishment of new Toyota dealerships.

Second, MAT's requested exemption from the Franchise Rule is warranted as a result of the total absence of any deceptive practices or other abuses in connection with MAT's establishment of authorized Toyota dealerships. Further, the conditions which have been identified by the FTC as creating a potential for franchise marketing abuses are not present in connection with MAT's establishment of new Toyota dealerships. In fact, the procedures followed by MAT in establishing new Toyota dealerships involve sufficient information disclosure to ensure that a prospective Toyota dealer candidate is in a position to make an informed evaluation of the potential risks and benefits of operating a Toyota dealerships. In short, application of the Franchise Rule to MAT and its subsidiaries is not necessary to prevent the unfair or deceptive practices to which the Franchise Rule relates.

Third, granting this requested exemption from the Franchise Rule to MAT and its subsidiaries with respect to the establishment of authorized Toyota dealerships would not result in any harm to existing or prospective Toyota dealers; and

Fourth, MAT's compliance with the Franchise Rule and the FTC's final interpretive guides in regard thereto is an unduly heavy burden necessitating that MAT and its subsidiaries incur enormous financial expense and alter their normal mode of business operations.

I.

As an Independent Distributor of Toyota Products for TMS, MAT Is Similarly Situated to TMD (TMS's Own Subsidiary-Distributor) Which Enjoys Exemption From the Franchise Rule. Hence, the FTC's Rationale for Granting Such Exemption to TMS and TMD Applies With Equal Force to MAT and Its Subsidiaries

It is a cardinal principle of law that an administrative agency is not permitted to deny to one person an exemption from the application of its rules where such exemption has been granted to another similarly-situated person. The case law universally holds that an administrative agency's application of different standards in the cases of similarly-situated persons constitutes arbitrary and unlawful action by the agency. It is submitted that MAT and TMD are similarily-situated persons because both are distributors of Toyota products for TMS and both establish new Toyota dealerships in accordance with the same Toyota standards and subject to final approval by TMS. Thus, the fundamental principle of equal treatment for similarly-situated persons demands that MAT, like TMD, be granted an exemption from the Franchise Rule.

It is well established that an administrative agency's lack of uniformity of treatment of similarly-situated persons is impermissible. For instance, in *Marco Sales Company* v. *FTC,* 453 F.2d 1 (2d Cir. 1971), the court set aside a cease and desist order of the FTC on the ground that it arbitrarily and impermissibly deviated from the FTC's prior treatment of similarly-situated persons. In reaching this result, the court quoted with approval the language from the concurring opinion in *Mary Carter Paint Co.* v. *FTC,* 333 F.2d 654, 660 (5th Cir. 1964), *rev'd on other grounds,* 382 U.S. 46 (1965) [15] as follows:

> Our complex society now demands administrative agencies. The . . . law does not permit an agency to grant to one person the right to do that which it denies to another similarly situated. There may not be a rule for Monday, another for Tuesday, a rule for general application, but denied outright in a specific case. 333 F.2d at 660.

This principle that similarly situated persons should be accorded equal treatment by an administrative agency has been consistently reaffirmed in other cases. *See Contractors Transport Corp.* v. *United States,* 537 F.2d 1160, 1162 (4th Cir. 1976); *Keen Transport, Inc.* v. *United States,* 446 F. Supp. 5, 8 (N.D. Ohio 1976); *Arkansas-Best Freight System, Inc.* v. *United States,* 364 F. Supp. 1239, 1260 (W.D. Ark. 1973); *HC&D Moving & Storage Company* v. *United States,* 298 F. Supp. 746, 751 (D. Hawaii 1969); *Dixie Highway Express, Inc.* v. *United States,* 268 F. Supp. 239, 241 (S.D. Miss. 1967), *rev'd on other grounds,* 389 U.S. 409 (1967). *See also Marriott In-Flite Services Division of Marriott Corp.* v. *NLRB,* 417 F.2d 563, 565–66 (5th Cir. 1969), *cert. denied,* 397 U.S. 920 (1970); *Rayonier, Inc.* v. *NLRB,* 380 F.2d 187, 189–90 (5th Cir. 1967).

In the instant case, MAT and TMD are similarly-situated persons because: (i) each is a distributor of Toyota products for TMS; and (ii) each establishes new Toyota dealerships in accordance with the standards prescribed by TMS. In all cases, a new Toyota dealership can be established only with the final approval of TMS. Applying the principle of equal treatment for similarly-situated persons, it is submitted that, in light of the existence of the same factual basis for an exemption,[16] MAT and its subsidiaries are entitled to the same exemption from the Franchise Rule as recently was granted by the FTC to TMS and TMD.

An equally (if not more) compelling reason for granting MAT's requested exemption from the Franchise Rule is the indisputable fact that, at the present time, MAT is operating its business at an unfair competitive disadvantage vis-a-vis those automobile manufacturers and distributors who have secured an exemption from the Rule. MAT is also similarly situated to these automobile distributors because the conditions under which automobile manufacturers and distributors establish new dealerships are the same throughout the automobile industry. Thus, as the FTC has recognized, it would be completely incongruous to apply the Franchise Rule to MAT and its subsidiaries but not to these other automobile manufacturers and distributors.

[15] In the *Mary Carter Paint Co.* case, the Fifth Circuit set aside a cease and desist order of the FTC on the ground that it was contrary to the FTC's established rulings in other similar cases. Although the Supreme Court reversed this decision, it did not attack the principle of equal treatment for similarly-situated persons but instead did not agree with the application of such principle to the facts in that case.

[16] In granting an exemption from the Franchise Rule to TMS and TMD, the FTC necessarily found that: (i) There has been an absense of abuse by TMD of its relationship with its Toyota dealers; (ii) the conditions most likely to lead to franchise marketing abuses are absent from TMD's establishment of new Toyota dealerships; and (iii) that TMD's establishment of new Toyota dealerships involved sufficient information disclosure to ensure that the prospective Toyota dealer is in the position to make an informed evaluation of the potential risks and benefits of operating a Toyota dealership.

II.

MAT's Requested Exemption From the Franchise Rule Is Warranted as a Result of the Total Absence of any Deceptive Practices or Other Abuses in Connection With MAT's Establishment of Authorized Toyota Dealerships. Hence, Application of the Franchise Rule to MAT and its Subsidiaries in Respect to the Establishment of New Toyota Dealerships Is Not Necessary To Prevent the Unfair or Deceptive Practices to Which the Franchise Rule Relates

MAT submits that its request for exemption from the Franchise Rule is supported by an independent factual basis which demonstrates that, in light of the intended purpose of the Franchise Rule, it is totally unnecessary to subject MAT and its subsidiaries to the application of the Rule. As previously mentioned, the Franchise Rule was promulgated to curb the perceived widespread unfair or deceptive practices in connection with the marketing of franchises in certain industries. Importantly, however, the conditions which were identified by the FTC as creating a potential for franchise marketing abuses do not exist in connection with MAT's establishment of authorized Toyota dealerships. In fact, the procedures followed by MAT in establishing new Toyota dealerships involve sufficient information disclosure to ensure that a prospective Toyota dealer candidate is in a position to make an informed evaluation of the potential risks and benefits of operating a Toyota dealership prior to undertaking a commitment to become a Toyota dealer. As a result, there has been a total absence of any unfair or deceptive practices in connection with MAT's establishment of authorized Toyota dealerships.

A. The Conditions Which Have Been Identified by the FTC as Creating a Potential for Franchise Marketing Abuses Do Not Exist in Connection With MAT's Establishment of Authorized Toyota Dealerships

As previously mentioned, in its final interpretive guides relating to the Franchise Rule, the FTC stated that the existence of the following three conditions created a potential for unlawful or deceptive practices by franchisors, namely:

(i) The relative lack of business sophistication of the proposed franchisee; (ii) a serious informational imbalance between the franchisor and the franchisee such that the franchisee often is unaware of relevent and essential facts germane to the proposed investment; and (iii) the lack of adequate time for franchisees to review complex franchise agreements prior to establishment of the franchise relationship. Importantly, in its July 17, 1980 Order Granting Exemption, the FTC unequivocally found that these conditions do not exist in conection with the establishment of dealerships for the retail sale of motor vehicles in the imported motor vehicle industry. *See* Exh. 1, p. 3. In making this finding of fact, the FTC stated:

> * * * Certain other circumstances peculiar to this industry suggest that application of the rule may be unnecessary. Prospective motor vehicle dealers make extraordinarily large investments. As a practical matter, investments of this size and scope involve relatively knowledgeable investors or the use of independent business advisors, and an extended period of negotiation. The record is consistent with the conclusion that the transactions negotiated by such knowledgeable investors over time and with the aid of business advisors produce the pre-sale information disclosure necessary to ensure that investment decisions are the product of an informed assessment of the potential risks and benefits of the proposed investment.
>
> It thus appears that petitioners' present sales transactions are accomplishing, now, what the rule was intended to achieve through the required dissemination of a variety of disclosure. [footnote omitted.] Exh. 1, at p. 3.

MAT asserts that the FTC's conclusion with respect to the imported motor vehicle industry in general is specifically applicable to MAT's establishment of authorized Toyota dealerships. In short, the facts in connection with MAT's establishment of new Toyota dealerships demonstrate that: (1) prospective Toyota dealers are sophisticated businessmen who are knowledgeable about the retail automobile business; (2) MAT provides every prospective Toyota dealer with ample disclosure of all facts material to making an informed evaluation of the potential risks and benefits of the proposed investment; and (3) MAT affords every prospective Toyota dealer ample time to evaluate the business venture as well as to secure counsel to assist in such evaluation. For these reasons, the conditions which have been identified by the FTC as creating a potential for franchise marketing abuse do not exist in connection with MAT's establishment of authorized Toyota dealerships.

B. Toyota Dealers Are Sophisticated Businessmen Who Have Substantial Experience in the Retail Automobile Business and Full Appreciation of the Potential Risks and Benefits of Operating a Toyota Dealership

MAT and Toyota must rely totally on their strong, viable, and resourceful dealer network to market Toyota products at retail. Consequently, MAT and TMS have a genuine incentive to appoint the best qualified person to operate a Toyota dealership. As a practical matter, only a sophisticated businessman with substantial experience in the retail automobile business and full appreciation of the potential risks and benefits of operating a Toyota dealership could satisfy the Toyota standards to become a Toyota dealer.

At the outset, a new Toyota dealer, like all new automobile dealers in general,[17] must make a substantial initial investment in his business. This initial financial commitment consists of his investment (i) to obtain adequate dealership facilities; and (ii) to secure sufficient working capital lines of credit, and a minimum inventory of Toyota products.[18] The magnitude of his investment in his dealership depends on the size of those facilities which is determined by TMS based on the planning potential for the market areas within which the new dealer will be located.[19] *See* Exh. 2 (entitled "Space Requirement Standards") which sets forth the minimum physical space requirement for various planning potentials.[20] The size of the minimum

[17] The FTC has recognized that "[p]rospective motor vehicle dealers make extraordinarily large investments." Exh. 1, p. 3.

[18] MAT does not charge or collect any initial franchise fee from the new dealer for the privilege of establishing a retail outlet for sale of Toyota vehicles. MAT is engaged in the sale of Toyota motor vehicles and other Toyota products at wholesale to its authorized Toyota dealers and does not sell or market new Toyota dealerships.

[19] The term "planning potential" means the number of new Toyota motor vehicles which the dealer should be able to sell at the dealer location in an average year. The planning potential for each Toyota dealer is objectively determined by TMS based on a computer technique which is used to predict Toyota sales potential for each market area in the United States.

[20] For example, as set forth in Exhibit 2, a new dealer with an assigned planning potential of 500 units will require, at a minimum, a building area of 1,600 square feet for its showroom (which should be able to display 5 units) and a minimum of 1,513 square feet for the office space. With respect to the building requirements for the dealer's service and parts department, the dealer should have a minimum of 6,077 square feet of service space, with room for 13 service stalls, and should also have a minimum of 2,010 square feet for its parts department.

initial capital investment (other than the required investment in his dealership facilities) is also based on the new dealer's planning potential and ranges from $85,600 for a dealer with a planning potential of 150 or less vehicles to $642,500 for a dealer with a planning potential of 2,000 vehicles.[21] In short, a new Toyota dealer makes a significantly large initial investment in his business.

Cash	$43,100
Accounts Receivable	9,600
Demonstrators	27,800
New Vehicles	341,700
Used Vehicles	77,100
Parts & Accessories	37,000
Finance Company Receivables	6,100
Prepaids	4,700
Total currrent assets	547,100
Accounts Payable	41,500
Notes Payable—New vehicles	369,500
Total current liabilities	411,000
New working capital	136,100
Fixed assets (excl. land and building)	51,000
Total minimum guide investment	$187,100

As a practical matter, only a sophisticated businessman with substantial experience in the retail automobile business can satisfy the Toyota requirements to become a Toyota dealer.[22] In this regard, MAT appoints as a new Toyota dealer only a person with the requisite business sophistication, demonstrated business management experience, and access to sufficient amounts of working capital to ensure the successful operation of the new Toyota dealership.[23] Additionally, to ensure that a well-qualified candidate is selected, MAT's appointment of a new Toyota dealer is subject to the final approval of TMS. Indeed, MAT and TMS cannot afford to establish Toyota dealerships operated by unsophisticated persons with little previous business experience.[24] Most purchasers of new motor vehicles view their purchase as the beginning of an informal relationship with the dealer, involving the servicing of their automobiles as well as future trade-ins and purchases. If the dealer is unable to properly manage and operate the complex business constituting the dealership, then Toyota vehicle owners in his market area will become dissatisfied, thereby damaging Toyota's reputation and reducing its market share. In short, the long-term success of MAT and Toyota is critically dependent upon the selection and appointment of sophisticated, knowledgeable businessmen to become Toyota dealers who will ensure the successful marketing of Toyota vehicles in each market area.[25]

C. MAT Provides Every Prospective Toyota Dealer With Ample Disclosure of All Facts Material to Making an Informed Evaluation of the Potential Risks and Benefits of the Proposed Investment.

In addition to the fact that each prospective Toyota dealer is a knowledgeable businessman with experience in the retail automobile business, MAT submits that it provides each prospective Toyota dealer with ample dislosure of all facts material to making an informed evaluation of the potential risks and benefits of operating a Toyota dealership. Specifically, the magnitude of the minimum capital investment required of a new Toyota dealer to commence operation necessarily generates a great deal of information disclosure. In addition, the size and scope of the financial credit backing required to operate a Toyota dealership causes dissemination of information to both the prospective Toyota dealer and third party creditors.[26]

Further, MAT has a dealer development manager whose job includes negotiating with and informing prospective new dealers about all significant aspects of the distributor-dealer relationship and dealer agreement.

In the instant case, to ensure that the dealer is in a position to make an informed evaluation of the potential risks and benefits of operating a Toyota dealership, MAT informs every prospective Toyota dealer of the following facts among others:

(1) The planning potential for the market area in which his dealership would be located;

(2) The Toyota minimum physical space requirements for his dealership facility;

(3) The Toyota minimum capital requirements for his dealership operation;

(4) The nature of the recurring fees or payments which the prospective dealer would be required to pay to MAT or persons affiliated with MAT;

(5) The obligations which the prospective dealer would incur to purchase or lease from MAT (or its designees) any goods, services, supplies, fixtures, equipment or real estate relating to the establishment or operation of the Toyota dealership;

(6) The obligations which the prospective dealer would incur to purchase or lease property in accordance with TMS–MAT specifications or from TMS–MAT approved suppliers;

(7) The minimum inventory of new Toyota vehicles which the prospective dealer would be required to maintain;

(8) The size of the floor plan (or lines of credit with banks or other financial institutions) which the prospective dealer would be required to maintain in order to meet his required minimum vehicle inventory;

(9) MAT's obligations under the Toyota Dealer Sales and Service Agreement ("Dealer Agreement") to provide assistance to the prospective dealer prior to and during operation of his dealership;

(10) The prospective dealer's primary area of responsibility;

(11) The objective criteria upon which the prospective dealer's sales performance would be measured by MAT;

The land area required of a dealership with an assigned planning potential of 500 should consist of a minimum of 2,400 square feet of outside new car display, 10,000 square feet for used car display, and 11,952 square feet of new car storage space. In addition, a dealer will need space for customer/employee parking (16,000 square feet), driveways (19,650 square feet), and undeveloped land (14,798 square feet). The dealer should therefore expect to have land for its dealership of at least 1.97 acres, with a ratio of land to building of 7.7 to 1.

[21] For example, a dealer with an assigned planning potential of 500 units should expect to have a total minimum dollar investment of $187,100. This total minimum dollar investment should include the following categories of investment:

[22] With respect to the import motor vehicle industry in general, it has been observed by the President of the American Imported Automobile Dealers Association ("AIADA") that "[t]he person to be tendered the franchise is required to be one experienced in the field." *See* Exh. 5, AIADA letter to AIA, p. 1. The AIADA is a trade association representing the American businesses that sell and service imported automobiles. It is the largest association in the United States devoted solely to imported automobile dealers. Its membership represents a majority of the existing franchises in the industry and includes representatives of all major imported makes sold in the United States.

[23] In general, the three most important ingredients of a successful Toyota dealership are: (i) strong, capable management by the dealer; (ii) sufficient capitalization; and (iii) suitable dealership facilities.

[24] In general, there are far more prospective Toyota dealer candidates than there are new Toyota dealerships to be established.

[25] Most states have statutes prohibiting motor vehicle manufacturers and distributors from overloading a trade area with dealerships of the same line-make. *See New Motor Vehicle Bd.* v. *Orrin W. Fox Co.*, 439 U.S. 96, 102 n. 7 (1978). Thus, it is absolutely essential that the individual appointed by MAT and TMS to become a Toyota dealer be qualified to successfully represent Toyota in his market area.

[26] Because of the size and seriousness of the new dealer's investment in his business, both financial institutions and legal counsel generally are involved in the negotiation and dealer qualification process. The involvements of such third parties have the beneficial effect of ensuring that (i) the dealer is fully aware of the potential risks and benefits of operating a Toyota dealership; and (ii) the dealer possesses sufficient business resources for successful operation of a Toyota dealership.

(12) The fact that continuation and renewal of the Toyota Dealer Agreement will be dependent upon the prospective dealer's satisfactory sales performance and compliance with all terms and conditions of such Toyota Dealer Agreement;

(13) The prospective dealer's right under the Toyota Dealer Agreement to use Toyota trademarks, trade names, and commercial symbols and MAT's obligation to protect such Toyota trademark rights against infringement;

(14) The prospective dealer's obligation to participate in the actual operation of the dealership;

(15) The obligation of the prospective dealer under the Toyota Dealer Agreement to provide certain goods and services;

(16) Information relating to renewal, termination, modification or assignment of the Toyota Dealer Agreement;

(17) The obligations of MAT upon termination of the Toyota Dealer Agreement; and

(18) Financial data for MAT dealers during the past year.

In short, MAT makes a full disclosure to every prospective Toyota dealer of all facts material to making an informed evaluation of the potential risks and benefits of operating a Toyota dealership.

D. MAT Affords Each Prospective Dealer Ample Time to Evaluate the Proposed Business Venture as Well as to Secure Counsel To Assist in Such Evaluation

As previously mentioned, to develop a strong dealer body, TMS has established standards for operation of a Toyota dealership. To be appointed a Toyota dealer, a candidate must affirmatively establish to the satisfaction of MAT and TMS that he meets all of these Toyota qualifications. In this regard, the process of qualifying a dealer candidate takes place over an extended period of time and typically includes the involvement of financial institutions, accountants, and legal counsel. This extended period of dealer-qualification affords each prospective Toyota dealer ample time to evaluate the potential risks and benefits of the proposed business venture.

In general, a dealer candidate must demonstrate that he has (i) proven business management experience; (ii) sufficient working capital and lines of credit; and (iii) adequate dealership facilities. To verify that a dealer candidate possesses all of the qualifications required by TMS, MAT must, as a minimum, review financial statements submitted by the candidate; examine retail credit reports on the candidate; interview business references provided by the candidate; explain the Toyota Dealer Sales & Service Agreement, in detail, to the candidate; review documentation showing that the candidate has secured the required working capital and lines of credit to operate a Toyota dealership; and evaluate the adequacy of the candidate's proposed dealership facilities. The accomplishment of all these tasks necessarily takes place over an extended period of time. During such period of time, the candidate typically is assisted by professional financial and legal counsel. This entire qualification process serves to increase the candidate's awareness and appreciation of the potential risks and benefits of operating a Toyota dealership.

E. There Has Been a Total Absence of Any Unfair or Deceptive Practices in Connection With MAT's Establishment of Authorized Toyota Dealerships

MAT submits that, in addition to the fact that the conditions which the FTC identified as fostering franchise marketing abuses do not exist in conection with establishment of new Toyota dealerships, there have been no unfair or deceptive practices in connection with MAT's establishment of new Toyota dealerships.

The FTC promulgated the Franchise Rule because it determined that some franchises are marketed through the following four unfair and deceptive acts: (1) Misrepresentation of the nature and value of the franchise; (2) unsubstantiated claims of profitability; (3) refusals to make refunds as represented; and (4) the failure to disclose material facts. *Statement of Basis and Purpose*, 43 FR at 59, 628–59, 637; *Final Guides*, 44 FR at 49, 966. The lengthy public record contained over 400 complaints, principally from franchisees, alleging abuses by over 170 franchisors. *Statement of Basis and Purpose*, 43 FR at 59, 627. Not one complaint, however, involved an automobile dealership.[27] More importantly, the FTC never received any complaint from a Toyota dealer charging unfair or deceptive acts on the part of MAT or any of its subsidiaries in connection with the establishment of a Toyota dealership. *See* Exhibit 4, FTC Memorandum from Michael C. McCarey to Edward W. Colbert dated February 4, 1975.

The lack of any indication in the rulemaking record that a new Toyota dealer appointed by MAT has ever been the victim of any of these unfair and deceptive acts conclusively establishes that the application of the rule to MAT and its subsidiaries is not necessary to prevent such acts or practices. Accordingly, MAT and its subsidiaries should be granted an exemption from the Franchise Rule.

III.

Granting MAT's Requested Exemption From the Franchise Rule With Respect to the Establishment of Authorized Toyota Dealerships Would Not Result in Any Harm to Existing or Prospective Toyota Dealers

Having established that MAT affords every prospective Toyota dealer ample information upon which to make an informed evaluation of the proposed business venture, MAT further submits that granting the requested exemption will not result in any harm to existing or prospective Toyota dealers. This is confirmed by the fact that (i) the automobile dealers themselves have stated that the Franchise Rule is not necessary to protect them; and (ii) the existing federal and state statutes governing the distributor-dealer relationship adequately protect the dealers' interests.

A. The Imported Automobile Dealers Have Stated That the Franchise Rule Would Not Meaningfully Aid Them in Evaluating the Proposed Business Venture

As noted by the FTC in its Order Granting Exemption dated July 17, 1980,

[27] The data in the Hearing Record demonstrated the absence of any need for application of the Franchise Rule to the automobile industry.

For example, a study conducted by the United States Commerce Department which was made a part of the Record stated the following:

Whereas franchised businesses are mostly small businesses with a relatively small capital base, among the "old line" franchised operations two types are quite capital intense. These are automobile dealerships and soft-drink bottling. According to the SBA estimates they accounted for 5.14 percent and 0.74 percent respectively of the total number of franchised outlets in 1969 (27,780 and 4,000 out of the total 540,000); however, in terms of "industry" sales, automobile dealers enjoyed a commanding number one position with over $44 billion or 44 percent, and soft-drink bottlers accounting for an estimated 2.6 percent of the total. The capital intensity and relative size of these operations is demonstrated by their disparate ratio of outlets to sales; the automobile franchisees' share of total franchise sales being 8.5 times their share of total outlets; for the bottlers the figure is 3.5 times. (Record at 2 at 4759.)

The study concluded as follows:

[I]n spite of the relatively large economic activity and impact of these three segments of franchised operations [automobile, soft drink bottlers and hotel-motel-travel inns], they pose the least problems and concern for policy consideration. This is due to their stability, their close relationship with America's largest corporations and the several decades of experience during which some major problems have emerged and were subsequently adjudicated by special legislation, decisions of the Supreme Court and voluntary settlements among franchisors and franchisees. (Record at 2 at 4760.)

"franchisors themselves report that the rule is not necessary to protect them." Exh. 1, p. 2. In particular, the executive committee of the American Imported Automobile Dealers Association voted unanimously to support the position of the AIA that its members and subscribing members should be exempt from the Franchise Rule.[28] *See* Exh. 5, p. 1. In this regard, the President of the AIADA unequivocally stated that:

> AIADA believes *it would serve no reasonable purpose for automobile importers and distributors of foreign automobiles to be included within the scope of the rule* and supports the position that they should be excluded. Franchise litigation in the automobile area has generally arisen at the time of termination of the franchise; not at the inception, and *the disclosure rule would not meaningfully aid the seeker of an automobile franchise in evaluating the venture. This is particularly true with respect to imported automobiles where the established manufacturer in a foreign country comes into this country to market an established product.* (Emphasis added.) Exh. 5, p. 1.

The AIADA executive committee, which is the elected group of dealers responsible for establishing AIADA policy, specifically concluded:

> *The FTC franchise disclosure rule would not expand, in any meaningful way, the rights already existing for automobile dealers in other federal and state statutes.* Accordingly, AIADA officers have voted unanimously that disclosure requirements of the rule are unnecessary as regards the relationship between the member companies of AIADA and AIA, and between our member companies and those importer companies not members of AIA (Volkswagen of America and Mercedes-Benz of North America). (Emphasis added.) Exh. 5, p. 2.

B. MAT's Toyota Dealers Would Derive Little or No Benefit From the Franchise Rule Because Existing Federal and State Statutes Provide More Than Adequate Protection to the Dealer in the Distributor-Dealer Relationship

As previously noted, the AIADA (which is the largest trade association representing imported automobile dealers) has unequivocally stated its view that the "FTC franchise disclosure rule would not expand, in any meaningful way, the rights already existing for automobile dealers in other federal and state statutes." Exh. 5, p. 2. In accordance therewith, MAT submits that existing panoply of federal and state statutes governing the distributor-dealer relationship provides adequate protection to its Toyota dealers, who would derive little or no incremental benefit from the Franchise Rule.

In this regard, existing federal and state statutes broadly regulate all significant aspects of the distributor-dealer relationship in the automobile industry. For instance, the Automobile Dealers Day In Court Act[29] provides automobile dealers with a cause of action in federal court against a distributor if the latter fails to act in "good faith" in its relationship with the dealer. This "good faith" requirement imposes upon the distributor the duty "to act in a fair and equitable manner * * *" in all significant aspects of its relationship with the dealer.

Supplementing this broad federal protection, there is substantial state protection of automobile dealers' interests in the five states in which MAT's dealers are located. In this regard, each of these states (*i.e.*, Pennsylvania, Delaware, Maryland, Virginia, and West Virginia) have enacted statutes which prohibit the termination, cancellation, or failure to renew a dealership agreement in the absence of good cause.[30] Each of these states, except Delaware, also have statutes which (i) prohibit coercion by a distributor such as unjustly withholding delivery of vehicles to a dealer or altering the dealer's allocation of vehicles in a discriminatory manner;[31] and (ii) protect the right of a dealer to appoint a successor to or transfer his business interest in his dealership.[32]

In short, as confirmed by the imported automobile dealers themselves, there is no need to apply the Franchise Rule to MAT and its subsidiaries because the existing federal and state law governing the distributor-dealer relationship adequately protects the dealers' interests.

IV.

Mat's Compliance With the Franchise Rule and the FTC's Final Interpretive Guides in Regard Thereto is Unduly Burdensome

MAT submits that compliance with the Franchise Rule and the FTC's final interpretive guides in regard thereto is unduly burdensome for two reasons. First, the development and implementation of the required accounting and disclosure systems would involve an enormous financial expense. Second, the adoption of a six-month deferred billing system for each new Toyota dealer's purchases of non-inventory items in excess of a total cost of $499.99 is a disruptive alteration of MAT's normal mode of doing business with its dealers.

Initially, the burden of gathering and compiling the information necessary to satisfy the disclosure requirements of the Franchise Rule would involve a substantial financial cost to MAT and its subsidiaries in terms of administrative and manpower expenses. In this regard, it has been estimated that MAT and Global would have to create new administrative procedures, specially train administrative personnel, and incur the expense of innumerable manhours of work to formally comply with the disclosure requirements of the Franchise Rule. The motor vehicle industry is generally not included within the scope of state franchise laws[33] and, therefore, MAT does not have existing disclosure statements or a completed Uniform Franchise Offering Circular which alternately can be used to comply with the disclosure requirements of the Franchise Rule. *See* 43 FR at 59752. In short, the task of complying with the Franchise Rule is particularly burdensome and simply not cost justified in light of the negligible benefit to be derived from the disclosure of any additional information not already being disclosed by MAT to a dealer candidate who has substantial knowledge and experience in the retail automobile business.

Alternatively, it is unduly burdensome for MAT and its subsidiaries to alter their normal method of doing business so as to fall outside the scope of the Franchise Rule. In this regard, it has been necessary for MAT and Global to permit new Toyota dealers to pay for all non-inventory property purchased during their first six months of business in excess of $499.99 with promissory notes payable after expiration of the six-month period. This greatly disrupts the business systems of MAT and Global because the method of payment by new dealers is different from that of MAT's established Toyota dealers; hence, MAT and Global are required to maintain two

[28] AIADA is a trade association representing the American businesses that sell and service imported automobiles. It is the largest association in the United States devoted solely to imported automobile dealers. Its membership represents a majority of the existing franchises in the industry and includes representatives of all major imported makes sold in the United States. *See* Exh. 5, p. 1.

[29] 15 U.S.C. 1221–1225 (1956).

[30] *See* Pa. Stat. Ann. tit. 63, section 805(2)(xi); Delaware Code Ann. tit. 6, section 2552; Md. Transp. Code Ann. section 15–212; Va. Code Ann. section 47–547(e); W. Va. Code Ann. section 47–17–5(a).

[31] *See* Pa. Stat. Ann. tit. 63, section 805(2)(xiv)(a); Md. Transp. Code Ann. section 15–208; Va. Code Ann. section 46.1–547(g); W. Va. Code Ann. section 47–17–5 (f) and (h).

[32] *See* Pa. Stat. Ann. tit. 63, section 805(2)(xiii); Md. Transp. Code Ann. section 15–211; Va. Code Ann. section 46.1–547 (c) and (f); W. Va. Code Ann. section 47–17–5 (b), (c), and (i).

[33] This is so because in order to fall within the scope of state franchise laws, the franchisor must require a franchisee to pay a franchise fee.

bureaucracies, one for new dealers and another for established dealers.

Additionally, the financial cost to MAT and its subsidiaries of deferring these payments for non-inventory items during the first six months of a dealer's operation includes the loss of the use of such funds. Neither MAT nor its subsidiaries are engaged in the business of lending funds to these dealers and the problems encountered in providing such financing are onerous, especially in today's financial world. In short, the cost of adopting this six month deferred billing system for new dealers is simply a burdensome method of falling outside the scope of the Franchise Rule.

In short, the burden of complying with the Franchise Rule or altering normal methods of doing business so as to fall outside the scope of the Franchise Rule are both unduly burdensome and totally unnecessary in light of the fact that the application of the Franchise Rule to MAT and its subsidiaries is not needed to prevent the unfair acts the rule is designed to prevent.

Conclusion

Based on all of aforementioned reasons, MAT's petition for exemption from the Franchise Rule should be granted.

Respectfully submitted,

Mid-Atlantic Toyota Distributors, Inc.

By: Raymond W. Ryerson,

Vice President-Finance, 6710 Baymeadow Drive, Glen Burnie, Maryland 21061.

Dated: October 1, 1980.

U.S. of America Before the Federal Trade Commission

In the Matter of the Trade Regulation Rule Entitled "Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures," TRR No. 215–34.

Petition for Exemption

Subaru of New England, Inc., Distributors, Inc., Subaru Distributors Corp., Subaru Northwest, Inc., Subaru Mid-America, and Subaru South, Inc. ("Petitioners") hereby petition the Commission pursuant to Section 18(g) of the Federal Trade Commission Act, 15 U.S.C. 57a(g) (1976) and 16 CFR 1.16 and 1.21 *et seq.* for exemption from the above-captioned trade regulation rule, 16 CFR Part 436 ("Rule"), in connection with the advertising, offering, licensing, contracting, sales or other promotion of dealerships for the sale of Subaru motor vehicles and related parts, options and accessories ("motor vehicles").

I. Introduction

Petitioners are six unrelated and independently-owned and operated corporations engaged in the regional distribution of Subaru motor vehicles. Each Petitioner is supplied with these motor vehicles by the American importer, Subaru of America, Inc. ("SOA"), and distributes them to selected automobile dealers for purposes of resale to retail customers.

The trade regulation rule from which Petitioners seek exemption [34] was adopted on December 21, 1978 and became effective on October 21, 1979. *See* 43 FR 59614 (Dec. 21, 1978). Its purpose is to eliminate deceptive and unfair acts and practices in connection with the sale of franchises and other business opportunity ventures requiring, *inter alia*, the pre-sale disclosure of material information.

Petitioners' exemption from the Rule should be granted for essentially two reasons: First, it is not necessary to apply the Rule to Petitioners because the conditions which have been found to create the potential for franchise marketing abuse do not exist in connection with Petitioners' activities, nor do such abuses occur. Second, as a result of recent Commission actions, including the exemption of member companies of the Automobile Importers of America ("AIA") and their subsidiaries, the vast majority of U.S. motor vehicle distributors—including SOA's three wholly-owned distributors—are not covered by the Rule. Because there are no material differences between Petitioners and those Subaru distributors that are now exempted, it would be both unfair and inconsistent to treat them differently for purposes of the Rule's application.

II. Application of the Rule to Petitioners is Not Necessary

The Rule essentially seeks to eliminate the opportunities for nondisclosure and misrepresentation that arise when persons lacking business experience and reliable information attempt to purchase franchises. As the Commission noted in the Statement of Basis and Purpose that accompanied promulgation of the Rule, deceptive acts and practices in the marketing of franchises generally involve misrepresentations of material facts relevant to the nature and value of the franchise offering, unsubstantiated claims of profitability, unfair refusals by franchisors to honor refund provisions, and failures to disclosure material facts. *See* 43 FR, *supra* at 59628. To alleviate these abuses, the Rule requires franchisors to furnish prospective franchisees with detailed pre-sale disclosures concerning the franchisor, the franchisor's business, and the terms of the agreement being offered.

In developing the Rule, the Commission analyzed the setting in which franchises are generally offered for sale and concluded that certain recurring conditions actively contribute to the use of unfair or deceptive acts or practices on the part of franchisors. These conditions were found to include: (1) The relative lack of business sophistication of the potential franchisees; (2) the lack of adequate time for franchisees to review complex agreements prior to the establishment of the franchise relationship; and (3) a serious informational imbalance between the franchisor and the franchisee such that the latter is unaware of relevant and essential facts germane to the proposed investment. *See* 45 FR 51764 (Aug. 15, 1980).

The Commission has also found, however, that when these conditions for abuse are *not* present, then a regulatory remedy designed to eliminate them may be "redundant and unnecessary." *Id.* Indeed, this conclusion is mandated by the statutory standard for exemption from the Rule, which provides that if

> The Commission finds that the application of [the Rule] * * * to any person or class of persons is *not necessary* to prevent the unfair or deceptive act or practice to which the rule relates, the Commission may *exempt* such person or class from all or part of such rule.

15 U.S.C. 57a(g)(2)(1976) (emphasis added). That the exemption being sought by Petitioners is entirely in accordance with this standard is amply demonstrated by the nature of the parties and transactions involved.

As the Commission itself explicitly recognized in connection with its recent exemption of the AIA, there are "circumstances peculiar to [the motor vehicle] industry" that render the application of the Rule unnecessary to transactions involving motor vehicle distributors and dealers. In its August 1980 exemption decision, the Commission stated:

> Prospective motor vehicle dealers make extraordinarily large investments. As a practical matter, investments of this size and scope involve relatively knowledgeable investors or the use of independent business advisors, and an extended period of negotiation. The record is consistent with the conclusion that the transactions negotiated

[34] The submission of this petition should not be construed by the Commission as an admission of the validity of either the Rule or the scope of its application. Petitioners hereby preserve their rights to challenge the validity and application of the Rule at any time.

by such knowledgeable investors over time and with the aid of business advisors produce the pre-sale information disclosure necessary to ensure that investment decisions are the product of an informed assessment of the potential risks and benefits of the proposed investment.

45 F.R., *supra* at 51764.

This analysis is augmented in the present case by a number of other factors. First, because distributor profits are derived solely from dealer sales, Petitioners, like all motor vehicle distributors, are financially dependent on the ongoing health of their dealers. And because Petitioners only stand to gain by fostering the continued success and profitability of their dealers, Petitioners have no incentive to take unfair advantage of their dealers.

Second, there are far more persons actively seeking automobile dealerships in the United States than there are dealerships to be awarded. Accordingly, high-pressure sales tactics—aside from being unethical—are unnecessary. Again, there is simply no incentive for Petitioners to stoop to hard-sell tactics in an industry where potential dealers are consistently seeking out distributors, and not vice-versa.

Finally, it should be emphasized that motor vehicle dealers as a class have themselves attested to the redundancy of the Rule as applied to distributors. The American Imported Automobile Dealers Association ("AIADA"), for example, which represents the majority of the existing franchises in the industry, has stated that "it would serve no reasonable purpose for * * * distributors of foreign automobiles to be included within the scope of the rule * * *."[35] This conclusion was based not only on the fact that automobile dealers are "required to be experienced in the field," but also on the recognition that the "disclosure rule would not expand, in any meaningful way, the rights already existing for automobile dealers in other federal and state statutes." *Id.*[36]

Evidence of dealer support for distributor exemption is also reflected in the rulemaking record underlying the promulgation of the Rule. While the 5,700-page record includes over 400 allegations of abuse registered by over 170 franchisors, *see* 43 FR, *supra* at 59627, the record does not contain a single complaint from a motor vehicle dealer charging unfair or deceptive acts or practices in connection with the establishment of a dealership.[37]

In light of all of these factors, it is apparent that application of the Rule to Petitioners is "not necessary." Potential motor vehicle dealers have the sophistication, resources and time to insure that unfair advantage will not be taken of them, and Petitioners have absolutely no incentive to make fast and unfair profits at their dealers' expense.

III. Application of the Rule to Petitioners Would Be Inconsistent and Unfair

As noted above, earlier this year the Commission granted the exemption petition filed by the AIA. 45 FR 51763 (Aug. 5, 1980).[38] In so doing, the Commission specifically exempted not only Subaru of America, Inc., but also the three regional distributors of Subaru motor vehicles that are wholly-owned subsidiaries of SOA. A request by SOA that its independent distributors (including Petitioners) be included in AIA's petition was, however, "denied without prejudice to refiling because such * * * [request was] received after the close of the public comment period on the AIA petition." *Id.* at 51765, n.2. While administrative constraints may have required the rejection of SOA's request, the Commission's action has in fact resulted in an inconsistency.

Aside from ownership, which is irrelevant to the application of the Rule, there is simply no material difference between SOA's wholly-owned and independent distributors. All distributors are supplied with identical motor vehicles by SOA; all have essentially the same characteristics in terms of size, capitalization, reputation and longevity; and all contract with dealers for the retail sale of such vehicles on substantially identical terms.

Nor are there any material differences among the types of dealers who engage in transactions with any of SOA's distributors. All dealers must make the same large investments in order to secure dealerships; and there is no basis for believing that dealers who contract with independent distributors are less knowledgeable or have less sophisticated business advisors than those who contract with wholly-owned SOA subsidiaries. Indeed, all of the factors discussed in Part II of this petition apply with equal force to both independent and wholly-owned Subaru distributors.

Of equal importance is the fact that Petitioners are at the present time in a small and dwindling minority of motor vehicle distributors purportedly subject to the Rule's requirements. The Commission's August decision exempted from the Rule a total of twenty-three automobile companies and their subsidiaries; and the Commission has ratified staff advisory opinions to General Motors, Ford Motor Company and Chrysler Corporation stating that the activities of these companies fall outside the Rule's jurisdiction. *See* 45 FR, *supra* at 51765, n.2.

Moreover, it is a well-established principle of administrative law that an agency may not deny to one person what it grants to another when those persons are similarly situated for purposes of the action being taken. As stated in *Marco Sales Company* v. *FTC*, 453 F. 2d 1, 7 (2d Cir. 1971):

> [L]aw does not permit an agency to grant to one person the right to do that which it denies to another similarly situated. There may not be a rule for Monday, another for Tuesday, a rule for general application, but denied outright in a specific case.[39]

Under these circumstances, it would be not only inconsistent but also grossly unfair to subject Petitioners to the operation of the Rule. As the Commission is well aware, the information necessary to be supplied under the Rule is extensive, and the effort required to gather and furnish such information is formidable. To subject Petitioners to this burden while

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[35] *See* Letter of April 13, 1979 from Robert M. McElwaine, President of AIADA to George C. Nield, President of AIA. This letter was written in support of the AIA's November 29, 1979 petition for exemption and appears at 45 F.R. 26354 (Apr. 18, 1980).

[36] Thus, the Federal Automobile Dealers' Day in Court Act, 15 U.S.C. 1221 *et seq.* (1976), requires automobile manufacturers and persons under their control to act in good faith in performing their obligations under franchise agreements and in terminating or failing to renew dealers' franchises. So too, the large majority of states have statutes strictly regulating the sale and termination of motor vehicle franchises and these statutes include extensive disclosure and registration requirements. *See, e. g., State Business Franchise Disclosure and Relationship Laws* (CCH), 1978.

[37] For a summary of the types of franchisee complaints contained in the rulemaking record, *see* United States Government Memorandum from Edward W. Colbert to Michael C. McCarey, February 4, 1975, which appears at 45 FR, *supra* at 26352–54.

[38] In granting AIA's petition, the Commission found that the application of the Rule to these imported motor vehicle manufacturers and distributors was not necessary to prevent the unfair or deceptive acts or practices to which the Rule relates because:

> (i) The transactions, for the most part, are not covered by the rule, (ii) the conditions most likely to lead to consumer abuses are absent from petitioners' sale of dealerships for the sale of motor vehicles and (iii) such sale transactions include sufficient disclosure to ensure that the prospective investor is in the position to make an informed decision * * *.

45 FR, *supra* at 51764.

[39] Quoting Mary Carter Paint Co. v. FTC, 333 F.2d 654, 660 (5th Cir. 1964), *rev'd on other grounds*, 382 U.S. 46 (1965). *See also* Contractors Transport Corp. v. United States, 537 F.2d 1160, 1162 (4th Cir. 1976); Keen Transport, Inc. v. United States, 446 F. Supp. 5, 8 (N.D. Ohil 1976).

simultaneously exempting the vast majority of U.S. motor vehicle distributors—including Petitioners' wholly-owned counterparts—puts Petitioners at an unfair competitive disadvantage in relation to all of those distributors who have already secured exemptions under the Rule.

IV. Conclusion

For the foregoing reasons, Petitioners request that the Commission issue its order exempting them from the Rule.

Respectfully submitted,
Richard A Whiting, Kenneth D. Ludwig, Steptoe & Johnson, *1250 Connecticut Avenue, N.W., Washington, D.C. 20036 (202) 862-2000, Attorneys for Petitioners.*

Dated: December 23, 1980.

Before the Federal Trade Commission

In the matter of Trade Regulation Rule Entitled "Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures," TRR 215–34.

Supplementary Petition of Subaru Mid-America, Inc. for Exemption From Trade Regulation Rule [40]

Preliminary Statement

Subaru Mid-America, Inc. ("SMA") hereby petitions the Federal Trade Commission ("FTC") for an exemption from its trade regulation rule entitled "Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures" (hereinafter "the rule"), as promulgated in 16 CFR § 436.1 et seq.[41] This exemption request covers all present and future activities of SMA which are done in connection with the advertising, offering, licensing, contracting, sale, or other promotion of dealerships for the retail sale of Subaru motor vehicles and related parts, options and accessories.

Background

1. *The Petitioner.* SMA is a corporation organized under the laws of the state of Delaware, having its principal offices at 2374 Estes Avenue, Elk Grove Village, Illinois 60007.

SMA engages in the sale of Subaru products at wholesale to its authorized Subaru dealerships which are located in an eight state area consisting of Illinois, Indiana, Iowa, Minnesota, Missouri, North Dakota, South Dakota and Wisconsin.[42] SMA operates pursuant to a distributorship agreement with Subaru of America, Inc. ("SOA"), the importer for Fuji Heavy Industries, the manufacturer of Subaru and a Japanese Corporation. Subaru Mid-America, with the consent of SOA, establishes authorized Subaru dealerships to be operated by approved Subaru dealers. Subaru Mid-America does not own or operate any Subaru dealerships for itself, and does not engage in any business activities other than those set forth above.

Subaru Mid-America executes a "dealership agreement" with each prospective dealer.

2. *The Rule.* On December 21, 1978, the FTC promulgated "the Rule". 43 FR 59,614 (1978). The Rule became effective on October 21, 1979 and is codified in 16 CFR 436.1 et seq.

The Rule requires pre-sale disclosures by a franchisor of material information in connection with the advertising, offering, licensing, contracting, sale, or other promotion of "product franchises", which are defined as business relationships containing the following three elements:

1. The use of a franchisor's trademark by a franchisee;

2. The exercise of significant control over or the provision of significant assistance to the franchisee by the franchisor; and

3. A required payment to the franchisor from the franchisee of at least $500.00 within the franchisee's first six months of doing business. 16 CFR 436.2(a)2, (a)(3)(iii).[43]

In promulgating the franchise rule, the FTC identified three conditions which would create a potential franchise marketing fraud or deception, those evils which were sought to be prevented by the rule:

1. The relative lack of business sophistication of the proposed franchisee;

2. The lack of adequate time for franchisee to review complex franchise agreements prior to establishment of the franchise relationship; and

3. A serious information imbalance between the franchisor and the franchisee, such that the franchisee often is unaware of the relevant and essential facts germane to the proposed investment. 43 FR 59,625 thru 27.

As petitioner will more fully set out *infra*, none of the conditions sought to be prevented by the FTC exist in connection with SMA's relationship to its dealers. In view of the intended purpose of the rule, it is unnecessary to subject SMA to the application of the rule.

3. FTC Order Granting Exemption from Franchise Rule to Members of the Automobile Importers of America, Inc.

Pursuant to a petition filed on approximately April 18, 1980 by the Automobile Importers of America, Inc. on behalf of its members and by American Motors Corporation, the FTC granted an exemption to those organizations on July 17, 1980. SOA and its three wholly-owned distributors were specifically covered by the exemption.

In granting the exemption, the Commission stated:

> The remedy, i.e., pre-sale disclosure of material information, is directed at eliminating the conditions in which consumer abuses are likely to occur. However, if these conditions are not present, then a regulatory remedy designed to eliminate them may be redundant and unnecessary. (P. 2)

The Commission specifically noted that the sale of most automobile dealerships does not constitute the sale of a franchise within the meaning of the rule. It went on to state that "it might, therefore, be incongruous to apply the rule to a limited number of dealers, but not to any others". (Page 3). The Commission further concluded that investors in a dealership franchise were relatively knowledgeable investors and were not those for whom the act was meant as a protection device. The Commission finally concluded:

> (i) The transactions, for the most part, are not covered by the rule, (ii) the conditions most likely to lead to consumer abuses are absent from petitioners sale of dealerships for the sale of motor vehicles, (iii) such sales transactions include sufficient disclosure to ensure that the prospective investor is in the position to make an informed decision. (Page 3.)

By letter of June 3, 1980, Phillip L. Lustbader, corporate counsel of SOA, requested that the independent distributors of SOA be also covered by the exemption petition. Mr. Lustbader was informed by letter from the commission that the independent distributors of SOA would have to file their own petitions for exemption.

[40] To that Petition filed by Subaru of New England, Inc., Distributors Inc., Subaru Distributors Corp., Subaru Northwest, Inc., Subaru Mid-America, Inc., and Subaru South, Inc. on December 23, 1980. SMA adopts and endorses all arguments made therein.

[41] This petition is made pursuant to 15 U.S.C. 57a(g)(1), (g)(2), and 58g and 16 CFR 1.16 and 1.21 et seq. It will be determined pursuant to procedures established in 5 U.S.C. 553.

[42] Subaru Mid-America, Inc. was the successor by transfer to James P. Byrne. SMA has been an authorized Subaru distributor since 1971.

[43] The final interpretive guides for the rule provide that: (i) Payments made by a person to purchase reasonable amounts of inventory items at a bona fide wholesale price would not be construed as a "required payment" within the meaning of the franchise rule; and (ii) a promissory note which is received by a franchise within the first six months of a franchisee's commencement of business but which is not payable until sometime after the expiration of the six month period would not be counted toward the $500.00 minimum required payment. 44 FR 49,966 through 68.

Summary of Argument

SMA contends that it is similarly situated to SOA and its wholly-owned distributors which have now been exempted from the rule. Moreover, SMA is an integral part of the Subaru distribution scheme and operates pursuant to the control of SOA. Thus, the rationale for granting exemptions to SOA and its wholly-owned distributors apply with equal force to SMA: it would be "incongruous" to apply the exemption to one Subaru distributor and not to SMA with respect to the establishment of Subaru dealerships, on the sole basis that SMA is independent of SOA.

Those conditions identified by the FTC as creating a potential for franchise abuses are simply not present in connection with SMA's establishment of Subaru dealerships. There has never been a complaint to the FTC regarding the practices of SMA; the procedure followed by SMA in establishing new dealerships involves sufficient disclosure to ensure that a prospective candidate is in a position to make an informed evaluation of the potential risks and benefits of operating the dealership. Accordingly, application of the rule to SMA is unnecessary to prevent the unfair practices to which the rule relates.

Finally, granting of an exemption to SMA would in no way harm the position of existing or prospective Subaru dealerships; and failure to grant the exemption would place an unduly heavy burden upon SMA, as well as impacting negatively in SMA's competitive market place.

Argument

I. SMA is similarly situated to SOA's wholly-owned distributors and is an integral part of Subaru of America, Inc. and its distribution chain.

The rationale behind the exemption for SOA and its wholly-owned distributors applies with equal force to SMA.

SMA is situated similarly to the three wholly-owned distributors of SOA and other AIA members granted an exemption by the FTC on July 17, 1980. SMA, in approving dealership franchises within its eight-state territory, acts pursuant to rules and practices established by SOA. In all situations, a new Subaru dealership may only be established with final approval of SOA.

Moreover, SMA is an integral part of the operation of Subaru of America. The identical facts which allow the exemption for SOA's owned distributors exist with respect to the petitioner and other independent distributors of Subaru automobiles.

It is axiomatic that an administrative agency is not permitted to deny to one person an exemption from application of its regulations where an exemption has been granted to another similarly situated person. In so stating, petitioner adopts the argument contained in the petition of Mid-Atlantic Toyota Distributors, Inc. filed on October 21, 1980, pages 12 and 13.

Moreover, SMA is operating and continues to operate at an unfair competitive disadvantage *vis a vis* those distributors who have been granted an exemption from the rule. The standards by which a new dealership is granted are virtually uniform throughout the entire automobile industry. Therefore, it would be incongruous for the FTC to apply the exemption to SOA, its wholly-owned distributors and other members of the AIA, but not to *independent* distributors of member companies.

II. No rational purpose would be served by applying the rule to SMA.

As previously noted, *supra*, the FTC, in its Order granting exemption of July 17, 1980, specifically stated that the sale of most automobile dealerships does not constitute the sale of a "franchise" within the meaning of the FTC rule. (Page 3). SMA requires no fee or payment from its prospective dealers. The dealership contracts between SMA and its dealers call for the purchase of cars, parts, and inventory at bona fide wholesale prices. This method of doing business does not fall within the scope of the rule.

To the extent that the activities of SMA might be considered as constituting a franchise under the rule, it is also true that none of the evils which the rule was meant to correct are present in the case of SMA and its dealerships. As noted, *supra*, the FTC stated the existence of three conditions which created a potential for unlawful or deceptive practices by franchisors, to wit:

1. The relative lack of business sophistication of the proposed franchisee;

2. A serious informational imbalance between the franchisor and the franchisee such that the franchisee often is unaware of relevant and essential facts germane to the proposed investment; and

3. The lack of adequate time for franchisees to review complex franchise agreements prior to establishment of the franchise relationship.

In its Order of July 17, 1980, the FTC specifically found that those conditions do not exist with respect to the establishment of dealerships in the imported motor vehicle industry. With respect to the dealers involved, the FTC specifically stated:

> Prospective motor vehicle dealers make extraordinarily large investments, as a practical matter, investments of this size and scope involve relatively knowledgeable investors for the use of independent business advisors, and an extended period of negotiation. The record is consistent with the conclusion of the transaction negotiated by such knowledgable investors over time and with the aid of business advisors produce the pre-sale information disclosure necessary to ensure that investment decisions are the product of an informed assessment of the potential risks and benefits of the proposed investment. (Page 3).

As noted, SMA operates under standards promulgated by SOA for the qualification of new dealerships. In operating so, it is in SMA's best interest that the dealerships it awards are capable of sustaining themselves in the marketplace, and must therefore be manned by knowledgeable and sophisticated individuals. As the FTC itself noted, a new Subaru dealer must make a substantial investment in its business. Therefore, only a relatively sophisticated businessman with some experience in the retail automobile or related businesses can satisfy the Subaru requirements for dealerships. If the individual were not relatively sophisticated and experienced, he could not qualify for a Subaru dealership. Further, all dealerships are subject to final approval by SOA, operating under standards which the FTC has already approved.

SMA, since its inception in 1971, pursuant to standards promulgated by SOA, has always provided ample disclosure of all facts material to making an informed evaluation of potential risks and benefits of operating a Subaru dealership. Additionally, the extent of financial credit backing required to operate the dealership causes dissemination of information to both the prospective dealer and third party creditors. SMA has a dealer development manager within each area of its territory whose job includes negotiating with and informing prospective dealers about all significant aspects of the relationship and dealership contract.

Award of a dealership franchise necessarily takes place over a somewhat lengthy period of time. Accordingly, the dealership candidate would have a considerable time to mull over the advantages and disadvantages of operating a Subaru dealership.

Finally, as in the case of the AIA, there has to date been no unfair or

deceptive practices in connection with SMA's establishment of a Subaru dealership. In promulgating the rule, the FTC relied in part on a study conducted by the United States Department of Commerce (made a part of the record); this study disclosed that not one complaint regarding franchise abuses had involved an automobile dealership. The study stated:

> In spite of the relatively large economic activity and impact of these three segments, of franchised operations [automobile], soft drink bottlers and hotel-motel-travel inns, they pose the least problems and concern for policy consideration. This is due to their stability, their close relationships with America's largest corporations and the several decades of experience during which some major problems have emerged and where subsequently adjudicated by special legislation, decisions of the Supreme Court and voluntary settlements among franchisors and franchisees. (Record at 2 at 4760).

The FTC record is deplete of any references to unfair practices by SMA or any other imported automobile distributor. Therefore, application of the rule to SMA is completely unnecessary to ensure protection of franchisees.

III. Granting of an exemption would not result in any harm to existing or prospective Subaru dealerships; and failure to grant the exemption would place an undue burdon on SMA.

The automobile dealerships themselves have stated that the franchise rule is not necessary to protect them. The executive committee of the American Imported Automobile Dealers Association voted unanimously to support the position of the AIA that its members and subscribing members should be exempted from the rule. In so doing, the AIDA specifically stated:

> AIADA believes it would serve no reasonable purpose for automobile importers and distributors of foreign automobiles to be included within the scope of the rule and supports the position that they should be excluded. Franchise litigation in the automobile area has generally arisen at the time of termination of the franchise; not at the inception, and the disclosure rule would not meaningfully aid the seeker of an automobile franchise in evaluating the venture. This particularly true with respect to imported automobiles where the established manufacturer in a foreign country comes into this country to market an established product . . . .
>
> The FTC franchise disclosure rule would not expand, in any meaningful way, the rights already existing for automobile dealers and other federal and state statutes.

As noted by the AIADA, the automobile dealerships are substantially protected by the Automobile Dealers Day in Court Act, 15 USC 1221 through 25. In addition, all states in SMA's market territory have specific statutes regarding the dealer-distributor relationship within the automobile industry. The existence of state and federal statutes protecting the dealerships obviate the need for application of the rule to SMA and similarly situated automobile distributors.

Moreover, as stated in Argument I, *supra*, compliance with the rule by SMA would create an undue burden and work to SMA's competitive disadvantage *vis a vis* other distributors. Negligible benefit would result from the disclosure of any additional information not already disclosed by SMA to an admittedly sophisticated dealership candidate. In short, the burden and competitive disadvantage of complying with the rule is unnecessary in light of the arguments presented *supra*.

Conclusion

For the foregoing reasons, SMA respectfully requests that its petition for exemption of the rule should be granted

Dated: January 15, 1981.

Respectfully submitted,

Thomas A. Appel.

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United States of America Before the Federal Trade Commission

In the Matter of the Trade Regulation Rule "Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures." TRR. No. 215-34.

Petition of Penn Jersey, Inc. for Exemption From Trade Regulation Rule

Penn Jersey Subaru, Inc. (the "Petitioner") hereby petitions the Federal Trade Commission (the "Commission") pursuant to 15 U.S.C. 57a(g) and 16 CFR 1.16 and 1.21 *et seq.* for exemption from the trade regulation rule entitled "Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures." 16 CFR Part 436 (the "Rule").[44] The final Rule was promulgated on December 21, 1978 and was effective October 21, 1979.

I. Background

1. *The Petitioner.* The Petitioner is a corporation duly organized and existing under the laws of the State of New Jersey with its principal place of business located at Glen Avenue and Forster Road, Moorestown, New Jersey.

Subaru of America, Inc. ("SOA") is the sole importer of Subaru vehicles and parts for the United States and is a member of the Automobile Importers Association ("AIA").

The Petitioner is a party to a Distributorship Agreement with SOA pursuant to which it has the exclusive right to appoint dealers in Pennsylvania, Delaware and southern New Jersey to sell Subaru vehicles and parts. A copy of that Distributorship Agreement is attached hereto and made a part hereof as Exhibit A. Persons who desire to obtain a Subaru dealership apply to the Petitioner and are appointed after a financial investigation and market study of the proposed location of the dealership by the Petitioner. A dealer pays no franchise fee. After a dealer is appointed, the Petitioner sells Subaru vehicles and parts to the dealer for the same prices charged to all dealers appointed by the Petitioner.

2. *The Rule.* Pursuant to 15 U.S.C. 41 *et seq.*, on November 11, 1971 the FTC instituted a proceeding for the promulgation of the trade regulation rule at issue hereto. Public hearings were conducted from February 14 through March 1, 1972. On August 22, 1973, the FTC published a revised proposed rule, written comments were submitted, and on November 20, 1974, the record closed. The final rule was adopted in December of 1978.

The Rule requires, inter alia, written disclosures in connection with the offering or sale of "product franchises", defined as business relationships having three elements: (1) The use of a franchisor's trademark by a franchisee; (2) the exercise of significant control over or the provision of significant assistance to the franchisee by the franchisor; and (3) a required payment to the franchisor from the franchisee of at least Five Hundred Dollars ($500) within the franchisee's first six months of business. 16 CFR 436.2.

3. *Administrative and Judicial Proceedings.* After the promulgation of the Rule, a number of actions for judicial review were commenced and were consolidated in the United States Court of Appeals for the Ninth Circuit under the caption *In Re: FTC Franchise Rule Review*, No. 78-3680 *et al.* The AIA intervened in these proceedings by order filed on May 18, 1979.

On July 25, 1979, the FTC issued final guides interpreting the "required payment" element of the Rule's franchise definition so as the exclude purchases of inventory at *bona fide* wholesale prices. 44 FR at 49967. The final guides also provided that a promissory note executed within the

[44] By submitting this Petition, the Petitioner does not acknowledge the validity of either the Rule or its application to the Petitioner. The Petitioner only assumes that the Rule applies to it only for the purpose of submitting the Petition.

first six months of a franchisee's commencement of business but not payable until sometime after this six month period would not be counted towards the Five Hundred Dollars ($500) minimium payment requirement of the Rule. *Id.* at 49968.

After reviewing the guides, the AIA sought an advisory opinion from the FTC concerning whether, in light of the *bona fide* wholesale price interpretation, AIA member companies would come within the scope of the Rule if each member company *altered* its method of doing business so that new dealers would be permitted, during their first six months of business to pay for property not held for resale [45] in excess of Four Hundred Ninety Nine Dollars and Ninety Nine Cents ($499.99) with promissory notes payable after the initial six month period. On August 9, 1979, the FTC staff indicated that member companies would not fall within the scope of the Rule if they so altered their business methods. The FTC ratified the informal staff opinion, as amended, on October 5, 1979.

In light of the advisory opinion and ratification, AIA moved to withdraw from the litigation in the Ninth Circuit on October 18, 1979. This motion was granted on November 1, 1979.

On November 20, 1979, AIA filed a petition for exemption from the Rule before the Commission, TRR No. 215–34. On July 17, 1980, the Commission issued an Order Granting Exemption from the Rule to AIA and its members. The exemption was granted upon findings that (1) the transactions in question for the most part are not covered by the Rule; (2) the conditions most likely to lead to consumer abuses are absent from AIA members' sale of dealership for the sale of motor vehicles; and (3) such sale transactions include sufficient disclosures to ensure that the prospective investors are in a position to make informed decisions.

The Petitioner had been advised by counsel for SOA that as a member of the Subaru organization it would be covered by any ruling issued by the Commission which applied to AIA members. For this reason, the Petitioner had not been a party to any petition filed with the Commission with respect to the Rule. On August 1, 1980, the Petitioner was informed by SOA for the first time the exemption granted by the Commission did not apply to the Petitioner. The Commission in its Order Granting Exemption denied a request by AIA that independent distributors of SOA and Toyota Motor Sales U.S.A., Inc. be treated as parties to such exemption without prejudice because that request was received after the close of the period for public comment on the AIA petition. See Order Granting Exemption page 4 footnote 4. The Commission indicated that it would entertain petitions from companies not covered by the Order.

The Petitioner now seeks exemption from the Rule for the following reasons: (1) The application of the Rule to the Petitioner is not necessary to prevent the unfair or deceptive acts to which the Rule relates; (2) the exemption of the Petitioner will not harm the dealers with which they do business; and (3) compliance is burdensome and unfair to the Petitioner.

II. Petitioner Should Be Exempt From the Rule

1. *The Application of the Rule to the Petitioner is not Necessary to Prevent the Unfair or Deceptive Acts or Practices to which the Rule Relates.* The application of the Rule to the Petitioner is not necessary to prevent the unfair or deceptive acts or practices to which the Rule relates because: (a) These acts do not occur in the imported motor vehicle industry; and (b) the factors which the FTC has found are responsible for these abuses are not presented in the imported motor vehicle industry. Accordingly an exemption is entirely proper. 15 U.S.C. 57a(g).

a. There are no unfair or deceptive acts in connection with the establishment of motor vehicle dealerships by the Petitioner.

The FTC promulgated the Rule because it determined that some franchises are marketed through the following four unfair and deceptive acts: (1) Misrepresentation; (2) unsubstantiated claims; (3) refusals to refund; and (4) the failure to disclose. *Statement of Basis and Purpose,* 43 *Federal Register* at 59628, 59637; *Final Guides,* 44 *Federal Register* at 49966. The lack of any indication in the rulemaking record that a dealer appointed by the Petitioner has ever been the victim of any of these unfair and deceptive acts establishes that the application of the Rule to the Petitioner is not necessary to prevent such acts or practices. Accordingly, the Petitioner should be granted an exemption.

With respect to this Rule, the Commission never received one complaint from a motor vehicle dealer charging unfair or deceptive acts on the part of a manufacturer, importer or *distributor* in connection with the establishment of a dealership. Moreover, throughout the Rule's nine year history, no comment was ever filed by either a domestic or imported motor vehicle dealer requesting or supporting the application of the Rule to the motor vehicle industry.[46]

The lengthy public record contains over 400 complaints, principally from franchisees, alleging abuses by over 170 franchisors. *Statement of Basis and Purpose,* 43 *Federal Register* at 59627. Not one complaint, however, involves an automobile dealership. See *FTC Memorandum from Michael C. McCarey to Edward W. Colbert* dated February 4, 1975. Since there is no evidence of unfair or deceptive acts in connection with the establishment of motor vehicle dealerships either by a manufacturer, importer or distributor, then the application of the Rule to the Petition, a distributor, is obviously not necessary to prevent such acts.[47]

Moreover, as fully discussed below, the American Imported Automobile Dealers Association (AIADA) fully supported AIA's position that its member companies should be exempted from the Rule. Clearly, if the individuals whom the Rule seeks to protect state that: (1) they do not need the Rule's protection; (2) the disclosures requested by the Rule would not meaningfully aid the seeker of an automobile franchise in evaluating the venture; and (3) they neither see the need nor wish for the Rule to apply to foreign motor vehicle manufacturers, *distributors,* and importers, then it is entirely proper for the Commission to exempt the Petitioner, a distributor for an AIA member, from the scope of the Rule.

b. Those factors which the FTC has found are responsible for abuses are not found in the imported motor vehicle industry.

There are no unfair acts in connection with the establishment of dealerships by the Petitioner because the factors which the FTC has found are responsible for such abuses do not exist in the imported motor vehicle industry which includes the Subaru organization. The FTC has determined that the unfair or deceptive acts and practices are a result of unscrupulous, financially unstable franchisors which employ high pressure sales tactics to obtain low-cost capital through the "up front" money of

[45] This would include such things as repair manuals, special tools and promotional material.

[46] The National Automobile Dealers Association (NADA) did file a vague comment but now takes no position as regards AIA's contention that it is unnecessary for AIA member companies to be included within the scope of the Rule. See *infra* page 12.

[47] Although the Petitioner is not an AIA member, SOA, the importer of Subarus is a member. Since SOA grants the *exclusive right* to appoint dealerships to the Petitioner and other distributors, SOA can necessarily only deal with dealerships through its distributors.

unsophisticated franchises. See *Statement of Basis and Purpose*, 43 FR at 59623, 59625–26, 59652, 59698, 59703.

This state of affairs simply does not exist in the Suburu organization. To the contrary, the Petitioner is a reputable, well established firm and part of a world-wide organization which manufacturers and sells motor vehicles, not *dealerships*. The Petitioner does not use high pressure sales tactics to secure new dealers. Indeed, the Petitioner does not seek our new dealers; rather, interested persons seek out the Petitioner. There are far more people interested in acquiring a Subaru dealership than there are dealerships to be awarded. Furthermore, dealerships are established without any franchise fee. The Petition's income is derived solely through the sale of motor vehicles, and it is thus dependent upon the ongoing financial health of its dealers. The Petitioner does not establish dealerships in order to generate low cost capital and there is therefore absolutely no incentive on its part to engage in unfair acts. Finally, the Subaru dealers appointed by the Petitioner are sophisticated and experienced businessmen who invest considerable sums of money in establishing their businesses.

Clearly, the factors which give rise to the abuses the Rule seeks to prevent are not present in the relations of the Petitioner to its dealerships. The Petitioner is simply not the type of "franchisor" from which the public needs protection. Accordingly, there is no need for the Rule to apply to it.

Finally, the Commission itself stated in its Order Granting Exemption to AIA, that the abuses which the Rule was designed to prevent are not present in the imported motor vehicle industry.

2. *No Harm to Motor Vehicle Dealers.* The granting of an exemption will not harm existing or prospective motor vehicle dealers. This fact is explicitly shown by AIADA's position that the Rule should not apply to AIA member companies. AIADA, the principal association devoted to imported car dealers in the United States, maintains that there is no need for AIA member companies to be included within the scope of the Rule and that they should be excluded. AIADA has stated that it would serve no reasonable purpose for the Rule to apply to AIA member companies and that the legal rights of AIADA member companies which are set forth in existing federal and state statutes would not be expanded in any meaningful way by the Rule.[48]

It is reasonable to assume that AIADA did not intend that its position on the Rule be technically limited only to AIA members. AIADA, like the Petitioner, would have no way of knowing that independent distributors for AIA members would not be within the exemption granted to AIA. The Petitioner, as a distributor for an AIA member, deals directly and regularly with AIADA members. In evaluating its position, AIADA must necessarily have considered the relationship between its members and distributors such as the Petitioner. In any event, the Commission expressly noted that in the Order Granting Exemption to AIA that there was an absence of abuse in the imported motor vehicle industry between franchisors and automobile franchisees and prospectives franchisees.

The Petitioner is in the imported motor vehicle industry, and to a greater degree than SOA, an AIA member, deals with prospective "franchisees" and established franchisees.[49]

3. *Compliance with the rule is Burdensome and Unfair to the Petitioner.* Compliance with the Rule is burdensome to the Petitioner. In addition, because SOA and its subsidiary distributors are exempt from the Rule, it would be unfair to compel the Petitioner to comply to the Rule simply because of its status as an independent distributor.

The Petition is a non-public corporation. The financial arrangements under which it operates, therefore, are not public knowledge and are known neither by domestic manufacturers, distributors nor by other Subaru Distributors.

a. The burden of complying with the Rule.

Section 436.1(a)(20) of the Rule rquires the detailed disclosure of financial information. This requirement is burdensome for three reasons.

First, the development and implementation of the required disclosure system will involve an enormous expense. Since the motor vehicle industy is not included within the scope of state franchise laws,[50] the Petitioner does not have existing disclosure systems or completed Uniform Franchise Offering Circulars which can be easily used to comply with the disclosure requirements of the Rule. See 43 FR 59752.

Second, the disclosure of confidential financial information could cause substantial harm to the competitive positions of the Petitioner. "Disclosure would provide competitors with valuable insight into the operational strengths and weaknesses of [the supplier of the information] * * * selective pricing, market concentration, expansion plans * * * would be facilitated by knowledge of the financial information * * * suppliers, contractors, labor unions and creditors, too, could use such information to bargain for higher prices, wages, or interest rates * * *." *National Parks and Conservation Association v. Kleppe*, 547 F.2d 673, 684 (D.C. Cir. 1976); see also *Comstock International v. Export Import of U.S.*, 464 F. Supp. 804, 810 (D.D.C. 1979).

Third, the Rule will also require the Petitioner to disclose all out-of-court dealer litigation settlements over the last seven years. 16 CFR 436.1(a)(14). This requirement would impair the ability of the Petitioner to negotiate any settlement with a dealer if the dealer possesses a seven year history of all prior settlements. This is so even though the exact dollar amount of a settlement need not be disclosed if it is not disclosed in any court paper. *Final Guides*, 44 FR 49973. If a confidential settlement goes into the millions, obviously even the disclosure of a settlement "in the law six figures" will substantially impair the Petitioner's future settlement negotiations.

b. The unfairness of applying the Rule to the Petitioner.

In addition to the Rule being burdensome to the Petitioner, its application to the Petitioner would be unfair. SOA has two subsidiaries engaged in acting as distributors for southern California and Maryland. To compel the Petitioner to comply with the Rule but not SOA's subsidiary distributors which operate under similar contracts with SOA and whose business practices do not differ from those of the

[48] We note that more than three quarters of the states presently have statutes specifically regulating the motor vehicle franchisor-franchisee relationship. These state laws regulate virtually every critical aspect of the motor vehicle franchise relationship, especially termination and the establishment of new dealerships within an existing market area. Furthermore, the Federal Dealer's Day In Court Act, 15 U.S.C. 1221 *et seq.*, requires automotbile franchisors to act in good faith in performing or complying with the terms or provisions of the franchise or in terminating or not renewing the dealership.

[49] The word "franchisee" is used liberally to distinguish a dealer from those from whom he obtains his dealership and to reflect the language used by the Commission in its report. The Petitioner in no way intimates that it is a franchisor or that the appointed dealers are "franchisees". As the Commission expressly found, the sale of automobile dealerships in the industry does not constitute the sale of a "franchise" within the meaning of the Rule.

[50] This is so because in order to fall within the scope of state franchise laws, the franchisor must require a franchisee to pay a franchise fee.

Petitioner, is inequitable. The Petitioner would be forced to expend substantial amounts of capital in order to conform to the Rule. SOA's wholly-owned subsidiaries would be spared this expense solely because of their status as subsidiaries.

To compel the Petitioner to comply with the Rule could also damage its bargaining power in the market place. The expense involved in accommodating the mandates of the Rule could weaken not only the Petitioner's ability to compete with distributors of other automobile companies but could also weaken its position with SOA. More importantly, the disclosure requirements of the Rule would be especially harmful to the Petitioner, and other independent distributors, because they would be forced to reveal their financial affairs and settlement histories while SOA's subsidiary distributors would be not only exempt from this disclosure requirements but would be afforded easy access to the financial affairs of companies like the Petitioner. Such a state of affairs would provide the exempt companies an unfair advantage over the Petitioner and other independent distributors.

III. Conclusion

This Petition for Exemption should be granted because: (1) The application of the Rule to the Petitioner is not necessary to prevent the unfair or deceptive acts to which the Rule relates; (2) the granting of the exemption will not harm motor vehicle dealers; and (3) compliance with the Rule is burdensome and unfair to the Petitioner.

Respectfully submitted,

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Exhibit A

United States of America, Before the Federal Trade Commission

In the matter of petition for exemption from Trade Regulation Rule entitled: "Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures" filed by Volkswagen of America, Inc., No. 92.

Petition for Exemption of Volkswagen of America, Inc.

Pursuant to 15 U.S.C. 57a(g)(1), Volkswagen of America, Inc. ("Volkswagen") petitions the Federal Trade Commission for an exemption from its Trade Regulation Rule entitled "Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures" ("Franchise Rule"), 16 CFR Part 436, as it purports to apply to the motor vehicle businesses of Volkswagen and its subsidiaries.

The ground for seeking exemption from the Franchise Rule is that application of the Franchise Rule to Volkswagen is unnecessary to prevent the unfair or deceptive acts or practices which the Franchise Rule is intended to prevent. Indeed, the Commission has already reached this conclusion with respect to motor vehicle dealerships in granting exemptions to American Motors Corporation and to twenty-three companies which import foreign-built motor vehicles. Accordingly, there is no public benefit from imposing upon Volkswagen the substantial administrative burdens of either complying with the Rule or continuously monitoring a schedule of dealer payments and liabilities so as to fall within the "six-month rule" stated in the Commission's final guides interpreting the Rule.

I. The Applicability of the Rule to Volkswagen

Volkswagen is a wholly-owned subsidiary of Volkswagenwerk, A. G., a corporation organized and authorized to do business in the Federal Republic of Germany. Volkswagen manufactures motor vehicles in the United States bearing the Volkswagen name, and imports other motor vehicles bearing the names Volkswagen, Porsche and Audi into the United States. These motor vehicles are sold to the public through a network of 1008 Volkswagen dealers and 438 Porsche/Audi dealers.

In February 1979, shortly after the Franchise Rule was promulgated, Volkswagen filed a petition for review of the Rule in the United States Court of Appeals for the Sixth Circuit. That petition was transferred to the Ninth Circuit and consolidated with all other pending petitions seeking review of the Rule. The main concerns of the motor vehicle manufacturers seeking review of the Rule was that the Commission appeared to consider automobile dealerships as *per se* examples of franchises, and that the Commission intended to treat a dealer's payment for special tools, supplies, inventory, signs and a dealership site as if such payment constituted a franchise fee. This concern was partially ameliorated when the Commission issued its final guides in July 1979. There the Commission stated that a payment for inventory would not be considered a franchise fee, and that other payments (such as for signs, special tools, supplies, and a dealership facility) would not be considered a franchise fee if the dealer is not obligated to make such payment in the first six months of operation of the dealership. Pursuant to a stipulation filed in the Ninth Circuit, Volkswagen and the Commission agreed that the petition in the Ninth Circuit would be dismissed if the Commission would ratify a staff advisory opinion to the effect that Volkswagen would not be engaged in franchising if it did not require any payments to be made in the first six months of operation of a dealership. The Commission ratified a staff advisory opinion to that effect in October 1979, and the petition for review was dismissed on November 2, 1979.

On July 17, 1980, the Commission issued an order exempting twenty-four motor vehicle manufacturers and importers from the requirements of the Franchise Rule. Volkswagen remains subject to the requirements of the Franchise Rule.

As a wholly owned subsidiary of a German corporation, Volkswagen does not prepare financial statements for public dissemination. If required to issue the disclosure documents mandated by the Rule, Volkswagen would not only have to establish a bureaucracy to administer a regular program of preparing, updating, and publishing such statements, but would also have to alter substantially its accounting functions in order to transform its financial statements from a management tool into a lawsuit-proof public document. In order to avoid this burden, from which many of its competitors have been exempted, Volkswagen must forever conduct its relationships with its dealers in precisely the manner described in the staff advisory opinion given to Volkswagen and ratified by the Commission in October 1979. In order to gain the same flexibility to change its relations with its dealers that these competitors enjoy, Volkswagen requests an exemption from the Rule on the same terms.

II. Reasons for Granting Volkswagen an Exemption

A. The Commission Has Found No Evidence of Abuse in the Sale of Franchises in the Motor Vehicle Industry

During the eight years of the rulemaking proceeding leading up to the promulgation of the Franchise Rule, the Commission compiled a 30,000 page

rulemaking record. Not one comment contained in that voluminous record referred to the need for the Rule in the motor vehicle industry. No evidence of abuse in the sale of franchises in the motor vehicle industry appeared in the record.

Furthermore, when American Motors and the Automobile Importers of America ("AIA") sought exemptions from the Rule, the Commission once again sought public comments. Once again, no comments were received indicating any need for the Rule in the motor vehicle industry. In fact, the only three public comments received by the Commission all favored exempting the petitioning motor vehicle manufacturers.

B. Dealer Organizations Have Recommended Granting Exemptions to Motor Vehicle Manufacturers

During the public comment period on the petitions for exemption filed by American Motors and by the AIA, both the Nebraska New Car & Truck Dealers Association and the Hawaii Automobile Dealers' Association recommended that the exemptions be granted, noting that the types of abuses which the Rule was intended to prevent do not exist in this industry. The National Automobile Dealers Association in its comments stated that "the articulated purposes of the Rule do not in all likelihood extend to the named petitioner, AMC or to the present constituted membership of AIA." It thus appears from the public comments received to date from the very group which the Rule purports to protect that the Rule is unnecessary, and that exemptions granted to longstanding members of the international automobile manufacturing community are in the public interest.

C. Volkswagen Dealers Do Not Need the Protection of the Rule

The Statement of Basis and Purpose which the Commission issued in promulgating the Franchise Rule stated that the purpose of the Rule was to prevent fraud or deceptive practices from occuring in the marketing of a franchise. The Commission then identified three characteristics of franchise marketing which create a potential for unfair and deceptive practices:

(1) Franchisors use the sale of franchises to raise low-cost capital;

(2) The typical potential franchisee is unsophisticated with little or no prior business experience; and

(3) Franchise salesmen employ hard-sell sales tactics to collect quick franchise fees prior to disclosing important information concerning the franchise.

The first characteristic defines the incentive of the franchisor to sell a franchise regardless of whether the sale is in the best interest of the franchisee. If the franchise relationship is not only a marketing tool but also an essential source of start-up capital for the franchisor, this incentive will be present. As the Commission stated:

> [I]t is the promise of low-cost capital that attracts [franchisors] and gives rise to problems in the offering and sale of franchises. [43 FR 59703]

The Commission elaborates the point elsewhere in the Statement of Basis and Purpose:

> [F]ranchising is not only a method of distribution, it is also a source of low-cost capital to be used for a rapid development of a distribution network. This arrangement contrasts sharply with that of the conventional producer-distributor/dealer relationship in which the producer must generate capital from profits or obtain it from conventional sources.
>
> * * * * *
>
> As clearly demonstrated by the record * * * many franchisors, anxious to obtain the franchisee's capital, find it in their interest to misrepresent or not fully disclose material information needed by the prospective franchisee. [43 FR 59698–99]

This characteristic of franchising is wholly absent from Volkswagen's method of doing business with its dealers. Volkswagen charges no franchise fee to its dealers. A new dealer makes a massive investment reaching as high as $1 million in some cases for such items as business premises, real estate, equipment, inventory and working capital. In August 1980 the average operating investment of a Volkswagen dealer was nearly one-half million dollars. Out of this investment only a very small portion is paid to Volkswagen for anything other than inventory, special tools or a lease of dealership premises in the event that the dealer elects to lease the premises from a subsidiary of Volkswagen.

In view of the heavy capital requirements of a high-volume motor vehicle manufacturer in the United States, it would be wholly unrealistic for Volkswagen to consider new dealers to be a potential source of low-cost capital, especially in view of the low dealer turnover rate and the relatively few new dealerships established each year by Volkswagen. Volkswagen raises capital by selling motor vehicles at a profit and by borrowing money from its parent corporation or from banks. Selling dealerships is simply not a viable means of raising capital for Volkswagen. Therefore, Volkswagen has no incentive to engage in deceptive acts and practices with its new dealers in order to raise low-cost capital.

The second characteristic of franchise marketing which leads to unfair and deceptive practices is the relative lack of sophistication and business experience of potential franchisees. In the Statement of Basis and Purpose the Commission quotes from a government study placed in the rulemaking record:

> The franchise industry * * * has been plagued by numerous cases of abuses and misrepresentations aimed at unsophisticated franchisees. Widespread instances have been documented involving such malpractice as high pressure franchise sales tactics, unscrupulous and inexperienced franchisors, financially unstable franchisors, hidden fee requirements and kick-backs, failure to provide information on services and training to be furnished to the franchisee, and use of coercive methods to get quick large deposits. [43 FR 59625]

The Commission then elaborates with its own conclusions that the potential for abuse is caused by the low level of sophistication among franchisees:

> The impact of this "informational imbalance" is particularly acute in franchising where many prospective franchisees possess a low level of business sophistication. The relative lack of business sophistication is demonstrated by numerous materials and comments on the public record. For example, in The Economic Effects of Franchising—a detailed study of "fast food" franchising undertaken by Professors Ozanne and Hunt—it was reported that "* * * 68 percent of our sample of franchisees did not own a business prior to their franchised business and half the franchisees had incomes below $10,000 prior to buying their franchise." This relative lack of business experience and low capitalization is quite striking in light of the nature of franchising—a "* * * highly complex, dynamic and changing area, with varied sophisticated business, financial and legal techniques and complications."

Given the complex nature of most franchising operations, it is somewhat surprising that a group of relatively "unsophisticated" persons enters a field which requires such a significant degree of business acumen. One of the reasons accounting for the involvement of such persons in franchising is the "get rich quick" claims utilized by many franchisors in advertisements and other promotional materials. As indicated by numerous franchisee complaints, such claims often induce a person who has had little or no formal business training into believing that he or she may earn a great deal of money with little effort and in spite of a lack of experience. As further illustrated by such complaints and related public record materials, such "get rich quick" claims frequently either are unsubstantiated by the franchisor, or they misrepresent material facts with regard to the "potential earnings" of a particular franchise business. The

credibility of such claims is often compounded by headline stories in the press as to those franchisees who were able to obtain great personal wealth from the operation of a franchise outlet. As noted by Professor Hunt:

The numerous "rags to riches" stories in the popular press about franchising in many cases have presold franchisees that owning a franchise is the key to success.

In this regard, the susceptible nature of prospective franchisees to such claims of "instant success" creates the potential for serious economic injury as a result of concealment or misrepresentation of the materials terms of the franchise business under consideration. [43 F.R. 59625–26]

These findings are wholly inapplicable to Volkswagen and its dealers. There is nothing unsophisticated about a Volkswagen dealer or his dealership. Volkswagen's basic marketing strategy—the basis for its long-run success in the marketplace—is the reputation of the product for sophistication and reliability. In fact, Volkswagen became the first successful high-volume motor vehicle importer by recognizing that the American consumer demands high reliability and requires fast and efficient service for his automobile. Volkswagen built a dealer organization designed to provide unparallelled efficiency in servicing the product. This hard-won reputation has made Volkswagen so successful in the American market that Volkswagen has made the major investments necessary to become a domestic manufacturer of motor vehicles. Volkswagen is obviously not going to jeopardize this major investment by an injudicious selection of new dealers.

Because Volkswagen's reputation would be destroyed by a hapless or inefficient dealer network, Volkswagen selects only experienced businessmen thoroughly familiar with the retail motor vehicle sales business to become new dealers. A person without detailed knowledge and experience in this business could not obtain a Volkswagen dealership even if he offered to pay for the right to be a dealer. The strength of Volkswagen's dealership organization is so vital to Volkswagen's reputation that granting a dealership to a person having little knowledge about the industry or about the technical, legal and financial aspects of operating a business would be unthinkable.

For these same reasons, Volkswagen's relationship with its dealers also lacks the third characteristic of franchise marketing which the Commission found to lead to deceptive practices, namely the use of hard-sell sales tractics to collect a franchise fee from a franchisee who has had insufficient time to investigate the transaction. The Commission described these selling methods as follows:

Since many individuals seeking opportunities as franchisees are not familiar with franchising operations, it has become common practice for franchisors to use a complete range of promotional and selling techniques to reach such persons. Newspapers, magazines, and direct mailings are used to attract the attention of prospective franchisees. In both advertising and promotional literature, franchisors often stress that a prospective franchisee needs no prior business experience. Those answering such advertisements are often sent a "franchise kit" containing material which emphasizes the advantages of the particular franchise. This promotional material may be followed by a call from a salesperson, who makes a presentation and attempts to convince the "prospective franchisee" to sign a contract. Another approach to franchise recruitment is the business opportunity trade show. These shows have been regularly held in many cities.

In addition to advertising and franchise shows, some franchisors employ franchise brokers to recruit new franchisees into the system. [43 FR 59623]

* * * * *

Finally, many prospective franchisees are not given an adequate opportunity to review these complex [franchise] agreements as the result of false sales pitches or high pressure tactics. The information provided to prospective franchisees by operation of the rule should present a much clearer picture of the material factors involved in a decision whether to enter into a franchise relationship, and should therefore dissuade prospective franchisees from "signing in the enthusiasm of the moment and repenting at leisure." That such a decision merits long and serious consideration is readily apparent from the franchisee complaints on the record of the present proceeding, as discussed *infra*. [43 FR 59627]

In contrast, Volkswagen does not *sell* dealerships at any price. Volkswagen *grants* dealerships to those few persons who have sufficient business acumen and prior automobile experience to exhibit a high probability of succeeding in the retail automotive business.

Because of the huge amounts of capital required by a new dealer to start up his business, a new dealer will necessarily have many meetings with Volkswagen representatives, and the dealership transaction will necessarily be reviewed by the new dealer's bankers, attorneys and accountants as well as the new dealer himself. In short, establishing a new dealership involves a sophisticated series of transactions with both parties utilizing considerable business experience and the help of legal and financial advisors. In this setting, the disclosure statement mandated by the Franchise Rule seems unnecessary. The relevant information mandated by the disclosure statement, as well as considerable quantities of additional information, will necessarily be demanded by the new dealer's bankers and financial and legal advisors, and will be provided by Volkswagen for their evaluation.

Thus, the burdens of compliance imposed upon Volkswagen have no offsetting utility to the public. There is no reason to freeze Volkswagen into forever conducting its business with its dealers in literal compliance with the terms of the staff advisory opinion or to require Volkswagen to prepare and disseminate the documents mandated by the Rule, especially since most of Volkswagen's competitors have been exempted from these requirements by the Commission.

III. Conclusion

For all of the above-stated reasons, Volkswagen respectfully requests that the Commission issue an order pursuant to 15 U.S.C. 57a(g) exempting Volkswagen and its subsidiaries from the requirements of the Franchise Rule.

Respectfully submitted,

Robert C. Kahrl,

Jones, Day, Reavis & Pogue, 1700 Union Commerce Building, Cleveland, Ohio 44115, (216) 696–3939, Attorneys for Petitioner, Volkswagen of America, Inc.

January 20, 1981.

United States of America, Before the Federal Trade Commission

In the matter of the Trade Regulation Rule entitled "Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures", TRR No. 215–34.

Petition for Exemption

Southwest Subaru Star Corp. ("Petitioner") hereby petitions the Commission pursuant to Section 18(g) of the Federal Trade Commission Act, 15 U.S.C. 57a(g) (1976) and 16 CFR 1.16 and 1.21 *et seq.* for exemption from the above-captioned trade regulation rule, 16 CFR Part 436 ("Rule"), in connection with the advertising, offering, licensing, contracting, sales or other promotion of dealerships for the sale of Subaru motor vehicles and related parts, options and accessories ("motor vehicles").

Petitioner, an independently-owned and operated corporation engaged in the regional distribution of Subaru motor vehicles, seeks exemption from the Rule for the reasons set forth in the Petition for Exemption filed on December 23, 1980 (TRR No. 215–34) filed on behalf of Subaru of New England, Inc., Distributors, Inc., Subaru Distributors Corp., Subaru Northwest, Inc., Subaru

Mid-America, and Subaru South, Inc. Because there are no material differences between Petitioner and the aforementioned independent Subaru distributors for the purposes of this Petition, Petitioner, with the concurrence of these distributors, requests that the Commission consolidate this Ptition with the aforementioned Petition of December 23, 1980 and issue its order exempting Petitioner from the Rule in accordance therewith.

Respectfully submitted,
Date: April 28, 1981.

Richard A. Whiting,
Kenneth D. Ludwig, Steptoe & Johnson, 1250 Connecticut Avenue, Washington, D.C. 20036.

[FR Doc. 82-31832 Filed 11-19-82; 8:45 am]
BILLING CODE 6750-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Placement of Parahexyl into Schedule I

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Final rule.

SUMMARY: This final rule is issued by the Acting Administrator of the Drug Enforcement Administration to place the substance, parahexyl, into Schedule I of the Controlled Substances Act (CSA) (21 U.S.C. 801 *et seq.*). This scheduling action is necessary for the United States to discharge its obligations under the Convention on Psychotropic Substances, 1971. As a result of this rule, the regulatory controls and criminal sanctions of Schedule I of the CSA will be applicable to the manufacturing, distribution and possession of parahexyl.

EFFECTIVE DATE: December 22, 1982.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Drug Control Section, Drug Enforcement Administration, Washington, D.C. 20537, Telephone: (202) 633-1366.

SUPPLEMENTARY INFORMATION:

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Narcotics, Prescription drugs.

On Thursday, August 5, 1982, a notice was published in the **Federal Register** (47 FR 33986-7) proposing to place the substance, parahexyl, into Schedule I of the CSA. The scheduling of parahexyl under the CSA is necessary for the United States to be in compliance with its international drug treaties, in this case, the Convention on Psychotropic Substances, 1971.

All interested persons were given until October 4, 1982, to submit any comments or objections regarding this proposal. No comments or objections were received in response to this proposal nor were there any requests for a hearing on this matter.

Parahexyl is a synthetic analog of delta-9-tetrahydro-cannabinol (THC), an active ingredient of cannabis. Chemically, parahexyl is 3/hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo-[b,d]pyran. Parahexyl has no legitimate medical use in the United States at this time. In preclinical and clinical tests, parahexyl demonstrated effects consistent with those of psychoactive cannabinoids, including delta-9-THC, and can be considered a hallucinogenic substance.

Based on the scientific and medical evaluation and recommendation of the Assistant Secretary for Health, acting on behalf of the Secretary of Health and Human Services, and based on his independent evaluation in accordance with 21 U.S.C. 811(c), the Acting Administrator of DEA, pursuant to the provisions of 21 U.S.C. 811(a) and (b), finds that:

1. Based on information now available, parahexyl has a high potential for abuse;

2. Parahexyl currently has no accepted medical use in treatment in the United States; and

3. There is a lack of accepted safety for use of parahexyl under medical supervision.

The above findings are consistent with the placement of parahexyl into Schedule I of the CSA. All regulations applicable to parahexyl as a Schedule I substance are effective on December 22, 1982, and are as follows:

1. *Registration.* Any person who manufactures, distributes, delivers, imports or exports parahexyl, or who engages in research or conducts instructional activities with respect to this substance, or who proposes to engage in such activities, must be registered to conduct such activities in accordance with Parts 1301 and 1311 of Title 21 of the Code of Federal Regulations.

2. *Security.* Parahexyl must be manufactured, distributed and stored in accordance with §§ 1301.71-1301.76 of Title 21 of the Code of Federal Regulations.

3. *Labeling and Packaging.* All labels and labeling for commercial containers of parahexyl must comply with the requirements of §§ 1302.03-1302.05, 1302.07, and 1302.08 of Title 21 of the Code of Federal Regulations.

4. *Quotas.* All persons required to obtain quotas on parahexyl shall submit applications pursuant to §§ 1303.12 and 1303.22 of Title 21 of the Code of Federal Regulations.

5. *Inventory.* Every registrant required to keep records who possesses any quantity of parahexyl shall take inventories, pursuant to §§ 1304.11-1304.19 of Title 21 of the Code of Federal Regulations, of all stocks of parahexyl on hand.

6. *Records.* All registrants required to keep records pursuant to §§ 1304.21-1304.27 of Title 21 of the Code of Federal Regulations shall do so regarding parahexyl.

7. *Reports.* All registrants required to submit reports pursuant to §§ 1304.37-1304.41 of Title 21 of the Code of Federal Regulations shall do so regarding parahexyl.

8. *Order Forms.* All registrants involved in the distribution of parahexyl shall comply with the order form requirements of §§ 1305.01-1305.16 of Title 21 of the Code of Federal Regulations.

9. *Importation and Exportation.* All importation and exportation of parahexyl shall be in compliance with Part 1312 of Title 21 of the Code of Federal Regulations.

10. *Criminal Liability.* The Acting Administrator, Drug Enforcement Administration, hereby orders that any activity with respect to parahexyl not authorized by, or in violation of, the Controlled Substances Act or the Controlled Substances Import and Export Act shall be unlawful, except that any person who is entitled to registration under such acts may continue to conduct normal business, research or professional practice with parahexyl between the date on which this order is published and the date on which he obtains or is denied registration: *Provided*, that application for such registration is submitted on or before December 22, 1982.

Pursuant to 5 U.S.C. 605(b), the Acting Administrator certifies that the placement of parahexyl into Schedule I of the Controlled Substances Act will have no impact upon small businesses or other entities whose interests must be considered under the Regulatory Flexibility Act (Pub. L. 96-354). Parahexyl has no legitimate medical use or manufacturer in the United States. Control of parahexyl is required for the United States to meet its international treaty obligations.

In accordance with the provisions of 21 U.S.C. 811(a), this final rule placing parahexyl into Schedule I of the CSA is a formal rulemaking "on the record after

opportunity for a hearing." Such proceedings are conducted pursuant to the provisions of 5 U.S.C. 556 and 557 and as such have been exempted from the consultation requirements of Executive Order 12291.

PART 1308—[AMENDED]

Under the authority vested in the Attorney General by Section 201(a) of the CSA (21 U.S.C. 811(a)) and delegated to the Acting Administrator of the Drug Enforcement Administration by the Department of Justice regulations (28 CFR 0.100), the Acting Administrator, hereby orders that 21 CFR 1308.11(d)(15)–(23) be redesignated as 21 CFR 1308.11(d)(16)–(24); and a new 21 CFR 1308.11(d)(15) be added to read as follows:

§ 1308.11 Schedule I.

* * * * *

(d) * * *

(15) Parahexyl—7374; some trade or other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran; Synhexyl.

* * * * *

Dated: November 9, 1982.

John C. Lawn,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 82-31931 Filed 11-19-82; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 5f

[T.D. 7855]

Income Tax—Certain Elections Under Section 224 of the Tax Equity and Fiscal Responsibility Act of 1982

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document contains rules relating to certain elections under section 224 of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA). The temporary regulations extend the time for making certain elections under new section 338 of the Internal Revenue Code, as added by TEFRA, and provide rules for making section 338 elections subject to a special transitional rule. The temporary regulations provide guidance to taxpayers subject to the provisions of section 224 of TEFRA.

DATES: These temporary regulations are effective as of November 15, 1982, except that these temporary regulations are effective for transitional rule elections made before November 16, 1982.

FOR FURTHER INFORMATION CONTACT: Duane H. Pellervo of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202–566–3458, not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

This document contains temporary regulations relating to elections under section 338 of the Internal Revenue Code, as added by section 224 of TEFRA (Pub. L. 97–248; 96 Stat. 324). The extension of time for making certain section 338 elections contained in § 5f.338–1 of these temporary regulations was originally announced in a news release issued on November 15, 1982, IR–82–134 (Nov. 15, 1982), and will also appear as Announcement 82–149 in Internal Revenue Bulletin No. 1982–48. The provisions of § 5f.338–2, relating to elections under a special transitional rule, were contained in a news release issued on November 1, 1982, IR–82–124 (Nov. 1, 1982), and will also appear as Announcement 82–144 in Internal Revenue Bulletin No. 1982–46. These temporary regulations will remain in effect until superseded by later temporary or final regulations relating to these elections. These regulations are contained in 26 CFR Part 5f, Temporary Income Tax Regulations under the Tax Equity and Fiscal Responsibility Act of 1982 (Pub. L. 97–248).

Regulatory Flexibility Act and Executive Order 12291

No general notice of proposed rulemaking is required by 5 U.S.C. 553 (b) for temporary regulations. Accordingly, the Regulatory Flexibility Act does not apply and no Regulatory Flexibility Analysis is required for this rule. The Commissioner of Internal Revenue has determined that this temporary rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis is therefore not required.

Drafting Information

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

List of Subjects in 26 CFR Part 5f

Income taxes, Tax Equity and Fiscal Responsibility Act of 1982.

Adoption of Temporary Regulations

PART 5f—[AMENDED]

The following new §§ 5f.338–1 and 5f.338–2 are added to 26 CFR Part 5f:

§ 5f.338–1 Extension of time to make certain elections under section 338(g) of the Internal Revenue Code of 1954.

No election under section 338(g) (other than an election under section 224 (d)(2) of the Tax Equity and Fiscal Responsibility Act of 1982) shall be due before January 3, 1983 or, if later, 30 days after regulations are published specifying the rules for making the election.

§ 5f.338–2 Transitional rule elections.

(a) *Scope.* This section prescribes rules for making section 338 elections permitted by reason of section 224(d)(2) of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) (transitional rule elections).

(b) *Manner of making election.* The purchasing corporation shall be considered to have made a transitional rule election only if it files a statement of election before November 16, 1982, with the Internal Revenue Service Center with which it files its annual income tax return.

(c) *Statement of election.* The heading of the statement of election should prominently identify the statement as a transitional rule election under section 338. The statement must—

(1) Contain the name, address, and employer identification number of the purchasing corporation and the target,

(2) Identify the election as an election under section 338(g) of the Code that is permitted by section 224(d)(2) of TEFRA, and

(3) Be signed by a person who states under penalties of perjury that he or she is authorized to make the election on behalf of the purchasing corporation.

(d) *Copy of statement of election attached to return of target.* A copy of the statement of election under the transitional rule must be attached to the income tax return for the target for its taxable year ending on the date of its deemed sale of assets. Failure to attach a copy of the statement to the return will not invalidate the election.

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue it with notice and public procedure under subsection (b) of section 553 of

Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Secs. 338 and 7805 of the Internal Revenue Code of 1954 (96 Stat. 324, 26 U.S.C. 338; 68A Stat. 917, 26 U.S.C. 7805, respectively))

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: November 16, 1982.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 82-31895 Filed 11-17-82; 12:54 pm]

BILLING CODE 4830-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 123

[W-8-FRL 2238-8]

Wyoming Oil & Gas Conservation Commission, Underground Injection Control Program Approval

AGENCY: Environmental Protection Agency.

ACTION: Approval of State program.

SUMMARY: The State of Wyoming has submitted an application under Section 1425 of the Safe Drinking Water Act for the approval of an Underground Injection Control (UIC) program governing Class II oil and natural gas related injection wells. After careful review of the application and comments received from the public, the Agency has determined that the State's injection well program for Class II wells meets the requirements of Section 1425 of the Act. Therefore, this application covering Class II injections is approved.

EFFECTIVE DATE: This approval is effective November 22, 1982.

FOR FURTHER INFORMATION CONTACT: Patrick A. Crotty, Chief, Colorado/North Dakota/Wyoming Section, Drinking Water Branch, U.S. Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Denver, Colorado 80295, (303) 837-2731. Copies of the responsiveness summary are available from the above address.

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

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

The State of Wyoming was listed as needing an UIC program on September 25, 1978 (43 *FR* 43420). The State of Wyoming submitted an application under Sections 1422 and 1425 on February 11, 1982, for the approval of an UIC program governing Classes I, II, III, IV and V injection wells. The program would be jointly administered by the Wyoming Department of Environmental Quality (DEQ), applying under Section 1422, for Classes I, III, IV, and V wells, and the Wyoming Oil and Gas Conservation Commission (OGCC), applying under Section 1425, for Class II wells. On March 12, 1982, EPA published notice of its receipt of the application, requested public comments, and scheduled a public hearing on the Wyoming UIC program submitted by the DEQ/OGCC (47 *FR* 10862). A public hearing was held on April 13, 1982 in Casper, Wyoming. Because the revision processes for each of the two components of the total application did not coincide, the 1425 application for Class II wells was separated from the total application to be considered at this time. A decision on the consolidated permit application for Classes I, III, IV, and V will be made at a later date consistent with an extension of the review agreed to by EPA and the Wyoming DEQ. After careful review of the application and associated State memoranda of agreement and the comments received from the public, I have determined that the Wyoming UIC program submitted by the Wyoming OGCC for Class II wells meets the requirements of Section 1425 of the SDWA, and hereby approve it.

In this application, Wyoming chose not to assert jurisdiction over Indian lands or reservations for purposes of its UIC program. Therefore, the Environmental Protection Agency will, at a future date, prescribe a UIC program governing injection wells on any Indian lands or reservations in Wyoming.

EPA is publishing this approval effective immediately so that Wyoming can begin issuing UIC permits for Class II injection wells under the UIC program.

The terms listed below comprise of a complete listing of the thesaurus terms associated with 40 CFR Part 123, which sets forth the requirements for a State requesting the authority to operate its own permit program of which the Underground Injection Control program is a part. These terms may not all apply to this particular notice.

List of Subjects in 40 CFR Part 123

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

OMB Approval

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

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I certify that approval by EPA under Section 1425 of the Safe Drinking Water Act of the application by the Wyoming Oil and Gas Conservation Commission will not have a significant economic impact on a substantial number of small entities, since this rule only approves State actions. It imposes no new requirements on small entities.

Dated: November 15, 1982.

Anne M. Gorsuch,

Administrator.

[FR Doc. 82-31838 Filed 11-19-82; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 5-4

[APD 2800.2 CHGE 28]

Unsolicited Proposals

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: The General Services Administration Procurement Regulations, Chapter 5, are amended to prescribe procedures regarding receipt, review and evaluation of unsolicited proposals. This document designates the Office of Policy Formulation as the agency point of contact for unsolicited proposals. The intended effect of this revision is to streamline the procedures for handling such proposals.

EFFECTIVE DATE: November 29, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Philip G. Read, Director, Office of Federal Procurement Regulations, Office of Acquisition Policy (202-523-4755).

List of Subjects in 41 CFR Part 5-4

Government procurement, Unsolicited proposals.

1. The table of Parts for GSPR 5 is amended by adding the following entry:

Part

5-4 Special types and methods of procurement.

2. The contents of Part 5-4, is added as follows:

PART 5-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 5-4.9—Unsolicited Proposals.

Sec.
5-4.908 Agency point of contact.
5-4.909 Receipt, review and evaluation.

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

3. Subpart 5-4.9, Unsolicited proposals, is added as follows:

Subpart 5-4.9—Unsolicited proposals.

§ 5-4.908 Agency point of contact.

(a) The Office of Policy Formulation (VP) is designated as the GSA point of contact for overall coordination of unsolicited proposals. The address is: General Services Administration, Office of Acquisition Policy (VP), 18th and F Streets NW., Washington, D.C. 20405.

(b) Regional procurement activities shall be the local points of contact for review and acknowledgement of unsolicited proposals.

§ 5-4.909 Receipt, review and evaluation.

(a) *Receipt.* (1) Unsolicited proposals shall be acknowledged as soon after receipt as possible by the office designated as the local point of contact as follows:

(i) When an unsolicited proposal is received first by the Region, Service, or Staff Office which will perform the evaluation that organization shall inform the offeror by letter that the proposal has been received. The letter should indicate the name, business address, and telephone number of the individual who will evaluate the proposal.

(ii) A copy of the letter to the offeror shall be sent to the Office of Policy Formulation (VP).

(2)(i) When an unsolicited proposal is received first by a Region, Service, or Staff Office which is not in a position to evaluate it, that organization shall send the proposal to VP, as soon as possible. VP will determine which organization will be responsible for the evaluation of the proposal.

(ii) The proposal will be sent to the Region, Service or Staff Office that VP has determined will be responsible for the evaluation.

(iii) The Region, Service, or Staff Office which is assigned responsibility for the evaluation of the proposal shall inform the offeror by letter that the proposal has been received. The letter should indicate the name, business address and telephone number of the individual who will evaluate the proposal.

(b) *Review and evaluation.* (1) The evaluation shall be completed as soon as practicable (normally within 45 days). The evaluator shall send the results of the evaluation plus recommended to VP.

(i) If the proposal is rejected the evaluator shall prepare an appropriate response to the offeror for the signature of the head of the organization assigned responsibility for the evaluation. A copy shall be sent to VP.

(ii) If the evaluator believes that the proposal should be accepted, a favorable evaluation of the unsolicited proposal shall not be in itself, sufficient justification for a sole source award (see § 1-4.910).

(2) Any procurement action in connection with an unsolicited proposal shall be in accordance with applicable regulations (see Subparts 1-4.9 and 5-3).

Dated: October 29, 1982.

Allan W. Beres,

Acting Assistant Administrator for Acquisition Policy.

[FR Doc. 82-31982 Filed 11-19-82; 8:45 am]

BILLING CODE 6820-61-M

41 CFR Parts 5-7, 5A-7, and 5B-7

Contract Clauses; Transfer of Provisions

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: The General Services Procurement Regulations, Chapter 5, are amended by transferring revised policies and procedures from Chapters 5A and 5B into Chapter 5. The intended effect is to have a single GSA-wide procurement regulation and improve the procurement system.

EFFECTIVE DATE: November 22, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Philip G. Read, Director, Office of Federal Procurement Regulations, Office of Acquisition Policy (202-523-4755).

SUPPLEMENTARY INFORMATION:

List of Subjects in 41 CFR Part 5-7

Government procurement, Contract clauses.

CHAPTER 5—GENERAL SERVICES ADMINISTRATION

[APD 2800.2 CHGE 27]

Part 5-7 is added to read as follows:

PART 5-7 CONTRACT CLAUSES

Subpart 5-7.1—Fixed-Price Supply Contracts

Sec.
5-7.102 Required clauses.
5-7.102-2 Changes (Delivery options).
5-7.102-4 Variation in quantity.
5-7.102-5 Inspection.
5-7.102-6 Responsibility for supplies (Rejected supplies).
5-7.102-8 Assignment of claims.
5-7.102-10 Federal, State, and local taxes.
5-7.102-50 Payment of interest on Government claims.
5-7.102-51 Notice of shipment.
5-7.102-52 Offer of former Government property.
5-7.102-53 Interpretation of contract requirements.
5-7.102-54 Delivery terms.
5-7.102-55 Patent indemnification.
5-7.102-56 Marking provisions.
5-7.102-57 Preservation, packaging, and packing.
5-7.102-58 Packing list.
5-7.102-59 Advertising of award.
5-7.102-60 Notice to the Government of labor disputes.
5-7.102-61 Data Universal Numbering System (DUNS).
5-7.102-62 Identification of production point.
5-7.102-63 Waiver of delivery schedule.
5-7.103 Clauses to be used when applicable.
5-7.103-50 Examination of records by GSA.

Sec.
5–7.103–51 Disposition of production samples.
5–7.103–52 Delivery orders received and shipments made.
5–7.103–53 Progressive awards and monthly quantity allocations.
5–7.103–54 Monthly supply potential.
5–7.103–55 Method of award clause for use with MSP clause.
5–7.103–56 Minimum order limitation.
5–7.103–57 Standby-stock clauses.
5–7.103–58 Documentation and marking.
5–7.103–59 Acceptable age of shelf-life items.
5–7.103–60 (Reserved).
5–7.103–61 Preproduction samples.
5–7.103–63 Drawings referencing product or material specifications.
5–7.103–64 Improperly packaged and packed material.
5–7.103–65 Patents, royalty payments, and copyrights.
5–7.103–66 United States Department of Agriculture (USDA) Certificates of Quality and Condition—subsistence purchases.
5–7.103–67 USDA inspection of roasted whole bean coffee.
5–7.103–68 Guaranteed minimum quantity.
5–7.103–69 Government's obligation under previous contract.
5–7.103–71 Scope of contract clauses.
5–7.103–72 Brand names.
5–7.103–73 Hazardous substances.
5–7.103–74 (Reserved).
5–7.103–75 Availability for inspection, testing, and delivery.
5–7.103–76 Bid evaluation factors—weights and dimensions.
5–7.103–77 Gratuities.
5–7.103–78 Deliveries beyond the contractual period—placing of orders.
5–7.103–80 Classified information (security requirements clause).
5–7.103–81 Warranty of pesticides.
5–7.103–82 Production and delivery orders.
5–7.103–83 Special direct delivery requirement.
5–7.103–84 Placarding railcars.
5–7.103–85 Priorities, allocations, and controlled materials.
5–7.103–86 Parts and services.
5–7.103–87 Time of delivery.
5–7.104 Additional clauses.
5–7.104–1 Liquidated damage provision.

Subpart 5–7.6—Fixed-Price Construction Contracts

5–7.602 Required clauses.
5–7.602–50 Certification of payments.
5–7.603 Clauses and notices to be used when applicable.
5–7.603–50 Examination of records by GSA.
5–7.603–51 Subcontracting clause for cost-plus-a-fixed-fee construction

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

Subpart 5–7.1 Fixed-Price Supply Contracts

§ 5–7.102 Required clauses.

§ 5–7.102–2 Changes (Delivery options).

The following clause amplifies the Changes clause in § 1–7.102 of the FPR (Article 2, Standard Form 32).

Changes—Delivery Options and Adjustments in Transportation Costs

Within the scope of Article 2 of Standard Form 32, the right is reserved by the Government at its option to:

(a) Direct deliveries to destinations or to consignees other than those originally named in the contract for any part or all of the quantities originally stipulated in the contract;

(b) Direct shipments in quantities which will require a differential in rates from those on which the contract prices are based; and

(c) Direct the Contractor to ship by a mode of transportation other than stipulated in the contract.

The rights reserved above may be exercised with respect to individual orders by any office authorized to place orders under the contract. When delivery to a destination other than one named in the contract is directed, the Contractor shall deduct from their invoice the lowest transportation charges that would have applied for the diverted quantity as a separate shipment to the contract destination, and shall add, as a separate item, the lowest transportation charges applicable to the quantity delivered. Except where the adjustment is less than $100.00, such determinations shall be augmented by the Contractor's submission of (1) calculations of the lowest transportation charges that would have applied for delivery to the original destination and (2) any freight bills or express receipts issued reflecting payments actually made. If no such bills or receipts were issued, an explanatory statement shall be submitted. If more than one destination is named in the contract, the charges that would have applied shall be those applicable to the destination named in the contract which is nearest the destination to which delivery is actually made.

Distances between destinations shall be determined by reference to the current Household Goods Carriers' Bureau Mileage Guide. If two or more contract-named destinations are equidistant from the destination to which delivery is actually made, the destination yielding the lowest price to the Government shall be used. In making the foregoing computations, the transportation charges used will, in all cases, be the lowest regularly established rates on file with the Interstate Commerce Commission, the Federal Maritime Commission, any State Regulatory Body, or Legal Contract Carrier Rates, provided a certified copy of such Legal Contract Carrier Rates is on file with this Administration or accompanies the Contractor's invoice for payment.

(End of Clause)

§ 5–7.102–4 Variation in quantity.

The following clause may be used when it is appropriate to permit a variation in quantity which is caused by conditions specified in the Variation in Quantity clause in § 1–7.102–4 of the FPR (Article 4, Standard Form 32).

Variation in quantity

A variation in quantity, when caused by the conditions specified in Article 4 of Standard Form 32 will be accepted, provided that (1) such variation is not in excess of * percent of the quantity ordered, or (2) the variation results in a full pallet quantity.

(End of Clause)

§5–7.102–5 Inspection.

The following clause shall be used in addition to the Inspection clause in § 1–7.102–5 of the FPR (Article 5, Standard Form 32). Current dollar rates shall be obtained from the appropriate office within the procuring activity and included in the blanks in paragraph (b) of the clause.

Inspection

(a) *Source inspection.* (Use provision prescribed in § 5–2.201–58.)

(b) *Additional costs of inspection and testing.* The Contractor will be charged for any additional costs of Government inspection and test when (1) supplies are not ready at the time such inspection and test is requested by the Contractor, (2) when reinspection or retest is necessitated by prior rejection, or (3) F.O.B. destination material fails to arrive or arrives in a condition requiring reinspection of the same or replacement material. See Article 5(c) of Standard Form 32. When such inspection and test is performed by or under the direction of the General Services Administration, charges will be at the rate of $——— per man-hour if the inspection is at a GSA supply distribution facility; $——— per man-hour, plus travel costs incurred, if the inspection is at any other location; and $——— per man-hour for laboratory testing, except that when a testing facility other than a Federal Supply Service laboratory performs all or part of the required tests, the Contractor shall be assessed the actual amount of the costs incurred by the Government as a result of testing in such a facility. When inspection is performed by or under the direction of any agency other than the General Services Administration, the same charges may be used or such agency may assess the costs for performing the inspection and testing.

(c) *Contractor inspection responsibility.* The inspection system required to be maintained by the Contractor under Article 5(e) of Standard Form 32 may be the Contractor's own facilities or any other inspection facilities or services acceptable to the Government. It shall be utilized to perform all inspections and tests of materials and components prior to incorporation into end articles and for such end articles prior to offering the end articles for delivery under the contract. The Contractor is responsible for controlling product quality and for offering to the Government for acceptance only those supplies and services that conform to contract requirements and for maintaining objective evidence of this conformance. Records shall be available for review by the Government representative, and copies of individual records shall be furnished upon request. The right is reserved to the Government to evaluate the acceptability and

* Enter appropriate percentage.

effectiveness of the Contractor's inspection system prior to award and periodically during the contract period. In no event shall the Government's right to inspect and test completely any and all lots offered for delivery under the contract be waived. Failure of the Contractor to maintain an acceptable inspection system as provided in Article 5(e) and in this clause may result in termination of the contract under Article II of the General Provisions.

(d) *Quality Approved Manufacturer Agreement.* All of the terms and conditions of any existing Quality Approved Manufacturer Agreement entered into by the Contractor and/or the contractor's supplier and the Government are hereby incorporated in this contract and made a part hereof.

(e) *Inspection and receiving reports.* When supplies will be inspected on the premises of the Contractor or a subcontractor, the Contractor shall be responsibile for preparation and distribution of inspection documents as follows: (1) DD Form 250, Material Inspection and Receiving Report, for deliveries to military agencies; or (2) GSA Form 308, Notice of Inspection, for deliveries to GSA or other civilian agencies. When required, the Contractor will be furnished a supply of GSA Form 308 and/or DD Form 250, and complete instructions for the preparation and distribution.

(f) *Point of acceptance.* (Use provision prescribed in § 5–14.203).

(g) *Availability of records.* In addition to any other requirement of the contract, the Contractor shall maintain at the point for source inspection, and make available to the Contracting Officer or an authorized representative, for the duration of the contract and six months (180 days) thereafter, records showing the following information for each order received under the contract: (1) Order number; (2) date order received by the contractor; (3) quantity ordered; (4) date scheduled into production; (5) batch or lot number, if applicable; (6) date inspected and/or tested; (7) date available for shipment; and (8) date shipped or date service completed.

(End of Clause)

§ 5–7.102–6 Responsibility for supplies (Rejected supplies).

Responsibility for Supplies (Rejected supplies)

As provided in Article 6 of Standard Form 32, the Contractor shall bear all risks as to rejected supplies after notice of rejection. The Contractor shall be liable for all costs, including but not limited to storage costs, incurred by the Government in taking such measures as are expedient to save unnecessary loss to the Contractor. Should the Contractor upon due notice fail to remove or provide instructions for the removal of such rejected supplies within the period specified by the Government, or if no period is specified within a reasonable period of time, the supplies may be stored for the Contractor's account, or reshipped to the Contractor at the Contractor's expense, or sold to the highest bidder on the open market and the proceeds applied against the accumulated storage and other costs, including costs of the sale. The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

(End of Clause)

§ 5–7.102–8 Assignment of claims.

Insert the clauses set forth in §§ 1–30.7 and 5–30.7 under the conditions and in the manner prescribed therein.

§ 5–7.102–10 Federal, State, and local taxes.

Insert the clauses set forth in § 1–11.401–1 and § 5–11.401–52 under the conditions and in the manner prescribed therein.

§ 5–7.102–50 Payment of interest on Government claims.

All contracts shall include the Payment of Interest on Government Claims clause set forth below:

Payment of Interest on Government Claims

Unless paid within 30 days following the receipt by the Contractor of a written notice from the Contracting Officer setting forth an amount which has become due and payable from the Contractor to the Government under this contract, such amount shall bear interest commencing 30 days after the receipt of such demand at the rate which has been established by the Secretary of the Treasury pursuant to Pub. L. 92–41, 85 Stat. 97.

(End of Clause)

§ 5–7.102–51 Notice of shipment.

The following clause shall be included in all solictations to reserve to the Government the right to require a notice of shipment in appropriate situations. GSA Form 1056, Notice of Shipment, illustrated in § 5–16.950–1056, may be used for this purpose.

Notice of Shipment

If specified in an order submitted under the contract, the Contractor shall, at the time each shipment is made on such order, furnish a notice of shipment to either the consignee or the ordering office or both, as specified. This requirement may be satisfied by completion and return of appropriate forms furnished by the ordering office or by the furnishing of copies of bills of lading, freight bills, packing lists, invoices, or similar documents in accordance with normal commercial practice if such document clearly identifies the order number, items and quantities shipped, date of shipment, point of origin, method of shipment and routing, and name of initial carrier.

(End of Clause)

§ 5–7.102–52 Offer of former Government property.

Offer of Former Government Property

There is no law against selling back to the Government former Government surplus property, but the General Services Administration wants to know if it is buying such surplus. Accordingly, in signing the offer, the offeror warrants, to the best of his knowledge, information, and belief, that except as otherwise expressly stated in the offer, none of the items or their components covered by the offer has been or will be acquired either directly or indirectly from any agency of the United States Government or from any Government-owned corporation.

(End of Provision)

§ 5–7.102–53 Interpretation of contract requirements.

Interpretation of Contract Requirements

No interpretation of any provision of this contract, including applicable specifications, shall be binding on the Government unless furnished or agreed to in writing by the Contracting Officer or a designated representative.

(End of Clause)

§ 5–7.102–54 Delivery terms.

The following clause shall be used in all solicitations to make reference to the standard contract delivery terms of Subpart 1–19.3 of the FPR.

Meaning of Delivery Terms

The meaning of standard delivery terms used in this contract, such as f.o.b. Destination, f.o.b. Origin, f.a.s. Vessel, Port of Shipment, etc., shall be as stated in 41 CFR 1–19.3.

(End of Clause)

§ 5–7.102–55 Patent indemnification.

The Patent Indemnity clause in § 5–9.150 shall be included in all contracts in excess of $10,000.

§ 5–7.102–56 Marking provisions.

Current dollar rates shall be obtained from appropriate office within the procuring activity and included in the blanks in paragraph (c) of the clause.

Marking Provisions

(a) *Deliveries to civilian agencies.* Unless otherwise specified, unit, intermediate, and shipping container markings, including special markings, shall be in accordance with Federal Standard No. 123, edition in effect on the date of the solicitation, and the commodity specification for the item. Copies of Federal Standard No. 123 may be obtained from the office issuing the solicitation or as indicated in the provision entitled "Copies of Government Specifications and Standards."

(b) *Deliveries to military agencies.* Marking of shipments for delivery to military agencies shall be as otherwise specified in the contract or in purchase orders issued under the contract but, if not so specified, the interior packages and the exterior shipping containers shall be marked in accordance with Military Standard No. 129, edition in effect on the date of the solicitation.

(c) *Improperly marked material.* When any shipment is not marked in accordance with the contract requirements, the Government, notwithstanding the Inspection clause (Article 5, Standard Form 32), shall have the right, without prior notice to the Contractor,

to: (1) reject the shipment; (2) perform the required marking by use of Government personnel and charge the Contractor therefor at a rate of $—— per man-hour for the first hour or fraction thereof and $—— per man-hour for each succeeding hour or fraction thereof; or (3) have the marking performed by an independent contractor and charge the Contractor at the above rates. In connection with any prompt payment discount offered, time will be computed from the date of completion of any marking or remarking required by this paragraph, or receipt of proper invoice, whichever is later.

(End of Clause)

§ 5-7.102-57 Preservation, packaging, and packing.

The following clause shall be included unless otherwise specified.

Preservation, Packaging, and Packing

Unless otherwise specified, all items shall be preserved, packaged, and packed in accordance with normal commercial practices, as defined in the applicable commodity specification. Packaging and packing shall comply with the requirements of the Uniform Freight Classification and the National Motor Freight Classification (issue in effect at time of shipment) and each shipping container of each item in a shipment shall be of uniform size and content, except for residual quantities. Where special or unusual packing is specified in an order, but not specifically provided for by the contract, such packing details must be the subject of an agreement independently arrived at between the ordering agency and the Contractor.

(End of Clause)

§ 5-7.102-58 Packing list.

Packing List

A packing list or other suitable shipping document shall accompany each shipment and shall show the (a) name and address of consignor, (b) name and address of consignee, (c) Government purchase order number, (d) Government bill of lading number covering the shipment, if any, and (e) description of the material shipped, including item number, quantity, number of containers, and package number, if any.

(End of Clause)

§ 5-7.102-59 Advertising of award.

(a) The following clause, except as indicated in (b) of this section, shall be included in all solicitations.

Advertising of Award

The Contractor agrees not to refer to awards in commercial advertising in such a manner as to state or imply that the product or service provided is endorsed or preferred by the Federal Government or is considered by the Government to be superior to other products or services.

(End of Clause)

(b) When Experimental Technology Incentives Program (ETIP) provisions are included in the solicitation, the following clause shall be used.

Advertising of Award With Experimental Technology Incentives Program (ETIP) Provisions

The Contractor agrees not to refer to awards in commercial advertising in an inaccurate or misleading manner or in such a manner as to state or imply that the product or service is endorsed by the Federal Government. The Contractor may state that a contract was awarded pursuant to the ETIP criteria provided that the information given is complete and accurate.

(End of Clause)

§ 5-7.102-60 Notice to the Government of labor disputes.

Notice to the Government of labor disputes

(a) Whenever the Contractor has knowledge that any actual or potential labor dispute is delaying or threatens to delay the timely performance of this contract, the Contractor shall immediately give notice thereof, including all relevant information with respect thereto, to the Contracting Officer.

(b) The Contractor agrees to insert the notification requirement of this clause, including this subparagraph (b), in any subcontract hereunder with respect to which a labor dispute may delay the timely performance of this contract; except that each such subcontract shall provide that in the event its timely performance is delayed or a delay is threatened by an actual or potential labor dispute, the subcontractor shall immediately notify the next higher-tier subcontractor, or the prime Contractor, as the case may be, of all relevant information concerning such dispute.

(End of Clause)

§ 5-7.102-61 Data Universal Numbering System (DUNS).

Data Universal Numbering System (DUNS)

(a) The offeror shall insert the DUNS number applicable to the address entered in Block 17 of Standard Form 33, page 1 of this solicitation: ——.

(b) If the offeror's production point (point of final assembly) is other than the location entered on Standard Form 33, or if additional production points are involved, the offeror is requested to furnish the DUNS number applicable to each production point. Spaces for inserting these numbers are provided in the clause of this solicitation where offerors are to list production point addresses.

(c) If DUNS numbers have not been established for the addresses indicated in paragraphs (a) and (b) of this clause, GSA will arrange for the assignment of these numbers after award of a contract, and will notify the Contractor accordingly.

(End of Clause)

§ 5-7.102-62 Identification of production point.

A clause requiring offerors to identify their production point(s) shall be included in each solicitation. The following example includes columns for the insertion by the offeror of basic information needed for coding and other purposes.

Production Point

The offeror shall insert in the spaces provided below (or by an attachment to the offer if additional space is needed) the names of the manufacturers of the items offered and the address, etc., of the facilities at which the items will be manufactured or produced.

Item No.	Name of manufacturer	Production point address, county, and tel. number	DUNS No.*

* See clause entitled "Data Universal Numbering System (DUNS)."

(End of Clause)

§ 5-7.102-63 Waiver of delivery schedule.

To protect the Government's interest and right to require performance, the following clause shall be included in all solicitations:

Waiver of Delivery Schedule

None of the following shall be regarded as an extension, waiver, or abandonment of the deliver schedule or a waiver of the Government's right to terminate for default: (a) Delay by the Government in terminating for default; (b) Acceptance of delinquent deliveries; and (c) Acceptance or approval of samples submitted either after default in delivery or in insufficient time for the Contractor to meet the delivery schedule.

Any assistance rendered to the Contrator on this contract or acceptance by the Government of delinquent goods or services hereunder will be solely for the purpose of mitigating damages, and is not to be construed as an intention on the part of the Government to condone any delinquency, or as a waiver of any rights the Government may have under subject contract.

(End of clause)

§ 5-7.103 Clauses to be used when applicable.

§ 5-7.103-50 Examination of records by GSA.

Insert the clause set forth in § 5-63.104 in the types of contracts subject to audit listed in § 5-63.103.

§ 5-7.103-51 Disposition of production samples.

The following clause may be included in solicitations that specify source inspection if testing is to be conducted at a Government facility and dificulties have been experienced with suppliers in connection with the disposition of production samples.

Disposition of Production Samples

Production samples sent to a Government testing facility will be disposed of in the following manner: Samples from an accepted

lot, not damaged in the testing process, will be returned promptly to the Contractor after completion of tests. Samples damaged in the testing process will be disposed of as requested by the Contractor. Samples from a rejected lot will be returned to the Contractor or disposed of in the manner requested by the Contractor.

(End of clause)

§ 5-7.103-52 Delivery orders received and shipments made.

(a) The following clause shall be included in all requirements contracts for stock replenishment. The clause may also be included in definite quantity contracts for stock items when the contracting officer determines that close monitoring is necessary to ensure compliance with contract delivery requirements.

Status Report of Orders and Shipments

(a) The Contractor shall furnish to the Administrative Contracting Officer (ACO) a report covering orders received and shipments made during each calendar month this contract is in effect. The information required by the Government shall be reported on GSA Form 1678, Status Report of Orders and Shipments, in accordance with instructions on the form, and forwarded to ACO not later than the seventh workday after the close of each reporting period.

(b) An initial supply of GSA Form 1678 will be forwarded to the Contractor with the contract. Additional copies of the form, if needed, may be obtained from the ACO, or the Contractor may reproduce the form.

(End of clause)

(b) In accordance with the notification in the clause, the Procurement Contracting Officer (PCO) shall furnish to the contractor an initial supply of GSA Form 1678 with the mailing of the contract.

(c) The Administrative Contracting Officer shall monitor incoming copies of GSA Form 1678 and take appropriate action in accordance with instructions issued by the Commissioner, Federal Supply Service, or a designee.

§ 5-7.103-53 Progressive awards and monthly quantity allocations.

A clause similar to the following shall be used in solicitations specifying progressive awards.

Progressive Awards and Monthly Quantity Allocations

(a) Monthly quantity allocation. (1) Set forth below are the Government's estimated annual and monthly requirements for each stock item covered by this invitation. In order to preclude the placement of orders with any Contractor in excess of production capacity, offerors are requested to indicate, in the spaces provided, the total quantity per month which they are willing to furnish of any item, or group of items, involving the use of the same production facilities. Since the number of items on which any offeror may be eligible for award cannot be determined in advance of bid opening, offerors are urged, in making monthly allocations, to group, for allocation purposes, as many items as possible. Such groupings will make it possible for the Government to make fullest use of the production capabilities of each offeror. (2) Offerors need not limit their monthly allocations to the Government's estimated monthly requirements, since additional unanticipated needs may occur duing the period of the contract. If an offeror does not insert monthly allocation quantities, he will be deemed to offer to furnish all of the Government's requirements, even though they may exceed the stated estimated requirements.

National stock number	Estimated annual requirements	Estimated monthly requirements

OFFERORS MONTHLY QUANTITY ALLOCATIONS

Items or groups of items	Monthly allocation quantity

(b) Progressive awards. If the low responsive offeror offers a monthly quantity allocation of less than the Government's estimated requirements, the Government may make progressive awards to the extent necessary to meet the estimated requirements. In such cases, awards will be made to the low responsive offeror, covering Government requirements up to that offeror's stated monthly quantity allocations, and then progressively to other offerors 5-7.103-54(a) to the extent necessary.

(c) Ordering procedures. If progressive awards are made, orders will be placed first with the Contractor offering the lowest price on each item normally up to that Contractor's maximum quantity allocation and then, in the same manner, successively to other Contractors. However, to avoid the placement of unduly small orders or the splitting of a single requirement between two Contractors, the Government reserves the right to place orders with back-up Contractors whenever the orders placed with lower priced contractors equal or exceed 95 percent of their monthly quantity allocation for the item or group of items being ordered. In no case will orders be placed with any Contractor in excess of his monthly quantity allocation.

(End of Clause)

§ 5-7.103-54 Monthly supply potential.

(a) The Monthly Supply Potential (MSP) clause, and the Method of Award clause (§ 5-7.103-55) shall be included in solicitations for requirements contracts for stock items.

Monthly Supply Potential

(a) The estimated requirements of the Government for the contract period and the estimated peak monthly requirements are shown in the schedule of items. Offerors are requested to indicate, in the spaces provided, the total quantity per month which they are willing to furnish. This monthly supply potential will be used to preclude the placement of orders in excess of a Contractor's production capacity. Offerors are urged to group as many items or groups of items as possible in setting their monthly supply potential since the items or groups for which they may be eligible for award cannot be predetermined. Such grouping will make it possible to make the fullest use of the production capacity of each successful offeror. For example, if an offeror's production facilities can produce all of the items, or groups solicited, the offeror may insert a single overall limitation on the quantity that he can supply. Offerors are cautioned that in order to qualify for an award, their monthly supply potential must cover the Government's estimated peak monthly requirement for each item or group to be awarded. Groups of individual items will not be subdivided for award purposes.

(b) If an offeror does not specify a monthly supply potential, they will be deemed to offer to furnish 125 percent of the Government's estimated peak monthly requirement for the item or group of items. The quantity determined shall then be considered as the offeror's monthly supply potential.

OFFEROR'S MONTHLY SUPPLY POTENTIAL

Items or groups of items	Offeror's monthly supply potential

(c) For each offered item or group of offered items awarded pursuant to this solicitation, the Contractor shall be obligated to fill all orders (regardless of destination) received during any one calendar month after the effective date of the contract if the aggregate total quantity of such orders does not exceed either (1) the stated monthly supply potential or (2) if no monthly supply potential is stated, 125 percent of the estimated peak monthly requirement for the item(s) awarded.

(d) The Contractor may refuse to accept orders, or portions thereof, in excess of the monthly quantities the contractor is required to accept, which are received in any one calendar month. This refusal must be written and mailed to the ordering office within five calendar days after receipt of the order. Failure to refuse the order within five calendar days shall be deemed to be acceptance of the order by the Contractor.

(e) If the Contractor will not accept any additional orders after reaching the required monthly total, the Contractor is required to notify the Contracting Officer. This refusal shall be made within five calendar days of the receipt of the order or the order will be deemed to have been accepted.

(f) Orders, or portions thereof, which have been properly refused by the Contractor may be procured outside of the contract without prejudice to either party.

(g) Upon acceptance of order for quantities in excess of the quantities specified in paragraph (b) above, the Contractor will be allowed ...* additional days for delivery (or

for making the additional quantities available for inspection or testing) provided that the Contractor notifies the Contracting Officer that additional delivery time is required. This notification shall include the contract number, NSN, purchase order number, date of receipt of purchase order, and the quantity which is in excess of the monthly quantities the Contractor is required to accept.

Note.—The estimated peak monthly requirements shown in this solicitation are based primarily on the Government's economic order quantity. In order to give Contractors an *indication* as to the frequency of orders, the number of orders expected to be placed during the contract period is shown in parentheses next to the estimated peak monthly requirements. Computations as to the frequency of orders are necessarily based on past experience, and Contractors are cautioned that this ordering pattern may change.

This information is furnished to facilitate Contractor's production planning and has no bearing on the contractual obligations of either party.

(End of Clause)

Instruction to Contracting Officer

Fill in the blank with a number of additional days not to exceed 50 percent of the specified delivery time or 45 days, whichever is less.

(b) Paragraphs (d) and (e) of the Monthly Supply Potential Clause may be revised as follows in order to reduce the time otherwise involved in the offering and acceptance of orders in excess of the MSP. However, the inventory manager and/or the procurement activity must control the issuance of delivery orders to ensure that contact is made with the Contractor before orders exceeding the MSP are issued.

Monthly Supply Potential

(a) No change.

(b) No change.

(c) No change.

(d) The Contractor may refuse to accept orders, or portions thereof, which are received in any one calendar month which exceed the monthly quantities he is required to accept.

(e) Orders, or portions of orders, which exceed the Contractor's monthly supply potential will first be offered to the Contractor by telephone or telegram. The Contractor shall furnish an acceptance or refusal by telegram, telephone, or in writing within three working days from the date of the telephone conversation or receipt of the telegram. If the Contractor accepts or refuses by telephone, the Contractor shall send a confirming telegram or letter. The Contracting Officer shall deem that failure by the Contractor to respond to such offer within three working days to be the same as refusal of the offer.

(f) No change.

(g) No change.

Note.-No change.

(End of Clause)

(c) Guidelines for use of the Monthly Supply Potential (MSP) and Method of Award clauses.

(1) Items or groups of items will not be subdivided for award purposes. Subdivision for partial quantities may be made only as progressive awards.

(2) The MSP clause provides space for bidders to insert their MSP's for individual items, or to furnish a combined MSP for all items or groups of items. This space shall not be rearranged or relocated in the item listing as it is designed to encourage offerors to furnish a combined MSP for as many items or groups of items as possible.

(3) Estimated requirements for the contract period and estimated peak monthly requirements (EPMR) shall be shown for each item whether the award is to be made on individual items or in the aggregate.

(4) The Contracting Officer shall use in solicitations the estimated quantities and EPMR's furnished by the inventory manager. Changes to the quantities may be made by the Contracting Officer only after coordination with the inventory manager. Quantities may be adjusted to bring them in line with standard pack requirements and to round them off.

(5) The number of orders which may be expected to be placed during the contract period will be shown in the requirements forecast. This figure shall be shown in solicitations in parentheses next to the EPMR. Accordingly, a note has been added to the MSP clause to explain to offerors the significance of this parenthetical figure.

§ 5-7.103-55 Method of award clause for use with MSP clause.

The following clause shall be used in solicitations containing the MPS clause in § 5-7.103-54. The clause must be appropriately modified where the solicitation covers only items to be awarded individually or only groups of items to be awarded in the aggregate. Also, paragraph (b)(1) of the clause must be modified where other than the weighted factor formula method (e.g. pre-established price list method) is to be used.

Method of Award

(a) Award will be made to the low responsive offeror based on the Government's estimated peak monthly requirements. The quantity awarded will be limited by the offeror's stated monthly supply potential. Within the limits prescribed by the offeror, the Government will apply offeror's monthly supply potential to any items or groups of items offered, as the Government's interest requires. Because groups or individual items will not be subdivided for award purposes, offeror's monthly supply potential must cover the Government's estimated peak monthly requirements for each group or item to be awarded to the offeror.

(b) Award will be made as follows:

(1) Groups ——: In the aggregate by group. The low aggregate offeror will be determined by multiplying the unit price submitted on each item by the estimated quantity specified, and adding the resultant extensions. In order to qualify for an award on a group, prices must be submitted on each item within the group.

(2) Items ——: Item-by-item.

(End of Clause)

§ 5-7.103-56 Minimum order limitation.

(a) When offerors are reluctant to accept small orders and will increase prices to cover additional costs for handling the orders, the following provisions shall be included in solicitations for requirements contracts for stock items.

Minimum Order Limitation

(a) No ordering office will be obligated to order and no Contractor will be obligated to make any delivery amounting to less than,* but such deliveries may be ordered by the Government subject to acceptance by the Contractor. Failure on the part of the Contractor to return the order by mailing or otherwise furnishing it to the ordering office within five working days after receipt shall constitute acceptance whereupon all other provisions of the contract shall apply to such order.

(b) Where either Government Standard Packing or Commercial Standard Packing is specified in the contract, orders shall be placed only in the specified standard pack quantity or multiples thereof.

(End of Clause)

(b) When orders may be placed for less than one shipping container, the following provision is authorized:

Minimum Order Limitation

(a) No ordering office will be obligated to order and no Contractor will be obligated to make any delivery amounting to less than* but such deliveries may be ordered by the Government subject to acceptance by the Contractor. Failure on the part of the Contractor to return the order by mailing or otherwise furnishing it to the ordering office within five working days after receipt shall constitute acceptance, whereupon all other provisions of the contract shall apply to such order.

(b) Notwithstanding the foregoing, where either Government Standard Pack or Commercial Standard Pack (shipping container) is specified in the contract, orders shall be placed by the Government in shipping container quantity except as set forth in paragraph (c), below.

(c) The Government may at its option place orders for less than a shipping container quantity, providing such quantity equals a unit, intermediate pack, or multiples thereof, up to a shipping container quantity. Such

orders shall be packed in accordance with the applicable packaging and packing specification.

(End of Clause)

*Enter the minimum economical quantity in terms of dollar amount, pounds, gallons, drums, packages, dozens, etc.; coinciding with unit(s) of issue specified in the contract. Contracting officers shall consider the compatibility between the minimum order limitation and the normal standard pack.

§ 5-7.103-57 Standby-stock clauses.

(a) The following clause may be used when practicable and when its use will result in significant advantages to the Government.

Standby Stock

(a) Initial quantity.

For each item award to him, the Contractor shall by the beginning date of the ordering period or within —— calendar days after the date of award, whichever is later, produce and have inspected by the Government, as being in compliance with contract requirements, —— times the number of units specified in the schedule as the estimated monthly requirement for that item.

(b) Replenishment of standby stock.

With respect to each item, the Contractor shall replenish the standby stock with items inspected by the Government, as being in compliance with contract requirements, at such times as to ensure that all orders received by the Contractor in any one calendar month, which are within the estimated monthly requirements for that item, are shipped within the time period specified in (e), below. No replenishment action shall be initiated by the Contractor during the last —— months of the contract.

(c) Guarantee to purchase.

(i) The Government guarantees to purchase with respect to each item an amount equal to the initial standby-stock quantity for that item plus the total quantity of all delivery orders for that item which (A) do not exceed the estimated monthly requirement for that item, and (B) are received by the Contractor prior to the last —— months of the contract. However, with respect to each item, the Government reserves the right to notify the Contractor at any time during the contract period that orders received in the calendar months succeeding the month in which such notice is received, shall not fall within the above guarantee. In such event, the Contractor's obligation to ship in accordance with paragraph (e), below, shall continue only until such time as the orders received in succeeding months, which are within the estimated monthly requirement, equal the initial standby stock quantity for that item. All other orders shall be shipped in accordance with paragraph (f), below.

(ii) The Contractor shall, 45 to 30 calendar days prior to the expiration date of the contract and again within 10 days following the expiration date of the contract, notify the Contracting Officer by letter of any unordered quantity which the Government has guaranteed to purchase. Failure to notify the Contracting Officer within the prescribed times shall relieve the Government of its obligation to order; however, if the Government elects to issue orders for the entire balance or any portion thereof, the Contractor will be obligated to furnish such quantities. The Government reserves the right to defer placing orders for any unordered quantity it has guaranteed to purchase for 30 calendar days following the expiration date of the contract.

(d) Deferment of initial orders.

In order not to disrupt the orderly and expeditious production of the initial standby-stock quantities, the Government will not place, and the Contractor will not be permitted to accept, orders under this contract prior to the beginning date of the ordering period or prior to ——— days after date of award, whichever is later.

(e) Time for shipment—orders within the estimated monthly requirement.

The Contractor shall furnish all quantities ordered during any calendar month which do not exceed the estimated monthly requirements set forth in the schedule. Such quantities shall be shipped within ——— days after receipt of orders.

(f) Orders in excess of the estimated monthly requirement.

The Government is obligated to place, pursuant to this contract, all orders for the supplies covered herein except (1) orders for less than the minimum in the Minimum Order Limitation clause; (2) orders in excess of the maximum specified in the Maximum Order Limitation clause; and (3) in the case of exigencies, as specified in the Scope of Contract clause. The Contractor, however, may with respect to any item refuse to accept all orders or portions thereof received in any one month which exceed the estimated monthly requirement for that item. Such refusal to accept must be communicated to the office issuing such orders within —— days of receipt of the orders by the Contractor. Failure to communicate the refusal to accept to the office issuing the delivery order within the time required shall be deemed to be acceptance of the order by the Contractor. With respect to all orders in excess of the estimated monthly requirement accepted or deemed to have been accepted by the Contractor, shipment shall be within —— calendar days from date of receipt of the order. Acceptance of orders in excess of the estimated monthly requirement *shall not relieve* the Contractor from complying with the delivery schedule in paragraph (e), above, with regard to orders falling within the estimated monthly requirement.

(g) Inspection.

Supplies shall not be shipped until they have been inspected at origin in accordance with the terms of this contract and found to conform with contract requirements, unless specifically permitted otherwise under an existing Quality Approved Manufacturer Agreement.

(h) Filling orders.

(1) Orders shall be filled in the same order they are received by the Contractor, unless otherwise authorized by the Contracting Officer.

(2) Supplies which are subject to any shelf-life requirements specified in this contract shall be shipped from standby stock on a "first-in, first-out" basis provided the remaining shelf-life upon delivery is sufficient to comply with the terms of the contract.

(i) Maintenance of records by Contractor.

The Contractor shall maintain detailed records at the inspection point showing the following information for each item:

(1) Quantity of standby stock on hand (not specifically allocated to orders received);

(2) Cumulative total of quantities shipped from standby stock;

(3) Quantities in production for standby stock replenishment pursuant to (b), above, and the dates for each quantity scheduled;

(4) For each delivery order received, the order number, date of order, date order received, quantity order, and date shipped.

(End of Clause)

(1) In paragraph (a) of the clause, the number of days to be inserted in the first blank shall be representative of the time required by the majority of firms in the industry to produce and have inspected the initial quantity. If the initial quantity is equal to the estimated monthly requirement, the second blank and the word "times" shall be omitted; otherwise, the blank shall be filled in with the initial quantity expressed as ½, 1½, 2, 3 times, etc., as appropriate.

(2) In paragraph (b) of the clause, the number of months to be inserted in the blank shall be equal to the figure obtained by dividing the initial standby stock quantity by the estimated monthly requirement.

(3) In paragraph (c) of the clause, the number of months to be inserted in the blank shall be the same as in (2), above.

(4) In paragraph (d) of the clause, the number of days to be inserted in the blank shall be the same number inserted in the first blank in paragraph (a) of the clause, above.

(5) In paragraph (e) of the clause, a reasonably short time should be inserted in the blank—say five to ten days.

(6) In paragraph (f) of the clause, in the first blank, insert a reasonably short time. In the second blank, insert the same number of days as in the first blank in paragraph (a) of the clause, above.

(7) The clause is for use in solicitations which provide for award on an item-by-item basis. When used in solicitations which provide for award by groups of items, the language must be appropriately modified.

(b) Each solicitation which provides for standby stock shall include the following three clauses:

Scope of Contract

This contract for the period (1), or date of award whichever is later, through (2), provides for the normal supply requirements of the General Services Administration supply distribution facilities identified herein during the ordering period beginning (3) or (4) days after date of award, whichever is later,

through (5). The General Services Administration is obligated, except in exigencies or as may be otherwise provided herein, to purchase hereunder such quantities as may be needed from time to time to fill any such supply distribution facilities requirements determined in accordance with currently applicable procurement and supply procedures. Except as otherwise provided herein, the Contractor is obligated to deliver hereunder all such quantities as may be so ordered from time to time. The quantities shown represent the estimated requirements for each item during the ordering period, are furnished only for the information of offerors, but shall not be construed to represent any amount which the Government shall be obligated to purchase under the contract nor relieve the Contractor of his obligation to fill all orders which may be placed hereunder. If during the contract period significant changes in the estimated quantities occur, the Government will, where feasible, notify the Contractor of such changes. However, such notification is furnished exclusively for the Contractor's information and has no bearing on the contractual obligations of either party.

(End of Clause)

Note to Contracting Officer

Insert in blank (3), above, the expected beginning date of the ordering period. Insert in blanks (2) and (5) the ending date of the ordering period. Insert in blank (1) the date which precedes the date inserted in blank (3) by the number of days allowed for production and inspection in determining the required standby stock quantities. Insert in blank (4) the number of days between the dates inserted in blanks (1) and (3).

Government's Obligation Under Previous Contract

This contract shall not be deemed to cover requirements which are filled by supplies which the Government is obligated to order under a previous contract.

(End of Clause)

Offeror's Monthly Quantity Limitation

The offeror may, by appropriate entries in the spaces below, limit the quantities which may be obligated to be furnished under a resultant contract. Since the items or groups of items on which an offeror may be eligible for award cannot be determined in advance of opening of offers, offerors are urged to state a single overall monthly quantity limitation applicable to as many items or groups of items as possible. In the event the monthly quantity limitation indicated is less than the total of the estimated monthly requirements shown in the schedule for all items or groups of items on which the offer is submitted, the Government may select those items or groups of items for award which will result in the lowest overall cost to the Government, unless otherwise restricted by the offeror. If the offeror does not indicate a monthly quantity limitation, it will be deemed to be the estimated monthly requirement for each item or group of items on which the offer is submitted. In order to qualify for an award, the offeror's monthly quantity limitation must cover the Government's estimated monthly requirement for each individual item or group of items to be awarded to the offeror. Individual items or groups of items will not be subdivided for award purposes.

OFFEROR'S MONTHLY QUANTITY LIMITATION

Items or groups of items	Units

(End of Clause)

§ 5-7.103-58 Documentation and marking.

A clause substantially as follows shall be used in solicitations where bid prices are requested for other than the unit of issue prescribed by the item purchase description.

Special Marking

(a) *Marking.* Shipping containers shall be marked with the unit of purchase and the unit of issue as prescribed by Federal Standard No. 123.

(b) *Invoices.* The Contractor shall show on the invoice the unit of purchase and the unit of issue, in parentheses, as indicated in the schedule of items.

(End of Clause)

§ 5-7.103-59 Acceptable age of shelf-life items.

In accordance with § 101-27.206-2 of the Federal Property Management Regulations, contractors are required to furnish shelf-life items within a specified number of months from the date of manufacture or production of the supplies.

(a) When the required shelf-life period is 12 months or less, the corresponding age-on-delivery period as suggested in FPMR 101-27.206-2 is relatively short (i.e., one or two months from date of manufacture). Consequently, if the supplies are to be laboratory tested by the Government prior to acceptance, the acceptable age period should stop at the time the supplies are offered for inspection and testing. Otherwise, contractors may be prejudiced by unusual delays on the part of the Government in completing the testing process. Accordingly, in these circumstances a clause substantially as follows shall be used:

Acceptable Age of Supplies

The supplies furnished under this contract shall not be more than —— months old, beginning with the first full month after the date of manufacture marked on the container. For the purpose of this clause, supplies shall be considered to be furnished (1) when they are offered to the Government for inspection and testing, or (2) on the date of shipment if the supplies are shipped under Quality Approved Manufacturer Agreement. If the age of the supplies furnished under this contract is greater than the specified number of months, the Government may exercise its rights under the Inspection clause of this contract (Article 5, Paragraph (b), Standard Form 32).

(End of Clause)

(b) If the minimum shelf-life period of the supplies being procured is more than 12 months and/or if lengthy testing is not involved, the end of the acceptable age period may be either the time of shipment or the time of delivery, as considered appropriate by the contracting officer. In these circumstances, a clause substantially as follows shall be used.

Note.—This example is applicable to procurements which cover both shelf-life and non-shelf-life items, or items with different shelf-life periods.

Age on Delivery

Included in the item description of each shelf-life item covered by this procurement is a statement regarding the "age on delivery" of the item. The age of the item(s) shall not exceed the number of months shown in the item description, counted from the first day of the month following the month of manufacture to the date of actual delivery to the delivery point(s) specified herein. If the age of the supplies delivered under this contract is greater than the number of months shown, the Government may exercise its rights under the Inspection clause of this contract (Article 5, Paragraph (b), Standard Form 32).

(End of Clause)

§ 5-7.103-60 [Reserved]

§ 5-7.103-61 Preproduction samples.

Preparation samples may be required to determine that the contractor can produce supplies which comply with the contract specifications, and to provide a quality standard for reference during the life of the contract. Substantially the following clause shall be included in contracts when submission of preproduction samples is to be required. The clause requires submission of two preproduction samples. However, this aspect may be modified to require the submission of only one sample when the quality assurance activity notifies the contracting officer in writing that it is not practicable to accept and maintain custody of the second sample. Also, the clause may be modified for consistency with other provisions of the solicitation, such as place and method of inspection.

Preproduction Samples

The Contractor shall have available at their expense within *(specify appropriate number of days)* calendar days after receipt of notice of award two preproduction samples of each item to be delivered under the contract for inspection and determination by the Government as to compliance with the specifications. The Contractor shall notify the Contracting Officer and the Regional Quality

Assurance Division set forth in the notice of award, in writing, of the availability of the samples for inspection, the notification to be made *(specify appropriate number of days)* calendar days prior to the date the Contractor proposes to have the samples available. The Contractor shall without any additional charge provide all necessary facilities for inspection of the samples.

Preproduction samples required by this contract must conform to all specification requirements. The acceptance of any previous preproduction samples or the granting of any deviations on previous preproduction samples or on supplies required by previous contracts for the same item(s) shall in no way be considered as justification for assuming that the preproduction samples submitted under this contract will be accepted unless they fully meet specifications or that deviations will be granted.

When the preproduction samples are approved, the Government shall notify the Contractor of their acceptance in writing. After acceptance, one preproduction sample shall be retained by the Contractor and made available to the Government without additional cost to the Government, at the location where the material is offered to the Government for inspection, until comletion of the contract, at which time it may be delivered in "like new" condition as part of the last scheduled delivery under the contract. The other preproduction sample shall be delivered to the Government in accordance with instructions to be furnished by the Contracting Officer and upon acceptance shall be deemed an item delivered under the contract.

If the Contractor fails to deliver the preproduction samples, or if the Government disapproves the preproduction samples, the Contractor shall be deemed to have failed to make delivery within the meaning of the "Default" clause of this contract and this contract shall be subject to termination for default, provided that failure of the Government in such an event to terminate this contract for default shall not relieve the Contractor of their responsibility to meet the delivery schedule for production quantities.

The Government reserves the right to waive the requirements for preproduction samples as to those bidders offering a product which has been previously procured and approved by General Services Administration under the same specifications applicable to this procurement.

(End of Clause)

§ 5-7.103-63 Drawing referencing product or material specifications.

The following clause shall be included in all solicitations for offers where the specifications include drawings:

References to Specifications in Drawings

If military or other drawings are made a part of this contract, any reference in the drawings to specifications or standards shall be considered as reference to the issue of such documents currently in effect on the issued date of the solicitation for offers.

(End of Clause)

§ 5-7.103-64 Improperly packaged and packed material.

The following clause shall be included in all contracts under which deliveries to GSA supply distribution facilities may result. Current dollar rates shall be obtained from the appropriate office within the procuring activity and included in the blanks of the clause.

Improperly Packaged and Packed Material

If supplies shipped to a GSA supply distribution facility are not packaged and packed in accordance with the contract requirements, the Government shall have the right, without prior notice to the Contractor, notwithstanding Article 5 of Standard Form 32, to (a) reject the shipment; (b) perform the required repackaging/repacking by use of Government personnel and charge the Contractor therefor at a rate of $—— per man-hour for the first or fractional hour and $—— for any succeeding or fractional hour; or (c) have the repackaging/repacking performed by an independent Contractor and charge the Contractor therefor at the above rates. In connection with any prompt payment discount offered, the time will be computed from the date of completion of such repackaging/repacking service.

(end of Clause)

§ 5-7.103-65 Patents, royalty payments, and copyrights.

Instructions for the use of clauses relative to patents, royalty payments, and copyrights are contained in Part 5-9.

§ 5-7.103-66 United States Department of Agriculture (USDA) Certificates of Quality and Condition—subsistence purchases.

(a) *General.* The Agriculture Marketing Service, U.S. Department of Agriculture, is authorized by law to inspect, identify, and certify the class, quality, and condition of agricultural products and processed foods made therefrom. Evidence of such action is issuance of USDA Certificates of Quality and Condition. Such Certificates are legal documents and are admissible in all courts of the United States as prima facie evidence of the truth of the statements therein. Contractors shall be required to furnish a USDA Certificate of Quality and Condition on all contracts for the commodity items listed below in the quantities specified (irrespective of whether the total quantity of such commodity item is delivered in one or more deliveries). Such certificates shall be available at the destination point(s) designated in the purchase order at the time of delivery; otherwise, the shipment shall be refused.

(1) 50 cases or more of any one commodity item of canned fruits and vegetables, and canned products thereof, including juices.

(2) 1,500 pounds or more of any one commodity item of dried fruits.

(b) *Applicability.* This section shall apply regardless of whether the shipment is for stores stock replenishment or for direct shipment to another Government agency.

(c) *Procedure.* (1) The following clause shall be contained in the solicitation and contract when purchasing any of the items subject to the policy stated in paragraph (b) of this section.

(2) Purchase orders against contracts requiring a USDA Certificate with delivery shall contain a statement substantially as follows:

Note to Consignee.—This contract provides for inspection by the United States Department of Agriculture (USDA) and the issuance of a USDA Certificate of Quality and Condition. If such certificate is not received with the delivery, the shipment shall be refused and the GSA office issuing the order notified. Consignee shall verify that (1) the can or container codes of a representative number of cases are as described in the Certificate of Quality and Condition, (2) the certificate contains proper reference to grade and other requirements of the applicable specifications, and (3) each case in the shipment bears the same USDA stamped mark as appears on the Certificate of Quality and Condition, or that the shipment is covered by a Certificate of Loading.

(3)(i) The following statement shall be placed on Government bills of lading covering shipments on which a USDA Certificate is required: United States Department of Agriculture Certificate(s) of Quality and Condition must accompany this shipment.

(ii) The following clauses shall be used in contracts subject to the above policy:

USDA Certificate of Quality and Condition

All items (or indicate item numbers) covered by this contract shall be inspected by the United States Department of Agriculture. The cost of such inspection, including the issuance of USDA Certificates of Quality and Condition and the stamping of cases or, when required, USDA Certificates of Loading, shall be borne by the Contractor.

Each case shall be stamped with the USDA inspection stamp bearing the same date as the impression of the stamp appearing on the Certificate. This requirement need not be complied with, provided a USDA Certificate of Loading accompanies the shipment.

Inspection shall be performed not more than 90 calendar days prior to date of shipment. Samples for inspection purposes shall be furnished by the Contractor without cost to the Government.

USDA Certificates of Quality and Condition and, when required, USDA Certificates of Loading shall be attached to and accompany the original copy of the bill of lading; otherwise the shipment will be refused. The Contractor shall place the following statement on the commercial bill of

lading covering shipments made under this contract:

United States Department of Agriculture Certificate(s) of Quality and Condition must accompany this shipment.

(End of Clause)

§ 5-7.103-67 USDA inspection of roasted whole bean coffee.

(a) *General.* Contractors shall be required to furnish, at their expense, a USDA Certificate of Quality and Condition for each procurement of 10,000 pounds or more of roasted whole bean coffee.

(b) *Required clause.* See paragraph (d) of this section for the clause to be inserted in any solicitation for the procurement of coffee where a quantity of at least 10,000 pounds of coffee is involved.

(c) *Purchase order provision.* The following language shall be inserted in any purchase order when procurement of at least 10,000 pounds of coffee is involved.

Note to Consignee: This contract provides for inspection by the United States Department of Agriculture and the issuance of a USDA Certificate of Quality and Condition. If such certificate is not received with the delivery, the shipment shall be refused and the GSA office issuing the order notified. Consignee shall verify that (1) the bags are as described in the Certificate of Quality and Condition, (2) the Certificate contains proper reference to grade and other requirements of the applicable specifications, and (3) each bag is sealed or closed with a USDA seal or that the shipment is covered by a Certificate of Loading.

(d) *Government bills of lading provision.* (i) The following language shall be inserted in Government bills of lading issued under contracts where procurement of at least 10,000 pounds of coffee is involved:

United States Department of Agriculture Certificate(s) of Quality and Condition must accompany this shipment.

(ii) The following clauses shall be used in the contract when purchasing roasted whole bean coffee subject to the above policy:

USDA Inspection

Upon receipt of notice of award the Contractor shall make arrangements with the United States Department of Agriculture for "In Plant" inspection. "In Plant" inspection means that an official USDA inspector shall be present to inspect the green beans for both grade and cupping quality and to supervise the blending, roasting, and packing of the product. The cost of such inspection, including the issuance of a USDA Certificate of Quality and Condition, shall be borne by the Contractor.

Each bag shall be sealed or closed with a USDA seal. This requirement need not be complied with if a USDA Certificate of Loading accompanies the shipment.

USDA Certificates of Quality and Condition and, when required, USDA Certificates of Loading shall be attached to and accompany the original copy of the bill of lading; otherwise the shipment will be refused. The Contractor shall place the following statement on the commercial bill of lading covering shipments made under this contract:

United States Department of Agriculture Certificate(s) of Quality and Condition must accompany this shipment.

(End of Clause)

§ 5-7.103-68 Guaranteed minimum quantity.

A clause substantially as follows may be used in solicitations and subsequent requirements-type contracts, in order to specify a minimum quantity of the total requirements which the Government guarantees to purchase during the contract period.

(a) Clause to be used when Government agrees to purchase a guaranteed percentage of the estimated quantities of all items under the contract.

Guaranteed Minimum Quantity

The guaranteed minimum quantity the Government agrees to purchase is * percent of the estimated quantities shown opposite each destination. In the event an award is made to an offeror for the same item for delivery to two or more destinations, the Government's obligation shall be considered to be fulfilled whenever the total guaranteed minimum quantity for the item awarded to such offeror has been purchased.

The Contractor shall, 45 to 30 calendar days prior to the expiration date of the contract and again within 10 calendar days following the expiration date of the contract, notify the Contracting Officer by letter of any unordered "Guaranteed Minimum Quantity." The Contractor shall be responsible for timely receipt by the Contracting Officer of such letters. Failure to notify the Contracting Officer within the prescribed times shall relieve the Government of its obligation to order; however, if the Government elects to issue orders for the entire balance or any portion thereof, the Contractor will be obligated to furnish such quantities. The Government reserves the right to defer placing orders for any unordered "Guaranteed Minimum Quantity" for 60 days following the expiration date of the contract.

*Enter percentage to be designated. Not to exceed 50 percent unless authorized by the Director, National Commodity Center, or appropriate regional directors of procurement divisions.

(End of Clause)

(b) Clause to be used when Government agrees to order a guaranteed minimum quantity of specific items under the contract.

Guaranteed Minimum Quantity

The Government agrees to order the "Guaranteed Minimum Quantity" as stipulated herein. In the event an award is made to an offeror for the same item for delivery to two or more destinations, the Government's obligation shall be considered to be fulfilled whenever the total guaranteed minimum quantity for the item awarded to such offeror has been purchased.

The Contractor shall, 45 to 30 calendar days prior to the expiration date of the contract and again within 10 calendar days following the expiration date of the contract, notify the Contracting Officer by letter or any unordered "Guaranteed Minimum Quantity." The Contractor shall be responsible for timely receipt by the Contracting Officer of such letters. Failure to notify the Contracting Officer within the prescribed times shall relieve the Government of its obligation to order; however, if the Government elects to issue orders for the entire balance or any portion thereof, the Contractor will be obligated to furnish such quantities. The Government reserves the right to defer placing orders for any unordered "Guaranteed Minimum Quantity" for 60 calendar days following the expiration date of the contract.

(End of Clause)

§ 5-7.103-69 Government's obligation under previous contract.

When guaranteed minimum quantities are specified, subsequent solicitations for offers must include the following clause as an exception to the Scope of Contract.

Government's Obligation Under Previous Contract

This contract does not cover any supply requirement which the Government is obligated to order under a previous requirements contract in which the Government guaranteed to purchase a minimum requirement.

(End of Clause)

§ 5-7.103-71 Scope of contract clauses.

Except as otherwise provided for Federal Supply Schedules and for contracts containing standby stock provisions, each requirements type contract when no guaranteed quantity is specified shall contain the clause in paragraph (a) of this section. Each requirements contract when a guaranteed minimum is specified shall contain the clause in paragraph (b) of this section. When the clause in paragraph (b) of this section is used, it will be necessary to include in the solicitations one of the clauses in § 5-7.103-68 and the clause in § 5-7.103-69. When requirements type contracts are being placed by GSA to satisfy the requirements of a particular agency or agencies, the clauses herein prescribed may be appropriately modified to satisfy particular procurement objectives. The clause may be appropriately modified to satisfy particular procurement situations, such as a service contract.

(a) Clause to be used for a requirements contract without a

guaranteed minimum quantity. (Clause not to be used for Federal Supply Schedule solicitations).

Scope of Requirements Contract (No Guaranteed Minimum Quantity)

This contract provides for the General Services Administration normal supply requirements during the period specified elsewhere in this solicitation. The General Services Administration is obligated, except in cases of public exigencies or as may be otherwise provided herein, to purchase such quantities as may be needed from time to time to fill any requirements determined in accordance with current applicable procurement regulations and supply procedures. Except as otherwise provided herein, the Contractor is obligated to deliver hereunder all such quantities as may be so ordered from time to time. As to estimates, note the following: The quantities shown herein as estimated requirements are based upon information made available to the General Services Administration. Since, however, such estimates are being furnished to the offeror solely for general information purposes, no guarantee is given that any quantities will be purchased, but assurance is accorded that such bonafide needs as may arise will be obtained subject to any provisions elsewhere set forth in this contract. If during the contract period significant changes in the estimated quantities occur, the Government will, where feasible, notify the Contractor of such changes. However, such notification is furnished exclusively for the Contractor's information and has no bearing on the contractual obligations of either party.

(End of Clause)

(b) Clause to be used for a requirements contract with a guaranteed minimum quantity.

Scope of Requirements Contract (With Guaranteed Minimum Quantity)

During the period specified elsewhere in this solicitation, the General Services Administration agrees to purchase, and the Contractor agrees to deliver, quantities as may be required from time to time in accordance with the terms of this contract as ordered by the Government. The quantities shown herein as estimated requirements for each item during the contract period are furnished for the information of offerors. The quantities shown as guaranteed minimum quantities will be ordered under this contract, but no guarantee is given that any additional quantity beyond the minimum quantity will be purchased, nor that the Contractor will be relieved of his obligation to fill all orders which may be placed pursuant to this contract.

(End of Clause)

§ 5-7.103-72 Brand names.

Insert clause set forth in § 1-1.307-6(a).

§ 5-7.103-73 Hazardous substances.

(a) The following clause shall be included in all contracts that provide for packaged items subject to the Federal Hazardous Substances Act and the Hazardous Materials Transportation Act.

Hazardous Substances

(a) Federal Hazardous Substances Act—If the packaged items to be delivered under this contract are of a hazardous substance and ordinarily are intended or considered to be for use as a household item, the contract shall be subject to the Federal Hazardous Substances Act, as amended (15 U.S.C. 1261-1276), implementing regulations thereof (16 CFR Chapter II(c)), and Federal Standard No. 123, Marking for Shipment (Civil Agencies), issue in effect on the date of Invitation for Bids or Solicitation for Offers.

(b) Hazardous Materials Transportation Act—The packaged items to be delivered under this contract shall be subject to the preparation of shipping documents, the preparation of items for transportation, shipping container construction, package marking, package labeling, when required, shipper's certification of compliance, and transport vehicle placarding in accordance with Parts 171 through 178 of 49 CFR.

(c) Without exception, the minimum packaging acceptable for packaging Department of Transportation regulated hazardous materials shall be those prescribed in 49 CFR 173, Transportation. However, packages which exceed the packaging requirements of the CFR are acceptable.

(d) Data Submission Requirement—Contractors are required to complete "Material Safety Data Sheet" (OSHA Form 20) as required by Federal Standard 313 (Material Safety Data Sheets, Preparation and Submission of), issue in effect on the date of Invitation for Bids or Solicitation of Offers, and as required by 29 CFR 1916.57, Labor. The "Material Safety Data Sheet" shall be submitted to the quality assurance specialist on or before the date the first shipment is made on each contract.

(End of Clause)

(b) In addition to the HAZARDOUS SUBSTANCES clause the following clause shall be included in all F.O.B. Origin contracts, including small purchases, which involve shipment of hazardous material.

Hazardous Material Information

Bidder shall indicate for each national stock number (NSN) the following information:

NSN	DOT shipping name	DOT hazard class	DOT label required
			Yes [ ] No [ ]
			Yes [ ] No [ ]
			Yes [ ] No [ ]

(End of Clause)

§ 5-7.103-74 [Reserved]

§ 5-7.103-75 Availability for inspection, testing, and delivery.

(a) *Contracts for stock items, other than exigencies.* At the discretion of the contracting officer, the clause set forth in this section may be used in definite quantity or requirements-type solicitations when lengthy testing is involved and the time required for completion of these tests cannot be predetermined.

(1) The clause may be modified to accommodate individual circumstances, such as shipments authorized under a "Quality Approved Manufacturer Agreement."

(2) The clause may be modified to require availability for delivery. "Delivery" shall be substituted for "shipment," and "notice of award" for "receipt of order" in definite quantity procurements.

(3) All three blanks in paragraph (b) of the clause should generally be filled in with the number that is in the first blank in paragraph (a).

Availability for Inspection, Testing, and Shipment

(a) The Government requires that the supplies listed herein be made available for inspection and testing within —— calendar days after receipt of order, and be shipped within —— calendar days after notice of approval and release by the appropriate Government inspection representative.

(b) If notice of approval and release by the appropriate Government inspection representative is received prior to —— calendar days after receipt of order, receipt of such notice shall be deemed to be on the —— calendar day after receipt of order. No shipment shall be made prior to the —— calendar day after receipt of order unless specifically authorized in writing by the Contracting Officer. Earlier shipments may result in rejection of the supplies at the delivery point at the time of arrival.

(c) If the Contractor fails to make the supplies available for inspection and testing within the number of days after receipt of order specified above, or fails to make shipments within the number of days after notice of approval and release by the Government inspection representative, the Contractor shall be deemed to have failed to make delivery within the purview of Article 11(a)(i) of the General Provisions, Standard Form 32.

(End of Clause)

(b) *Other contracts.* (1) The following clause, at the discretion of the contracting officer, may be used in definite quantity or requirements-type solicitations when lengthy testing is involved and the time required for completion of such tests cannot be predetermined. (2) Paragraph (c) of the

clause shall be included therein only when the requirements are small and the proposed award is less than the dollar limitation established for source inspection.

Availability for Inspection, Testing, and Delivery*

(a) The Government requires that supplies herein be made available for inspection and testing within —— calendar days after receipt of (notice of award) (order) and be (delivered) (shipped) to destination within —— calendar days after notice of approval and release by the appropriate Government inspection representative.

(b) If the Contractor fails to make the supplies available for inspection and testing within the number of days after receipt of (notice of award) (order) specified above, or number of days after notice of approval and release by the Government inspection representative, the Contractor shall be deemed to have failed to make delivery within the purview of Article 11(a)(i) of the General Provisions, Standard Form 32.

(c) In the event the point of inspection is changed to destination, (delivery at) (shipment to) destination is required within —— calendar days after receipt of (notice of award) (order).

(End of Clause)

*When availability for shipment is to be used, substitute "SHIPMENT" for "DELIVERY".

§ 5-7.103-76 Bid evaluation factors—weights and dimensions.

(a) *Guaranteed maximum shipping weights and/or dimensions.* (1) A clause substantially as follows shall be included in solicitations when guaranteed maximum shipping weights and/or dimensions (or cubic measurements) are required for determining transportation costs to be applied in the evaluation of offers (see § 1-19.202-3).

Guaranteed Maximum Shipping Weights

The guaranteed maximum shipping weights (and dimensions if applicable) are required for determination of transportation costs. Offeror must state his guaranteed weights (and dimensions if applicable) in the offeror or it will be rejected. If delivered items exceed the guaranteed maximum shipping weights (and dimensions if applicable), the offeror agrees that the contract price shall be reduced by an amount equal to the difference between the transportation costs computed for bid evaluation purposes based on offeror's guaranteed maximum shipping weights (and dimensions if applicable) and the transportation costs that should have been used for bid evaluation purposes based on correct shipping data. In this regard, *Seller's Invoices* shall show the actual shipping weight (and actual cube, where applicable), in addition to the other requirements of Article 13, Standard Form 33A, Solicitation Instructions and Conditions.

(End of Clause)

(2) To activate the above clause and to provide spaces for offerors to insert the required information, a clause similar to the following shall be included in the solicitation. When standard pack quantities are not prescribed in the applicable specification, a column should also be included providing spaces for offerors to insert the number of units per shipping container.

Weights and/or Measurements

Pursuant to the clause entitled, Guaranteed Maximum Shipping Weights, offerors are required to furnish, in the spaces provided below, the following information:

(1) When f.o.b. origin prices are submitted—the actual or estimated maximum gross weight and cubage per shipping container.

(2) When f.o.b. inland carrier, point of exportation prices are submitted—the actual or estimated maximum cubage per shipping container.

Item	Shipping Weight	Cubage

(End of Clause)

(b) *Predetermined cubic measurements.* As an alternative to requiring offerors to specify their guaranteed maximum cubic measurements per shipping container, measurements may be stated in the solicitation when they can be established with reasonable accuracy. In these cases, a clause substantially as follows shall be included in the solicitation.

Predetermined Cubic Measurements

For the purpose of evaluation offer and for no other purpose, the cubic measurements per shipping container for each item (National Stock Number) as set forth below will be applied by the Government in determining ocean transportation and related costs.

National stock number	Cube per shipping container

The Contractor shall state *actual* cubic measurements when shipping data must be specified on export movement documents required to be furnished under this contract.

(End of Clause)

§ 5-7.103-77 Gratuities.

The following clause shall be included in all contracts under which orders may be placed by or for the military departments.

Gratuities

(This Gratuities clause is applicable to all orders placed by or for the military departments. In subparagraphs (a) and (b), below, the term "contract" shall be deemed to refer to any order placed under this contract by or for a military department. Where the right of the Contractor to proceed with an order is terminated in accordance with this Gratuities clause by any military department office, the Government may, in addition to the rights under this Gratuities clause, by written notice to the Contractor, terminate the whole or any part of this contract in the same manner as provided in paragraph (a)(i) of the clause entitled "Default" (Artilce 11 of Standard Form 32) in which case the Government shall be entitled to pursue the same remedies against the Contractor as it could pursue in the event of a breach of the contract.)

(a) The Government may, by written notice to the Contractor, terminate the right of the Contractor to proceed under this contract if it is found, after notice and hearing, by the Secretary or his duly authorized representative, that gratuities (in the form of entertainment, gifts, or otherwise) were offered or given by the Contractor, or any agent or representative of the Contractor, to any officer or employee of the Government with a view toward securing a contract or securing favorable treatment with respect to the awarding or amending, or the making of any determinations with respect to the performing of such contract: Provided, that the existence of the facts upon which the Secretary or a duly authorized representative makes such findings shall be in issue and may be reviewed in any competent court.

(b) In the event this contract is terminated as provided in paragraph (a) hereof, the Government shall be entitled (i) to pursue the same remedies against the Contractor as it could pursue in the event of a breach of the contract by the Contractor, and (ii) as a penalty in addition to any other damages to which it may be entitled by law, to exemplary damages in an amount (as determined by the Secretary or a duly authorized representative) which shall be not less than three nor more than ten times the cost incurred by the Contractor in providing any such gratuities to any such officer or employee.

(c) The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

(End of Clause)

§ 5-7.103-78 Deliveries beyond the contractual period—placing of orders.

The following clause shall be inserted in all solicitations covering requirements and indefinite quantity contracts, except those containing provisions for standby stock.

Deliveries Beyond the Contractual Period—Placing of Orders

In accordance with the Scope of Contract clause, this contract covers all requirements

that may be ordered, as distinguished from delivered, during the contract term. This is for the purpose of providing continuity of supply by permitting ordering activities to place orders as requirements arise in the normal course of supply operations. Accordingly, any order mailed (or received, if forwarded by other means than through the mail) to the Contractor on or before the expiration date of the contract, and providing for delivery within the number of calendar days specified in the contract, shall constitute a valid order.

(End of Clause)

§ 5-7.103-80 Classified information (Security requirements clause).

(a) All fixed price supply contracts involving the release of classified information shall include the following clause.

Security Requirements

(a) The provisions of this clause shall apply to the extent that this contract involves access to information classified "Confidential," including "Confidential-Modified Handling Authorized," or higher.

(b) The Government shall notify the Contractor of the security classifications of this contract and the elements thereof, and of any subsequent revisions in such security classification, by the use of Security Requirements Check List (DD Form 254), or other written notification.

(c) To the extent the Government has indicated as of the date of this contract or thereafter indicates security classification under this contract as provided in paragraph (b), above, the Contractor shall safeguard all classified elements of this contract and shall provide and maintain a system of security controls within his own organization in accordance with the requirements of:

(1) The Security Agreement (DD Form 441), including the Department of Defense Industrial Security Manual for Safeguarding Classified Information as in effect on the date of this contract, and any modification to the Security Agreement for the purpose of adapting the Manual to the Contractor's business; and

(2) Any amendments to said Manual made after the date of this contract, notice of which has been furnished to the Contractor by the Security Office of the Military Department having security cognizance over the facility.

(d) Representatives of the Military Department having security cognizance over the facility and representatives of General Services Administration shall have the right to inspect at reasonable intervals the procedures, methods, and facilities utilized by the Contractor in complying with the security requirements under this contract. Should the Government, through these representatives, determine that the Contractor is not complying with the security requirements of this contract the Contractor shall be informed in writing by the Security Office of the cognizant Military Department or the General Services Administration of the proper action to be taken in order to effect compliance with such requirements.

(e) If, subsequent to the date of this contract, the security classifications or security requirements under this contract are changed by the Government as provided in this clause and the security costs under this contract are thereby increased or decreased, the contract price shall be subject to an equitable adjustment by reason of such increased or decreased costs. Any equitable adjustment shall be accomplished in the same manner as if such changes were directed under the "Changes" clause in this contract.

(f) The Contractor agrees to insert, in all subcontracts hereunder which involve access to classified information, provisions which shall conform substantially to the language of this clause, including this paragraph (f) but excluding the last sentence of paragraph (e) of this clause.

(g) The Contractor also agrees to determine that any subcontractor proposed by the Contractor for the furnishing of supplies and services which will involve access to classified information in the Contractor's custody has been granted an appropriate facility security clearance, which is still in effect, prior to being accorded access to such classified information.

(End of Clause)

(b) Cost reimbursement type contracts shall contain the clause set forth in paragraph (a) of this section except that paragraphs (e) and (f) of the clause shall be deleted therefrom and the following paragraphs (e) and (f) substituted therefore:

* * * * *

(e) If, subsequent to the date of this contract, the security classifications or security requirements under this contract are changed by the Government as provided in this clause, and if such change causes an increase or decrease in the estimated cost of performance of this contract, the estimated cost and fixed fee shall, to the extent appropriate, be subject to an equitable adjustment. Any such equitable adjustment shall be accomplished in the manner set forth in the "Changes" clause in this contract.

(f) The Contractor agrees to insert, in all subcontracts hereunder which involve access to classified information, provisions which shall conform substantially to the language of this clause, including this paragraph (f) but excluding paragraph (e) of this clause. The Contractor may insert in any such subcontract, and any such subcontract entered into there under may contain, in lieu of paragraph (e) of this clause, provisions which permit equitable adjustments to be made in the subcontract price or in the estimated cost and fixed fee of the subcontract (as appropriate to the type of subcontract involved) on account of changes in security classifications or requirements made under the provisions of this clause subsequent to the date of the subcontract involved.

* * * * *

§ 5-7.103-81 Warranty of pesticides.

The following clause shall be inserted in all solicitations involving the procurement of pesticides. The clause is mandatory for procurement of any substance or mixture of substances for preventing, destroying, repelling, or mitigating pests; e.g., insecticides, insect repellants, fungicides, rodenticides, sanitizers, germicides, disinfectants, plant regulators, defoliants, and desiccants. In addition, procurement agents shall provide space in the item description of offerors to insert the brand name and the EPA registration number of the item solicited.

Warranty of pesticides

(a) Notwithstanding acceptance of pesticides by the Government, the Contractor warrants that for the period of one year after the date of shipment, all pesticides furnished under this contract shall meet the regulatory requirements of Pub. L. 92-516, as amended, and shall be registered with the Administrator, Environmental Protection Agency (EPA).

(b) If EPA takes action to stop sale, stop use, remove, seize, or cancel registration of a pesticide within 1 year after date of shipment, the Contractor shall immediately notify the Contracting Officer. The notification shall include: (1) contract number; (2) identification of the pesticide; (3) reason for the EPA action against the pesticide; and (4) list of Government activities and addresses to which delivery had been made.

(End of Clause)

§ 5-7.103-82 Production and delivery orders.

The following clauses are authorized for use in requirements contracts for stock items with leadtimes of 90 days or more.

(a) When the solicitation contains either a "Time of Shipment" or a "Time for Delivery" clause.

Production and Delivery Orders

Both production and delivery orders or combined production/delivery orders may be issued under this contract. A production order is a definite quantity commitment by the Government. When a production order is issued, a subsequent delivery order(s) will also be issued and will (1) reference the production order number, (2) be furnished normally 30 days before the shipment due date, and (3) provide shipping and billing instructions for the total quantities specified in the production orders. The shipment (delivery) due date is computed from the date the Contractor receives the production order. Unless otherwise agreed to by the Contractor, production orders shall not exceed a Contractor's monthly supply potential. The maximum order limitation applies to each delivery order, and not to the production order.

(End of Clause)

Note.—If the solicitation provides for a "Guaranteed Minimum Quantity" (§ 5-7.103-68), the following sentence will be added: "Delivery orders will be issued for any unordered 'Guaranteed Minimum Quantity'."

(b) When the solicitation contains an "Availability-for inspection-testing-and-shipment" clause.

Production and Delivery Orders

Both production and delivery orders or combined production/delivery orders may be issued under this contract. A production order is a definite quantity commitment by the Government. When a production order is issued, a subsequent delivery order(s) will also be issued and will (1) reference the production order number, (2) be furnished normally 30 calendar days before the availability-for-inspection-and-testing due dates, and (3) provide shipping and billing instructions for the total quantities specified in the production orders. The availability-for-inspection-and-testing due date is computed from the date the Contractor receives the production order. Unless otherwise agreed to by the Contractor, production orders shall not exceed a Contractor's monthly supply potential. The maximum order limitation applies to each delivery order, and not to the production order.

(End of Clause)

Note.—If the solicitation provides for a "Guaranteed Minimum Quantity" (§ 5–7.103–68), the following sentence will be added: "Delivery orders will be issued for any unordered 'Guaranteed Minimum Quantity'."

§ 5–7.103–83 Special direct delivery requirement.

The following clause shall be included in all solicitations requiring direct delivery.

Special Direct Delivery Requirements

Contractors are required to enclose a duplicate (facsimile) of the resultant purchase/delivery order with each shipment.

(End of Clause)

§ 5–7.103–84 Placarding railcars.

The following clause shall be included in all solicitations requiring railcar shipments to GSA supply distribution facilities.

Placarding Railcar Shipments

When a railcar is loaded in such a manner that it can be or should be unloaded from only one side, the Contractor is required to placard the car with two placards; one placard placed on the appropriate car door reading "UNLOAD FROM THIS SIDE" and the other placed on the opposite door reading "UNLOAD FROM OTHER SIDE".

(End of Clause)

§ 5–7.103–85 Priorities, allocations, and controlled materials.

(a) When the contract or any delivery order thereunder is to be priority rated, the rating symbol DO K–1 or notation "see delivery order" shall be entered in block 3 of SF 33, Solicitation, Offer, and Award, and the following clause shall be included in the solicitation:

Priorities, Allocations, and Controlled Materials

If this contract or any delivery order thereunder is rated and certified for national defense use (see block 3 on the face of Standard Form 33), the Contractor shall follow the provisions of DPS Regulation 1 and/or DMS Regulation 1 in obtaining controlled materials and other products and materials needed to fulfill the requirements of this contract. (NOTE: The Contractor shall fill unrated delivery orders in the same sequence in which they are received or as otherwise directed by the Contracting Officer.)

(End of Clause)

§ 5–7.103–86 Parts and services.

Whenever an AID requisition (PIO/C, PIO/T, PA/PR) specifies the need for assembling, servicing, and maintenance of equipment to be performed by or on behalf of the Contractor, one or both of the clauses as appropriate, set forth below, shall be included in the solicitation. These clauses shall be used instead of any similar language used in the AID requisitions.

Parts and Services

(a) For equipment under items listed in the schedule or services on which offers are submitted, the offeror certifies by submission of an offer that parts and service (including qualified mechanics) are now available from dealers or distributors serving the areas of ultimate overseas destination or that such facilities will be established. The offeror shall state in spaces provided below, the name and address of the nearest servicing facility and the value of spare parts for the equipment carried or to be carried in inventory. If parts and servicing facilities are not located, or to be located, in the city of ultimate destination the bidder shall indicate the distance in miles between point shown and indicated destination.

(b) Each Contractor will be fully responsible for the services to be performed by the named servicing facilities, or by such facilities to be established, and fully guarantees performance of such services if the original service proves unsatisfactory. If a new servicing facility is to be established the Contractor fully guarantees that such facility will be established no later than the date of arrival of the equipment at ultimate destination.

Item Number —— _____
Check one: New —— _____
Already Established —— _____
Value of Spare Parts Inventory Carried for the Type of Equipment Specified: $ ——
Number of Qualified Mechanics ——

(End of Clause)

Servicing at Destination

All equipment delivered shall be ready for immediate operation at destination. If shipping regulations prohibit the delivery of equipment with lubricants, fuel or other liquids each piece of equipment shall be properly tagged at each filler point, and at the operator's seat, with such notification indicating the quantity, and types of such lubricants, fuels or other liquid to be used before operation. The Contractor shall make available such qualified service personnel as may be needed for servicing the equipment which shall include but not be limited to adding such lubricants, fuels or other liquids and starting the equipment.

(End of Clause)

§ 5–7.103–87 Time of delivery.

(a) *General.* Specific examples of time of delivery clauses are set forth below. When a different clause is needed, special language may be developed on a case-by-case basis. In paragraphs (b) and (c) of this section below "Delivery" and "Shipment" should be interchanged as appropriate. "Delivery" should be used for urgent requirements.

(b) *Definite quantity contracts.* (1) *Contracts for stock items, other than exigencies.*—The language of the following clauses may be modified as long as unwanted accelerated shipments are prevented. For example, if inventory management activities indicate that one-third of the quantity is required in 30 calendar days, one-third in 90 calendar days, and one-third in 150 calendar days, it may be advantageous to establish three separate items for bidding purposes, each with a specified time of shipment. Language such as "Delivery is to be made as indicated in the schedule for each item" should be used. Where the delivery time is more than 45 calendar days, shipment shall not be made prior to 15 calendar days before the required time of delivery/shipment.

(i) *Contracts with a single item of delivery.*

Time of Delivery

Delivery is required not sooner than —— calendar days and not later than —— calendar days after receipt of notice of award, unless otherwise specifically authorized by the Contracting Officer.

(End of Clause)

Note.—The first number to be inserted above should be 15 calendar days less than the second number.

(ii) *Contracts with scheduled deliveries.*

Time of Delivery

Delivery is required within the number of calendar days after receipt of notice of award indicated below unless otherwise specifically authorized by the Contracting Officer, in accordance with the following schedule:

Item No.	Quantity	Number of days	
		Not before	Not later than

(End of Clause)

Note.—The number to be inserted in the "Not Before" column above should be 15 calendar days less than the number in the "Not Later Than" column.

(2) *Other definite quantity contracts.—(i)* Definite quantity contracts with a single time of delivery.

Time of Delivery

Delivery is required within —— calendar days after receipt of notice of award.

(End of Clause)

(ii) *Definite quantity contracts with scheduled deliveries.*

Time of Delivery

Delivery is required within the number of calendar days after receipt of notice of award as shown in the following schedule:

Item No.	Quantity	Required delivery time (days)

(End of Clause)

(c) *Requirements contracts.*—(1) *Stock replenishment contracts* (only applicable to those contracts which do not include an Availability for Inspection, Testing, and Shipment clause). When the required time for shipment is *45 calendar days or less* after receipt of order, the time of shipment provision set forth in paragraph (c)(2) of this section shall be used. When the required time for shipment specified is *more* than *45 calendar days* after receipt of order, the following clause shall be used.

Time of Shipment

Shipment is required within —— calendar days after receipt of order. Each delivery order issued under this contract will specify that shipment is required no later than the number of days shown above. If such order also states that "Early Shipment is Precluded," the Contractor agrees to make shipment no sooner than —— calendar days after receipt of order. Earlier shipments may result in nonacceptance of the supplies at the delivery point at the time of arrival.

(End of Clause)

Note.—The second number to be inserted should be 15 calendar days less than the first number.

(2) *Other requirements contracts.*

Time of Shipment

Shipment is required within —— calendar days after receipt of order.

(End of Clause)

(d) *Federal Supply Schedule solicitations for supplies.*—(1)(i) *Other than multiple-award schedules.*

Time of Delivery

The time of delivery for each item means the time required after receipt of an order (i) to make delivery to destination in the case of delivered prices, or (ii) to place shipment in transit in the case of f.o.b. origin prices.

Delivery is required to be made at the point(s) specified within —— days after receipt of order.

(End of Clause)

(ii) When it is appropriate to show different delivery times for different items or groups of items, the second paragraph of the above clause should be revised to read: "Delivery is required to be made at the point(s) specified within the number of calendar days after receipt of order as indicated below." Appropriately captioned columns (completed by the solicitation preparer) should be inserted following the text of the clause.

(2)(i) *Multiple-award schedules.*

Time of Delivery

The Government desires that delivery be made at destination within the number of calendar days after receipt of order as set forth below. Offerors are requested to insert in the "Time of Delivery (days ARO)" column in the Schedule of Items a definite number of calendar days within which delivery will be made. *If the offeror does not insert a delivery time, he shall be deemed to offer delivery in accordance with the Government's stated desired delivery time.*

Items or groups of items (special item numbers or nomenclature)	DESIRED delivery time (days ARO)

(End of Clause)

(ii) As an alternative, the Government's listing of desired delivery times may be shown in a column titled "Desired Delivery Time (days ARO)" next to the column "Time of Delivery (days ARO)" in the Schedule of Items. In this instance, the above clause shall be appropriately modified.

(iii) When the same desired delivery time applies to all items, the preceding clause shall be modified by substituting the following as the first sentence of the clause: "The Government desires that delivery be made at destination within —— calendar days after receipt of order." Also, the blank spaces and headings shall be omitted.

(e) *Contracts for services.* Due to the wide number of variables existing in this area, no specific clause is provided for service contracts.

§ 5-7.104 Additional clauses.

§ 5-7.104-1 Liquidated damage provisions.

See §§ 1-1.315 and 5-1.315-2.

Subpart 5-7.6 Fixed-Price Construction Contracts

§ 5-7.602 Required clauses.

§ 5-7.602-50 Certification of payments.

The following clause shall be included in all construction, repair, alteration, improvement, painting, or decorating contracts without regard to amount or form on which executed. This includes contracts of $10,000 or less made under the small purchases procedures as provided in Subparts 1-3.6 and 5-3.6.

Certification of Payments

The Contractor, prior to receiving a progress or final payment under this contract, shall submit to the Contracting Officer a certification that the Contractor has made payment from proceeds of prior payments, or that the Contractor will make timely payment from the proceeds of the progress or final payment then due to the Contractor for Subcontractors and suppliers in accordance with the Contractor's contractual arrangements with them.

(End of clause)

§ 5-7.603 Clauses and notices to be used when applicable.

§ 5-7.603-50 Examination of records by GSA.

Construction contracts (both fixed price and otherwise) shall contain the clause set forth in § 5-63.104 when examination of records by GSA is required under § 5-63.103.

§ 5-7.603-51 Subcontracting clause for cost-plus-a-fixed-fee construction contracts.

If the Contractor's fee on a cost-plus-a-fixed-fee contract is negotiated on the basis of performance of specified portions of the work by the Contractor and by subcontractors, respectively, the following clause shall be included in the contract:

Subcontracting

(a) At the time the contract was negotiated the Government and the Contractor contemplated that the following specific items of work would be subcontracted:

(List the items. Examples are: Electrical Work, Painting and Roofing and Sheet Metal.)

(b) The fixed fee payable hereunder was determined on this basis and on the further contemplation that it would be advantageous both to the Government and to the Contractor to have subcontracted in addition to the items specified above other portions of the work not predetermined in character but having a total estimated cost not exceeding $——. If the total cost of such other

subcontracted portions of the work exceeds such amount, there shall be an equitable downward adjustment of the fixed fee.

(c) Nothing in this clause shall impair the right of the Contracting Officer to approve or disapprove the subcontracting of any portion of the work and the subcontracts therefor.

(End of clause)

(End of Part)

CHAPTER 5A—OFFICE OF ACQUISITION POLICY, GENERAL SERVICES ADMINISTRATION

[APD 2800.3 CHGE 37]

PART 5A-7—[REMOVED]

41 CFR is amended by removing Part 5A-7.

CHAPTER 5B—OFFICE OF ACQUISITION POLICY, GENERAL SERVICES ADMINISTRATION

[APD 2800.4 CHGE 17]

PART 5B-7—[REMOVED]

41 CFR is amended by removing Part 5B-7.

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

Dated: October 22, 1982.

Philip G. Read,

Acting Assistant Administrator for Acquisition Policy.

[FR Doc. 82-31983 Filed 11-19-82; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 82-12; Notice 2]

Federal Motor Vehicle Safety Standards; Standard No. 201, Occupant Protection in Interior Impact

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

ACTION: Final rule.

SUMMARY: Standard No. 201, *Occupant Protection in Interior Impact,* sets requirements for instrument panels, interior compartment doors, seat backs, sun visors, and arm rests to lessen injuries to persons thrown against them in crashes. At the request of Blue Bird Body Co., the agency proposed excluding school buses from the standard since they have to meet the requirements of Standard No. 222, *School Bus Passenger Seating and Occupant Protection.* The agency agrees that the seat back requirements of the two standards overlap and therefore has decided to exclude school buses from the seat back requirements of Standard No. 201. The other requirements of Standard No. 201 do not overlap with Standard No. 222 and therefore they will continue to apply to school buses.

DATE: The final rule is effective December 22, 1982.

ADDRESS: Petitions for reconsideration should refer to the docket number and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. Docket hours are 8 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: William Smith, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, Washington, D.C. 20590 (202-426-2242).

SUPPLEMENTARY INFORMATION: On June 10, 1982 (47 FR 25169) the agency proposed an amendment to Standard No. 201, *Occupant Protection in Interior Impact,* that would exclude school buses from the seat back requirements of the standard. The agency issued the proposal in response to a request from Blue Bird Body Co., a school bus manufacturer. Blue Bird argued that since school buses have to comply with Standard No. 222, *School Bus Occupant Seating and Crash Protection,* whose requirements cover the same aspects of performance, they should not have to comply with Standard No. 201.

The only comment received by the agency supported adoption of the proposal. Because the agency has determined that compliance with the requirements of Standard No. 222 provides adequate protection, the agency has decided to adopt the proposal to exclude school buses from complying with the redundant seat back requirements of Standard No. 201.

Additional 201 Requirements

In addition to the requirements for seat backs, Standard No. 201 sets performance requirements for instrument panels, interior compartment doors, sun visors and arm rests to prevent or reduce injuries to persons thrown against them in crashes. Since Standard No. 222 does not contain any performance requirements for those specific items, it is not appropriate to exempt school buses complying with Standard No. 222 from those requirements of Standard No. 201.

Future Rulemaking

The one commenter to the docket, Mr. Edward deR. Cayia, proposed a change to the test procedures to Standard No. 201 and Standard No. 222. He pointed out that the two standards use different test devices in the head impact tests of the standards. Standard No. 201 uses a 15-pound, 6.5 inch diameter headform. Standard No. 222 uses a headform that has two joined hemispheres with a total weight of 11.5 pounds; the one sphere has a diameter of 6.5 inches and the second, which is centered and protrudes from the first, has a 2-inch diameter. Mr. Cayia said that the Standard No. 222 headform is a more accurate representation of the human facial structure.

The agency agrees that it would be desirable to have a uniform headform for the head impact tests of the two standards. The agency intends to evaluate the headforms to determine which would be the most appropriate and, based on that evaluation, will decide what rulemaking action is necessary.

Economic Impact

The agency has considered the ecomomic and other effects of this final rule and has determined that the rule is not a major rule within the meaning of Executive Order No. 12291. The agency has further determined that the final rule is not significant within the meaning of the Department of Transportation's regulatory procedures. The basis for those determinations is that the exemption does not impose any new restrictions; it merely eliminates redundant requirements for seat backs. The expected impacts are so minimal that the final rule does not warrant a full Regulatory Evaluation.

The agency has also considered the effect of this final rule in relation to the Regulatory Flexibility Act and certifies that the final rule would not have a significant economic impact on a substantial number of small entities. As explained previously, the effect of the final rule is to exempt school bus manufacturers from having to comply with the overlapping requirements. The exemption should reduce, although not by a substantial amount, the testing and design costs for school bus manufacturers.

The final rule will not have a significant effect on a substantial number of small government jurisdictions and small organizations. Those entities are affected because they are purchasers of school buses. The cost impact of the proposed exemption is minimal. Accordingly, no regulatory flexibility analysis has been prepared.

The agency also has analyzed this final rule for the purposes of the National Environmental Policy Act. The agency has determined that implementation of this action would not

have any significant effect on the human environment.

The agency finds, for good cause shown, that an effective date of 30 days from publication of the final rule is in the public interest since this amendment eliminates a redundant requirement in Standard No. 201.

List of Subjects in 49 CFR Part 571

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

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

For the reasons set out in the preamble, the following amendment is made to § 571.201, *Occupant Protection in Interior Impact,* of Title 49, Chapter V of the Code of Federal Regulations.

1. Section 571.201 is amended by revising § 3.2.1 to read as follows:

§ 571.201 Standard No. 201; occupant protection in interior impact.

* * * * *

§ 3.2.1 The requirements of § 3.2 do not apply to seats installed in school buses which comply with the requirements of Standard No. 222, *School Bus Passenger Seating and Occupant Protection* (49 CFR 571.222) or to rearmost side-facing, back-to-back, folding auxiliary jump, and temporary seats.

* * * * *

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

Issued on November 15, 1982.

Raymond A. Peck, Jr.,

Administrator.

[FR Doc. 82–31750 Filed 11–19–82; 8:45 am]

BILLING CODE 4910–59–M

Proposed Rules

Federal Register
Vol. 47, No. 225
Monday, November 22, 1982

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

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 19, 21, 30, 40, 50, 70, 71, 73, and 110

Authority for the Copying of Records and Retention Periods for Security Records

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is considering amendments to its regulations to provide specific authority to copy licensee records maintained pursuant to Commission requirements and to specify retention periods for required security records. The proposed rule is intended to avoid delays in obtaining information needed for Commission inspection and enforcement activities and to codify guidance relating to record retention.

DATES: Written comments must be received on or before January 21, 1983. Comments received after January 21, 1983, will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments filed on or before this date.

ADDRESSES: Interested persons are invited to submit written comments and suggestions on the proposed rule changes and/or the supporting value/impact statement to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch. Comments may also be hand-delivered to Room 1121, 1717 H Street NW., Washington, DC, between 8:15 a.m. and 5:15 p.m. Copies of the value/impact statement and of comments received may be examined at the Commission's Public Document Room, 1717 H Street NW., Washington, DC. Single copies of the value/impact statement may be obtained on request.

FOR FURTHER INFORMATION CONTACT: Jerry D. Ennis, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone (301) 443–5976.

SUPPLEMENTARY INFORMATION: The Commission is considering amendments to provide specific authority for Commission representatives to make and remove copies of licensee records maintained pursuant to Commission requirements and to specify retention periods for existing security records.

While §§ 50.70(a) and 70.55 (a) and (b) require a licensee to allow inspection of both facilities and records, there is no explicit authority for a Commission representative to make and take away copies of records. This has caused delays in obtaining information needed for inspection and enforcement activities. Revised §§ 19.14(a), 21.41, 30.52(b), 40.62(b), 50.70(a), 70.55(b), 71.63(a)(2), 73.70, and 110.53(c)(2) are proposed which would authorize Commission representatives to copy, at Commission expense, and remove copies of records maintained pursuant to NRC requirements.

The Commission further proposes to modify and codify staff guidance relating to the retention period for physical security records maintained by licensees pursuant to §§ 73.30(d), 73.37(b)(10), 73.46(b), 73.50(a), 73.55(b), § 73.70, and paragraph I.B. of Appendix B to Part 73. The staff guidance, which is currently reflected in approved physical protection and guard training plans, is contained in "Interim Acceptance Criteria for a Physical Security Plan for Nuclear Power Plants" (NUREG–0220), "Security Plan Evaluation Report Workbook" (NUREG–0416), and "Security Personnel Training and Qualification Criteria" (NUREG–0674). The codification would be placed in a renumbered and revised Section 73.70 and would require that physical security records be maintained for one year, except that: (a) results of the initial performance tests for security equipment must be retained for the life of the equipment, (b) qualification and training records for security personnel must be retained for two years, and, (c) records of access to locks, keys, combinations, and related access control equipment must be maintained for the period that these locks, keys, and combinations are used for physical security purposes.

Paperwork Reduction Act Statement

The application, reporting and recordkeeping requirements contained in this proposed regulation have been approved by the Office of Management and Budget; OMB approval No. 3150–0002.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. Section 605(b), the Commission hereby certifies that these proposed amendments will not, if promulgated, have a significant economic impact on a substantial number of small entities. Any increased costs incurred in order to copy and take away copies of certain licensee records will be borne by the NRC and not the licensee. Industry will benefit from codification of the modified records retention requirement. By reducing the retention period for security maintenance records from five years to one year, and based on storage costs of $210 per cubic foot per year, a savings of $15,120 per year should result for each licensee.

List of Subjects in 10 CFR Part 73

Hazardous material—transportation, Nuclear materials, Nuclear power plants and reactors, Penalty, Reporting requirements, Security measures.

Under the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 553, notice is hereby given that adoption of the following amendments to 10 CFR Parts 19, 21, 30, 40, 50, 70, 71, 73, and 110 is contemplated.

The authority citation for this document is: Sec. 161, Pub. L. 83–703, 68 Stat. 948, as amended (42 U.S.C. 2201), and Sec. 201, Pub. L. 93–438, 88 Stat. 1242 (42 U.S.C. 5841).

PART 19—NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS; INSPECTIONS

1. Section 19.14(a) is revised to read as follows:

§ 19.14 Presence of representatives of licensees and workers during inspections.

(a) Each licensee shall afford to the Commission at all reasonable times, opportunity to inspect materials, activities, facilities, premises, and records pursuant to the regulations in this chapter. A representative of the Commission may copy, at Commission expense, any record kept pursuant to the regulations in this part, Commission order, or license condition, and take

possession of and remove such copies for Commission use.

* * * * *

PART 21—REPORTING OF DEFECTS AND NONCOMPLIANCE

2. Section 21.41 is revised to read as follows:

§ 21.41 Inspections.

Each individual, corporation, partnership or other entity subject to the regulations in this part shall permit duly authorized representatives of the Commission to inspect its records, premises, activities, and basic components as necessary to effectuate the purposes of this part. A representative of the Commission may copy, at Commission expense, any record kept pursuant to the regulations in this part and take possession of and remove such copies for Commission use.

PART 30—RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

3. Paragraph (b) of § 30.52 is revised to read as follows:

§ 30.52 Inspections.

* * * * *

(b) Each licensee shall make available to the Commission for inspection, upon reasonable notice, records maintained pursuant to the regulations in this chapter. A representative of the Commission may copy, at Commission expense, any record kept pursuant to the regulations in this part, Commission order, or license condition, and take possession of and remove such copies for Commission use.

PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL

4. Paragraph (b) of § 40.62 is revised to read as follows:

§ 40.62 Inspections.

* * * * *

(b) Each licensee shall make available to the Commission for inspection, upon reasonable notice, records maintained pursuant to the regulations in this chapter. A representative of the Commission may copy, at Commission expense, any record kept pursuant to the regulations in this part, Commission order, or license condition, and take possession of and remove such copies for Commission use.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

5. Paragraph (a) of § 50.70 is revised to read as follows:

§ 50.70 Inspections.

* * * * *

(a) Each licensee and each holder of a construction permit shall permit inspection, by duly authorized representatives of the Commission, of its records premises, activities, and of licensed materials in possession or use, related to the license or construction permit as may be necessary to effectuate the purposes of the Act, including section 105 of the Act. A representative of the Commission may copy, at Commission expense, any record kept pursuant to the regulations in this part, Commission order, or license condition, and take possession of and remove such copies for Commission use.

* * * * *

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

6. Paragraph (b) of § 70.55 is revised to read as follows:

§ 70.55 Inspections.

* * * * *

(a) Each licensee shall make available to the Commission for inspection, upon reasonable notice, records kept by the licensee pertaining to its receipt, possession, use, acquisition, import, export, or transfer of special nuclear material. A representative of the Commission may copy, at Commission expense, any record kept pursuant to the regulations in this part, Commission order, or license condition, and take possession of and remove such copies for Commission use.

PART 71—PACKAGING OF RADIOACTIVE MATERIAL FOR TRANSPORT AND TRANSPORTATION OF RADIOACTIVE MATERIAL UNDER CERTAIN CONDITIONS

7. Paragraph (a) of § 71.63 is revised to read as follows:

§ 71.63 Inspections and tests.

(a) The licensee shall permit the Commission at all reasonable times to inspect the licensed material, packaging, and premises and facilities in which the licensed material or packaging are used, produced, tested, stored or shipped. A representative of the Commission may copy, at Commission expense, any record kept pursuant to the regulations in this part, Commission order, or license condition, and take possession of and remove such copies for Commission use.

* * * * *

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

8. Section 73.70 is revised to read as follows:

§ 73.70 Records.

(a) Each licensee subject to the provisions of §§ 73.20, 73.25, 73.26, 73.27, 73.45, 73.46, 73.55 or 73.60 shall keep the following records:

(1) Names and addresses of all individuals who have been designated as authorized individuals.

(2) Names, addresses, and badge numbers of all individuals authorized to have access to vital equipment or special nuclear material, and the vital areas and material access areas to which authorization is granted.

(3) A register of visitors, vendors, and other individuals not employed by the licensee pursuant to §§ 73.46(d)(10), 73.55(d)(6), or 73.60.

(4) A log indicating name, badge number, time of entry, reason for entry, and time of exit of all individuals granted access to a normally unoccupied vital area.

(5) Documentation of all routine security tours and inspections, and of all tests, inspections, and maintenance performed on physical barriers, intrusion alarms, communications equipment, and other security-related equipment used pursuant to the requirements of this part.

(6) A record at each onsite alarm annunciation location of each alarm, false alarm, alarm check, and tamper indication that identifies the type of alarm, location, alarm circuit, date, and time. In addition, details of response by facility guards and watchmen to each alarm, intrusion, or other security incident must be recorded.

(7) Shipments of special nuclear material subject to the requirements of this part, including names of carriers, major roads to be used, flight numbers in the case of air shipments, dates and expected times of departure and arrival of shipments, verification of communication equipment on board the transfer vehicle, names of individuals who are to communicate with the transport vehicle, container seal descriptions and identification, and any other information to confirm the means utilized to comply with §§ 73.25, 73.26, and 73.27. This information must be recorded prior to shipment. Information obtained during the course of the shipment such as reports of all communications, change of shipping

plan, including monitor changes, trace investigations and other information, must also be recorded.

(8) Procedures for controlling access to protected areas and for controlling access to keys for locks used to protect special nuclear material.

(b) The licensee must maintain records subject to the requirements of this part at the licensee's site for the following periods:

(1) Results of initial performance tests for security equipment must be maintained for the life of the equipment.

(2) Records that certify accomplishment of security training and qualification requirements, including test scores, must be maintained for two years.

(3) Records of access to locks, keys, combinations, and other access control components must be maintained for the period that these locks, keys combinations, and related components are used for security purposes.

(4) Other records required by this section must be maintained for one year.

PART 110—EXPORT AND IMPORT OF NUCLEAR EQUIPMENT AND MATERIAL

10. Paragraph (c) of § 110.53 is revised to read as follows:

§ 110.53 United States address, records, and inspections.

* * * * *

(c) Each licensee shall permit the Commission to inspect its records, premises, and activities pertaining to exports and imports when necessary to fulfill the requirements of the Atomic Energy Act. A representative of the Commission may copy, at Commission expense, any record kept pursuant to the regulations in this part, Commission order, or license condition, and take possession of and remove such copies for Commission use.

Dated at Washington, DC., this 15th day of November, 1982.

For the Nuclear Regulatory Commission.

John C. Hoyle,

Acting Secretary of the Commission.

[FR Doc. 82-31683 Filed 11-19-82; 8:45 am]

BILLING CODE 7590-01-M

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10 CFR Part 170

Proposed Revision of License Fee Schedules

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission proposes to amend its regulations and fees for inspections and review of applications for permits, licenses, amendments, renewals, and special projects (including topical and other reports). The revised schedule of fees will more completely recover costs incurred by the Commission in providing services to identifiable recipients.

DATES: Submit comments by January 18, 1983. Comments received after January 18, 1983, will be considered if it is practical to do so, but assurance of consideration cannot be given except for comments received on or before this date.

ADDRESSES: Send comments to: Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Attention: Docketing and Service Branch. Deliver comments to: Room 1121, 1717 H Street, NW., Washington, D.C., between 8:15 a.m. and 5:00 p.m. Copies of comments may be examined and copied for a fee at the NRC's Public Document Room at 1717 H Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: William O. Miller, License Fee Management Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone: (301) 492-7225.

SUPPLEMENTARY INFORMATION: On February 21, 1978 (43 FR 7210), as corrected March 22, 1978 (43 FR 11815), the NRC amended 10 CFR Part 170 to revise its schedule of fees (hereinafter referred to as March 23, 1978 schedule) for applications, permits, and licenses; and to establish fees for routine inspections and applications for amendments, renewals, standard designs filed by vendors and architect-engineers for approvals, special projects, spent-fuel casks and shipping containers, approval of sealed sources and devices containing or using byproducts, source, or special nuclear materials, approval of power sources, and approval of topical reports. The revised schedule was developed pursuant to Title V of the Independent Offices Appropriation Act of 1952 (IOAA) and guidance provided by the Supreme Court on March 4, 1974, in its decision of *National Cable Television Association, Inc.* v. *United States,* 415 U.S. 336 (1974) and *Federal Power Commission* v. *New England Power Company,* 415 U.S. 345 (1974). In these decisions the Court held that the IOAA authorizes an agency to charge fees for special benefits rendered to identifiable persons measured by the "value to the recipient" of the service. On December 16, 1976, the Court of Appeals for the District of Columbia further clarified the meaning of IOAA in four decisions. *National Cable Television Association* v. *Federal Communications Commission,* 554 F.2d 1094 (1976); *National Association of Broadcasters* v. *Federal Communications Commission,* 554 F.2d 1118 (1976); *Electronic Industries Association* v. *Federal Communications Commission,* 554 F.2d 1109 (1976); *Capital Cities Communication, Inc.* v. *Federal Communications Commission,* 554 F.2d 1135 (1976). These decisions of the Supreme Court and the D.C. Court of Appeals enabled the Commission to develop new license fee guidelines which were used as the criteria in analyzing the functions and activities of the NRC offices and in determining which activities were subject to cost recovery and which were not.

The guidelines provide that:

1. Fees may be assessed to persons who are identifiable recipients of special benefits conferred by specifically identified activities of the U.S. Nuclear Regulatory Commission. Special benefits include services rendered at the request of a recipient and encompass activities such as the review of an application or request for a permit, license, approval, amendment, renewal, or special project, and all services necessary to assist a recipient in complying with statutory obligations or obligations under the Commission's regulations;

2. All direct and indirect costs incurred by the NRC in providing special benefits may be recovered by fees;

3. It is not necessary to allocate costs in proportion to the degree of public or private benefit resulting from conferring a special benefit on a recipient;

4. Where the identification of the ultimate beneficiary of the NRC service is obscure, the cost may not be included in the cost basis for fees;

5. A fee on the average should not exceed the sum of the direct and indirect costs which the NRC incurs in furnishing the service for a member of the class of recipients for which the fee is assessed; and

6. Calculation of agency costs shall be performed as accurately as is reasonable and practical, and shall be based on specific expenses identified to the smallest practical unit and associated with the rendering of the type of service to the particular class of recipients.

The revised schedule was based on a detailed analysis of individual NRC offices which identified those activities that met the test for cost recovery. In this process, each activity was classified as *included* or *excluded* in cost computation. The same test was applied

to contractual support services. Finally a professional staff rate was developed for the Offices of Nuclear Reactor Regulation, Nuclear Material Safety and Safeguards, Inspection and Enforcement and the Advisory Committee on Reactor Safeguards, Atomic Safety and Licensing Board Panel, and the Atomic Safety and Licensing Appeal Panel.

A detailed report of the functions and activities of each NRC office and explanation of fee development was published in the **Federal Register**, May 2, 1977 (42 FR 22149–22168) and February 21, 1978 (43 FR 7210–7227). A Nuclear Regulatory Commission document, NUREG–0268, U.S. Nuclear Regulatory Commission Determination of Proposed License Fees for Fiscal Year 1977, summarized fee calculations. Copies of these document were made available to the public and copies are available in the NRC Public Document Room at 1717 H Street, NW., Washington, D.C.

On August 24, 1979, the U.S. Court of Appeals held in *Mississippi Power and Light Co.* v. *U.S. Nuclear Regulatory Commission*, 601 F. 2d 223 (1979), cert. denied 444 U.S. 1102 (1980), that: (1) The Nuclear Regulatory Commission had the authority to recover the full cost of providing services to identifiable beneficiaries; (2) the NRC could properly assess a fee for the costs of providing routine inspections necessary to ensure a licensee's compliance with the Atomic Energy Act and with applicable regulations; (3) the NRC could charge for costs incurred in conducting environmental reviews required by NEPA; (4) the NRC properly included in the fee schedule the costs of uncontested hearings and of administrative and technical support services; (5) the NRC could assess a fee for renewing a license to operate a low-level radioactive waste burial site; and (6) the NRC's fees were not arbitrary or capricious. The Appels Court upheld the Commission's license fee guidelines.

On July 19, 1982, the First Circuit Court of Appeals decided the *New England Power* v. *NRC* Case No. 81–1839 concerninging the assessment of fees for withdrawn applications. The Court held that applicants may not be billed for the cost of reviewing withdrawn applications where the request for withdrawal was filed with the Commission before November 6, 1981, the effective date of the Commission's interpretative rule concerning this matter. The Court further stated that "review work performed by the NRC at the request of an applicant constitutes a sufficiently substantial and particularized benefit to the applicant to justify the imposition of fees under the court's reading of there IOAA."

An examination of FY 1981 costs of providing licensing and other review and inspection services demonstrates that the Commission's current fee schedule for inspections and reviews does not adequately reflect the intent of Congress as set forth in the Indpendent Offices Appropriation Act of 1952, which states in pertient part:

> It is the sense of the Congress that any work, service, publication, report, document, benefit, privilage, authority, use, franchise, license, permit, certificate, registration, or similar thing of value or utility performed, furnished, provided, granted, prepared, or issued by any Federal agency (including wholly owned Government corporations as defined in the Government Corporation Control Act of 1945) to or for any person (including groups, associations, organizations, partnerships, corporations, or businesses), except those engaged in the transaction of official business of the Government, shall be self-sustaining to the full extent possible and the head of each Federal agency is authorized by regulation (which, in the case of agencies in the executive branch, shall be a uniform as practicable and subject to such policies as the President may prescribe) to prescribe therefor such fee, charge, or price, if any, as he shall determine, in case none exists, or redetermine, in case of an existing one, to be fair and equitable taking into consideration direct and indirect cost to the Government, value to the recipient, public policy or interest served, and other pertinent facts, and any amount so determined or redetermined shall be collected and paid into the Treasury as miscellaneous receipts.

The House of Representatives Committee on Appropriations in a report concerning FY 1983 appropriations has proposed to make the collection of fees as an offset to the NRC budget. That is, the money collected from fees would not be deposited into the Treasury as miscellaneous receipts but rather would be an offset to the Commission's appropriation. This would benefit the public in that tax dollars are reduced in direct proportion to the license fees received by the Commission.

For FY 1981, the basic functions and regulatory activities of the various NRC offices have not changed since the last revision of fees in 1978. However, the emphasis on safety has increased appreciably and costs have increased.

Tables 1 through 5 describe the services of the offices which have been categorized as being eligible for cost recovery or as excluded from cost recovery. Only NRC services providing special benefits were included in the computation of fees.

TABLE 1.—OFFICE OF NUCLEAR REACTOR REGULATION ITEMS FOR FEE CONSIDERATION

	Proposed schedule	
	Included	Excluded
Safety, environmental, QA, antitrust and safeguards activities relating to review of CP's and OL's.	X	
Amendment review	X	
Topical and other report reviews	X	
Standard reference design review for NSSS and BOP.	X	
Hot and cold exams for initial startup of OL.	X	
Requalification and replacement exams for operator licenses.	X	
Standards, codes, and licensing guides.		X.
Research coordination		X.
Generic effort not specifically identified with an application.		X.
Indemnity program		X.
Commission orders (no application from licensee).		X.
Admendments and approvals resulting from Commission orders.		X.

TABLE 2.—OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS ITEMS FOR FEE CONSIDERATION

	Proposed schedule	
	Included	Excluded
Safety, environmental, and safeguards activities relating to processing applications.	X	
Amendment and renewal review	X	
Standards and licensing guides		X.
Research coordination		X.
Generic effort not specifically identified with an application.		X.
State agreements program effort		X.

TABLE 3.—OFFICE OF INSPECTION AND ENFORCEMENT ITEMS FOR FEE CONSIDERATION

	Proposed schedule	
	Included	Excluded
Routine health, safety, environmental, and safeguards inspections.	X	
Quality assurance inspections during preconstruction, construction, and preoperational phases of facility licensing.	X	
Nonroutine inspections—incidents, investigations and enforcement.	X	
Generic activities not relating to a specific license.		X.
Standards effort		X.
Export-safeguards and agreement State program.		X.
Safety reviews for OL's and reactor license amendments.	X	

TABLE 4.—COMMITTEES AND PANELS ITEMS FOR FEE CONSIDERATION

	Proposed schedule	
	Included	Excluded
ADVISORY COMMITTEE ON REACTOR SAFEGUARDS		
Safety issues relating to processing CP's and OL's.	X	
Generic studies, research, and standards development activities.		X.
ATOMIC SAFETY AND LICENSING BOARD PANEL		
Safety and environmental work on uncontested cases.	X	

TABLE 4.—COMMITTEES AND PANELS ITEMS FOR FEE CONSIDERATION—Continued

	Proposed schedule	
	Included	Excluded
Safety and environmental work on contested cases.		X.
Generic work (rulemaking, show cause, special projects).		X.
ATOMIC SAFETY AND LICENSING APPEAL PANEL		
Uncontested casework	X.	
Contested casework		X.

TABLE 5.—OTHER COMMISSION OFFICES

	Proposed schedule	
	Included	Excluded
Office of Standards Development		X.
Office of Nuclear Regulatory Research.		X.
Office of the Commissioners		X.
Office of General Counsel		X.
Office of Policy Evaluation		X.
Offices of Inspector and Auditor, Congressional Affairs, Public Affairs, and Small & Disadvantaged Business Utilization and Civil Rights.		
Offices of State and International Programs.		X.
Offices of Secretary, Executive Director for Operations, Administration, Management and Program Analysis, Controller, and Executive Legal Director.		
Those services supporting the licensing and inspection process.	X.	

Fees for Construction Permits and Operating Licenses

Fees currently assessed for Part 50 construction permits and operating licenses are based on the actual professional staff hours and associated contractual services costs expended for the review subject to an upper limit imposed by the regulations. This limit reflected fiscal year 1977 costs associated with the type of plant (custom or standard) being reviewed and the number of units at a site. A ceiling was appropriate only at the time imposed and in the final analysis prevents full cost recovery for most applications. In certain instances, fiscal year 1981 costs are greater because of increased licensing effort and contractual costs; therefore, we are proposing to remove the ceiling or upper limit on fees for reactor permits and licenses. Fees or charges would be based on actual cost expended for the review. Since a specific fee is not shown in the proposed regulation, a cost range has been provided for illustrative purposes. Table 6 provides an opportunity to compare fees currently being charged under the 1978 rule with fiscal year 1981 costs.

For those construction permit (CP) applications currently on file with the Commission, fees will be assessed based on the actual professional staff hours and contractual services costs expended from the date the application was filed to the date the CP is issued. Professional hours expended in reviewing applications prior to the effective date of this proposed regulation will be billed at the professional rate established by the March 23, 1978 rule. Professional time expended on or after the effective date of the proposed regulation will be assessed at the FY 1981 rates shown in the new 10 CFR 170.20. With respect to operating license applications currently on file with the Commission, the same procedure would apply except that fees will be assessed based on the actual professional staff hours and contractual services costs expended from the date the CP was issued to the issuance of the full power (100%) operating license.

Amendments or Approvals for Construction Permits and Operating Licenses

The present system of classifying reactor amendments and approvals into one of six fee classes in accordance with § 170.22 is being eliminated. The proposed rule will require that all applications be accompanied by an application fee of $150. All applications for amendment or approval filed on or after the effective date of the proposed rule will be subject to a fee based on the actual professional staff hours and contractual services costs expended for the review. This would include applications from licensees for relief or exemption from and for an extension of time to comply with the requirements of NRC regulations now or hereafter in effect. Fees will be charged irrespective of how the application is approved (e.g., license amendment, letter of approval, safety evaluation report, or other form) and also irrespective of whether they are approved pursuant to a specific exemption provision of the Commission's regulations under Title 10 of the Code of Federal Regulations (e.g., §§ 50.12, 73.5, and any other such sections now or hereafter in effect). However, fees will not be charged for Commission orders issued pursuant to § 2.204 of 10 CFR Part 2 or for amendments and approvals resulting specifically from such Commission orders. When actual costs exceed the application fee, the application fee will be subtracted from the review costs. In no event will the total review costs be less than the application fee. Table 6 shows that, based on experience, costs to review power reactor applications for amendments and other required approvals currently range from $150 to approximately $164,600. Costs for review of amendments and other approvals for test and research facilities range from $150 to approximately $42,100.

TABLE 6.—COMPARISON OF PRESENT FEES WITH ACTUAL COSTS RANGE OF FACILITY LICENSE FEES ASSESSED PER ACTION

	Current schedule (March 1978)		Range of fiscal year 1981 costs	
	From—	To—	From—	To—
Power reactor:				
Construction permit review	$846,800	$1,069,000	$2,239,100	$3,260,000
Operating license reviews	829,100	1,024,500	2,735,000	3,181,600
Amendment reviews	400	45,900	150	164,600
Research and test reactors: Amendment reviews	600	20,000	150	42,100

Topical and Other Reports (Special Projects)

In the current rule, the upper limit of $20,000 chargeable for the review of a topical report or for the review of a revision to an approved topical report is being eliminated for those reports currently on file and subject to fees as well as for those reports filed after the effective date of this proposed rule. Currently, there is no upper limit for other reports and revisions that are submitted for review and approval. Under the proposed rule, all reviews will continue to be based on actual costs expended for the review, but none will have an upper limit on charges. All requests for reviews are to be acompanied by an application fee of $150 which will be subtracted from the total cost of the review, except that in no event will the total cost be less than the application fee. Under the current rule and the proposed rule, if a report or revision to an approved report was filed with the Commission prior to March 23, 1978, and is still pending Commission review and approval, fees will not be assessed for its approval. However, any revisions to reports approved prior to March 23, 1978, and all reports filed on or after March 23, 1978, will be assessed fees based on actual cost. Professional hours expended in reviewing applications prior to the effective date of

this proposed regulation will be billed at the professional rate established by the March 23, 1978 rule. Professional time expended on or after the effective date of the proposed regulation will be assessed at the rates shown in the new 10 CFR 170.20. The cost of most topical report reviews have been in the range of $1,400 to $58,000.

Reactor Operators

NRC examinations and tests to requalify and replace Part 55 reactor operators will be subject to fees based on the actual NRC professional staff hours required to administer the examinations and tests. Costs will be billed to the utility employing the operators. Annual costs for requalification and replacement examinations and tests at a site are approximately $150,000. The costs of the cold and initial hot examinations of reactor operators to staff the plant at the time a Part 50 license is issued are approximately $60,000 and will continue to be assessed as part of the operating license costs.

Standard Reference Design Approvals

The schedule of fees for review of applications for preliminary and final standard reference design approvals of nuclear steam supply systems and balance of plants will be revised to require full cost recovery. The delayed payment schedule for the five installment payments, as approved designs are referenced in a utility application will be eliminated. It is proposed that those applications currently on file will be assessed fees at six-month intervals based on actual costs rather than in five installments as utilities reference the approved standard reference designs.

Inspections

The Commission will continue to charge for routine inspections; however, based on a policy decision, the 1978 fee schedule excluded non-routine inspections from fee recovery. The Commission proposes to change this policy and charge for all inspections because non-routine inspections and routine inspections deal with the same fundamental issues of safety, health physics, safeguards, physical security, and protection of the environment. Consequently, all inspections performed on or after the effective date of this rule will be subject to fees. This is to include inspections that previously were not subject to fees under the March 1978 fee schedule because the inspection was non-routine in nature or the inspection exceeded the billing frequency. Non-routine inspections would include reactive inspections, investigations, incident/accident response, performance appraisal inspections, enforcement activities, special emergency preparedness inspections, and systematic appraisal of licensee performance. Fees would be assessed for investigations only when the allegations are substantiated.

In the proposed schedule, licenses classified in Part 50 licensed reactor programs, Part 30 waste disposal burial licenses and licenses for low-level radioactive waste storage facilities at nuclear power plants as classified in fee category 4A, Part 40 source material licenses classified in fee category 2A, and Part 70 licenses classified in fee categories 1A and 1B will be subject to fees based on the professional staff hours and contractual services costs required to conduct the inspection rather than fixed fees as in the current fee schedule. The remaining inspection fee categories for Parts 30, 40, and 70 byproduct material licenses, source material licenses, and special nuclear material licenses (i.e., all materials licenses except those in fee categories 1A, 1B, 2A, and 4A) will continue to be charged a fixed fee based on the average cost to perform the inspection. Each inspection conducted will be subject to fees.

For those licensees who hold licenses that are currently billed once a year for inspections (Part 50 power reactor licensees, other production and utilization facility licensees, and possession-only licensees) the licensees will be billed on a prorated basis for any partial year elapsed (less than 365 days) under the March 23, 1978 fee schedule. That is, if 20 days have passed since the last billing year through the effective date of this proposed amendment the licensee would be billed 20/365 of the total fee as prescribed in the March 23, 1978 fee schedule. Thereafter, those licensees will be billed quarterly based on the rates shown in 10 CFR 170.20. For those licensees who hold licenses that are billed on a per-inspection basis, if the inspection is started before the effective date of this proposed rule then the licensee will be billed in accordance with the fees established in the March 23, 1978 fee schedule.

Tables 7, 8 and 9 compare the inspection fees under the March 23, 1978 fee schedule with the fees in this proposed schedule.

TABLE 7.—ROUTINE INSPECTION FEES (PER YEAR/PER UNIT)

	Range of current schedule (March 1978)				Range of fiscal year 1981 inspection costs			
	Safety		Safeguards		Safety		Safeguards	
	From—	To—	From—	To—	From—	To—	From—	To—
Power reactors	$60,400	$75,700	$9,500	$11,800	$41,600	$151,800	$2,100	$14,300
Research and test reactors	4,200	9,000	1,300	6,500	800	2,400	270	800

TABLE 8.—NON-ROUTINE (ALL OTHER) INSPECTION COSTS (PER YEAR/PER UNIT)

	Range of current schedule (March 1978)				Range of fiscal year 1981 inspection costs			
	Safety		Safeguards		Safety		Safeguards	
	From—	To—	From—	To—	From—	To—	From—	To—
Power reactors	(1)	(1)	(1)	(1)	$4,200	$73,100	$150	$5,000
Research and test reactors	(1)	(1)	(1)	(1)	150	800	150	800

[1] Presently no charge.

TABLE 9—SUMMARY OF CHANGE IN MATERIALS INSPECTION FEES AND COSTS BASED ON TOTAL ANNUAL ASSESSMENT

Category	Routine inspections			Non-routine (all other) inspections		
	Current March 1978 schedule	Range of fiscal year 1981 costs		Current March 1978 schedule	Range of fiscal year 1981 costs	
		From—	To—		From—	To—
1.A. SPECIAL NUCLEAR MATERIAL						
>5 Kg U-235 or 2 Kg U-233 for fuel fabrication (>20 percent):						
Safety	$15,900	$2,200	$20,800	None	$150	$9,500
Safeguards	30,900	26,900	99,200	None	150	41,700
>5 Kg U-235 or 2 Kg U-233 for fuel fabrication (>20 percent:						
Safety	15,900	2,200	15,600	None	150	9,100
Safeguards	10,300	2,800	19,700	None	150	35,800
>2 Kg U-235 for fuel fabrication:						
Safety	18,400	4,300	16,900	None	150	9,100
Safeguards	35,100	5,600	53,600	None	150	27,600
>5 Kg U-235 or >2 Kg U-233 for fuel fabrication:						
Safety	4,900	150	1,300	None	150	6,500
Safeguards	15,200	15,500	19,900	None	150	9,400
>2 Kg Pu for activities other than fuel fabrication:						
Safety	780	(1)	(1)	None	(1)	(1)
Safeguards	10,800	(1)	(1)	None	(1)	(1)
200 grams to <2 Kg of Pu:						
Safety	780	(1)	(1)	None	(1)	(1)
Safeguards	2,300	(1)	(1)	None	(1)	(1)
350 g to <5 Kg of U-235 or 200 g to <2 Kg U-233:						
Safety	780	1,800	3,60	None	850	1,700
Safeguards	4,000	26,600	43,600	None	6,700	11,000
B. Receipt and storage of spent fuel:						
Safety	780	1,800	3,600	None	850	1,700
Safeguards	5,800	8,900	12,900	None	150	3,200
2.A. SOURCE MATERIAL						
Uranium milling: Safety	1,800	1,800	2,300	None	850	1,000
In-situ leaching or heap-leaching operation: Safety	1,800	150	1,000	None	150	1,000
Refining mill concentrates to UF_6:						
Safety	1,800	1,600	2,300	None	850	1,000
Ion exchange and ore-buying stations:						
Safety	460	650	1,300	None	150	650
4.A WASTE DISPOSAL						
Burial:						
Safety	980	300	400	None	150	200

(1) No individual licensees in this category.

Materials Licenses

Section 170.31 is being revised to eliminate the present ceiling on fees for source, byproduct, and special nuclear material licenses currently in fee categories 1A through 1H, 2A, 2B, 2C, and 4A; transportation package approvals in fee categories 11A through 11E; and approvals of standardized spent fuel facility design in fee category 12. Fees for these licenses and approvals will be based on the actual costs to conduct the review. Table 10 comapres the March 23, 1978 schedule of licensing fees with the current range of costs for these licenses. This table is only included for illustrative purposes so that licensees who are currently subject to fees based on actual costs may use the table as a guide to determine what they might expect to pay for new licenses, approvals, amendments and renewals under the proposed schedule. Since fees will be based on actual costs, the final costs could be less or more than the fee ranges shown in the table. Fees for applications for license amendments, renewals, and approvals under Category 11 which are on file with the Commission and pending review at the time the proposed rule becomes effective will be limited to the maximum fees prescribed in the March 23, 1978 schedule.

In the proposed schedule, licenses for special nuclear material, source material, and transportation package approvals have been combined into fewer categories to simplify the fee schedule. Special nuclear materials licenses currently in fee categories 1A through 1G have been consolidated into fee category 1A; licenses in fee category 1H become 1B; fee category 1I becomes 1C and fee category 1J becomes category 1D in the proposed schedule. Source material licenses currently in fee categories 2A, 2B and 2C have been consolidated into revised fee category 2A; a new category 2B has been established for licenses authorizing source material used as shielding, and all other source material licenses would fall in fee category 2C. Fee categories 11A through 11E for spent fuel casks, packages,and containers have been consolidated into fee category 10A. In addition, fee category 4A is being revised to include fees for applications for licenses authorizing contingency storage of low level readioactive wastes at the site of nuclear reactors.

In addition to the revision of fees for licenses in fee categories 1A, 1B, 2A, 4A, and 10A, fees for all other Parts 30, 40, and 70 byproduct material licenses, source material licenses, and special nuclear material licenses have been revised. Additional license fee categories have been added to the schedule to more clearly define the different types of licenses for fee purposes, and to bring more equity to the fee charges for the different types of licensed programs. For example, applications for certain broad industrial and medical licensed programs take considerable more time to review because of a significant increase in the NRC's review requirements. Accordingly, the fee categories for some licenses, such as the current fee categories for licenses authorizing the manufacturing and processing of items containing byproduct material (3A) and research and development programs utilizing byproduct material (3K) have each been split into separate fee categories (3A and 3B and 3L and 3M, respectively) in order to account for the differences in review time. On the other hand, where the review time for licenses in multiple fee categories is approximately the same, such as for radiography licenses in the current fee categories 3C and 3D, the multiple

categories were combined into a single category (30) in the proposed rule.

For certain new fee categories in which an insufficient number of applications have been reviewed to establish a meaningful average review time, it is necessary to have the fee based on the actual cost expended to review the applications. For example, the proposed rule establishes a new fee category (4D) for licenses authorizing the receipt of waste byproduct, source, or special nuclear materials for treatment by incineration. Because this is a relatively new licensable activity for which a minimal number of applications have been filed and where no data has been developed to determine how much review time is required to process the applications, fees for these licenses will be based on the actual costs expended for the review of the applications. Likewise, a new fee category (5B) has been established for licenses authorizing the use of byproduct material in field flooding tracer studies. Licenses authorizing field flooding tracer studies are currently covered by the existing fee category for well logging operations (5A); however, because field flooding tracer studies will now be licensed as a distinct and separate activity and because of the uniqueness of this type of application, the fee assessed for fee category 5B will be determined based on actual cost.

TABLE 10.—SUMMARY OF MATERIALS FEES AND COSTS LICENSING ACTIONS

Category	New applications			Renewals			Amendments			
	Current March 1978 schedule	Range of fiscal year 1981 costs		Current March 1978 schedule	Range of fiscal year 1981 costs		Current March 1978 schedule		Range of fiscal year 1981 costs	
		From—	To—		From—	To—	From—	To—	From—	To—
1.A. SPECIAL NUCLEAR MATERIAL										
>5 Kg U-235 or 2 Kg U-233 for fuel fabrication (>20 pct)	$136,600	$468,000	$825,000	$76,800	$99,000	$313,000	$150	$34,600	$250	$170,000
>5 Kg U-235 for fuel fabrication (<20 pct)	124,800	363,000	616,000	71,900	94,000	261,000	150	34,600	250	147,000
1>2 Kg Pu for fuel fabrication	771,900	876,000	1,444,000	170,800	201,000	461,000	150	75,000	250	222,000
>5 Kg U-235 or >2 Kg U-233 other than fuel fabrication	34,600	152,000	408,000	18,000	47,000	114,000	150	2,800	250	121,000
>2 Kg Pu for activities other than fuel fabrication	62,300	465,000	1,083,000	38,100	89,000	280,000	150	6,900	250	170,000
200 grams to >2 Kg of Pu	47,100	152,000	408,000	29,800	47,000	114,000	150	4,800	250	120,000
350 g to <5 Kg of U-235 or 200 g to <2 Kg U-233	20,800	31,000	288,000	11,100	11,000	104,000	150	2,800	250	68,000
1.B. RECEIPT AND STORAGE OF SPENT FUEL										
New site	325,000	354,000	609,000	32,000	(1)	(1)	150	88,500	250	159,000
Existing site	234,300	204,000	419,000	32,000	(1)	(1)	150	88,500	250	159,000
2.A. SOURCE MATERIAL										
Uranium Milling	107,700	208,000	343,000	100,800	79,000	128,000	150	20,800	300	54,000
In-situ leaching or heap-leaching operation:										
(Production scale)	66,500	191,000	258,000	17,300	22,000	91,000	150	4,200	300	43,000
(R & D scale)	23,800	23,000	91,000	17,300	6,000	40,000	150	4,200	300	22,000
Refining mill concentrates to UF6	107,700	259,000	407,000	45,800	82,000	209,000	150	20,800	350	112,000
Ion exchange and ore-buying stations	140	12,000	54,000	70	3,000	22,000	40		300	11,000
4.A. WASTE DISPOSAL										
Burial	323,100	52,000	818,000	98,500	29,000	409,000	150	197,700	150	152,000
Low level waste storage at power reactor sites	(2)	41,000	102,000	(2)	25,000	56,000	(2)	(2)	350	56,000
10. TRANSPORTATION										
Evaluation of spent fuel cask	83,100	46,000	164,000	150	500	1,400	150	6,900	500	43,000
Evaluation of high level casks and packages	69,200	41,000	143,000	150	500	1,400	150	5,500	500	43,000
Evaluation of fissile packages containing greater than type A quantities	13,800	12,000	65,000	150	250	900	150	3,500	250	32,000
Evaluation of fissile packages containing less than type A quantities	6,900	6,000	43,000	150	250	1,000	150	1,400	250	16,000
Evaluation of packages containing less than 20 times the type A quantity	1,400	3,000	27,000	150	250	1,000	150	350	250	16,000

[1] No estimate.
[2] Special project on actual cost. No range because new review area.

Professional Rate

The rates for the professional staff in the Offices of Nuclear Reactor Regulation, Nuclear Material Safety and Safeguards, Inspection and Enforcement, and the Advisory Committee on Reactor Safeguards, Atomic Safety and Licensing Board Panel and Atomic Safety and Licensing Appeal Panel have been revised and are based on the actual costs for Fiscal Year 1981 as shown in Tables 11 through 16 and shown in proposed new § 170.20. These rates will be reviewed and adjusted annually as necessary to take into consideration increased or decreased costs to the Commission.

TABLE 11.—OFFICE OF NUCLEAR REACTOR REGULATION (NRR) AVERAGE COST PER PROFESSIONAL STAFF-YEAR COMPUTATION—FY 1981 ACTUAL COSTS

	Costs	Staff
Personnel compensation costs	$27,201,000	700
Personnel benefits	2,540,000	.....
Administrative support costs	11,927,000	.....
Travel and transportation of persons	1,046,000	.....
Subtotal	42,714,000	700
Less consultants	(174,000)	.....
Subtotal	42,540,000	700
Proportionate share of PDA/PTS [1]	9,443,129	.....
Total costs	51,983,129	[2]700

Average Cost/Staff-Year to maintain a professional employee, $51,983,129 ÷ 465[2] = $111,792.
Average Cost/Staff-Hour to maintain a professional employee, $111,792 ÷ 1,800[3] = $62.

[1] PDA—Program Direction and Administration.
PTS—Program Technical Support.

[2] Of the 700 total, 465 have been identified as professional staff-years.
[3] 1,800 staff-hours = 1 productive staff-year.

TABLE 12.—OFFICE OF INSPECTION AND ENFORCEMENT (IE) AVERAGE COST PER PROFESSIONAL STAFF-YEAR COMPUTATION—FY 1981 ACTUAL COSTS

	Costs	Staff
Personnel compensation costs	$31,058,000	873
Personnel benefits	2,900,000	.....
Administrative support costs	6,837,000	.....
Travel and transportation of persons	3,895,000	.....
Subtotal	44,690,000	873
Less consultants	—	.....
Subtotal	44,690,000	873
Proportionate share of PDA/PTS [1]	8,327,225	.....
Total costs	53,017,225	[2]873

TABLE 12.—OFFICE OF INSPECTION AND ENFORCEMENT (IE) AVERAGE COST PER PROFESSIONAL STAFF-YEAR COMPUTATION—FY 1981 ACTUAL COSTS—Continued

	Costs	Staff
Average cost/staff-year to maintain a professional employee, $53,017,225÷559[2]=$94,843.		
Average cost/staff-hour to maintain a professional employee, $94,843÷1,800[3]=$53.		

[1] PDA—Program Direction and Administration.
PTS—Program Technical Support.
[2] Of the 873 total, 559 have been identified as professional staff-years
[3] 1,800 staff-hours=1 productive staff-year.

TABLE 13.—OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS (NMSS) AVERAGE COST PER PROFESSIONAL STAFF-YEAR COMPUTATION—FY 1981 ACTUAL COSTS

	Costs	Staff
Personnel compensation costs	$10,539,000	293
Personnel benefits	985,000	
Administrative support costs	6,191,000	
Travel and transportation of persons	409,000	
Subtotal	18,124,000	293
Less consultants	(130,000)	
Subtotal	17,994,000	293
Proportionate share of PDA/PTS [1]	3,910,612	
Total costs	21,904,612	[2]293
Average cost/staff-year to maintain a professional employee $21,904,612÷209[2]=$104,807.		
Average cost/staff-hour to maintain a professional employee, $104,807÷1,800[3]=$58.		

[1] PDA—Program Direction and Administration.
PTS—Program Technical Support.
[2] Of the 293 total, 209 have been identified as professional staff-years.
[3] 1,800 staff-hours=1 productive staff-year.

TABLE 14.—Advisory Committee on Reactor Safeguards (ACRS) Average Cost Per Professional Staff-Year Computation—FY 1981 Actual Costs

	Costs	Staff
Personnel compensation costs	$1,738,000	36
Personnel benefits	162,000	
Administrative support costs	563,000	
Travel and transportation of persons	342,000	
Program support	87,000	
Subtotal	2,892,000	36
Less consultants	(—)	
Subtotal	2,892,000	36
Proportionate share of PDA/PTS [1]	341,129	
Total costs	3,233,129	[2]36
Average cost/staff-year to maintain a professioal employee, $3,233,129÷29 [2]=$111,487.		
Average cost/staff-hour to maintain a professional employee, $111,487÷1,800 [3]=$62.		

[1] PDA—Program Direction and Administration. PTS—Program Technical Support.
[2] Of the 36 total, 29 have been identified as professional staff-years.
[3] 1,800 staff-hours=1 productive staff-year.

TABLE 15.—ATOMIC SAFETY AND LICENSING BOARD PANEL (ASLBP) AVERAGE COST PER PROFESSIONAL STAFF-YEAR COMPUTATION—FY 1981 ACTUAL COSTS

	Costs	Staff
Personnel compensation costs	$1,661,000	37
Personnel benefits	155,000	
Administrative support costs	541,000	
Travel and transportation of persons	275,000	
Program support	255,000	10
Subtotal	2,887,000	47
Less consultants	(—)	
Subtotal	2,887,000	47
Proportionate share of PDA/PTS [1]	657,480	
Total costs	3,544,480	[2]47
Average cost/staff-year to maintain a professional employee, $3,544,480÷32 [2]=$110,765.		
Average cost/staff-hour to maintain a professional employee, $110,765÷1,800 [3]=$62.		

[1] PDA—Program Direction and Administration.
PTS—Program Technical Support.
[2] Of the 47 total, 32 have been identified as professional staff-years.
[3] 1,800 staff-hours=1 productive staff-year.

TABLE 16.—ATOMIC SAFETY AND LICENSING APPEAL PANEL (ASLAP) AVERAGE COST PER PROFESSIONAL STAFF-YEAR COMPUTATION—FY 1981 ACTUAL COSTS

	Costs	Staff
Personnel compensation costs	$615,000	15
Personnel benefits	57,000	
Administrative support costs	215,000	
Travel and transportation of persons	16,000	
Subtotal	903,000	15
Less consultants	(—)	
Subtotal	903,000	15
Proportionate share of PDA/PTS [1]	228,757	
Total costs	1,131,757	[2]15
Average cost/staff-year to maintain a professional employee, $1,131,757÷9.56 [2]=$118,385.		
Average cost/staff-hour to maintain a professional employee, $118,385÷1,800 [3]=$66.		

[1] PDA—Program Direction and Administration.
PTS—Program Technical Support.
[2] Of the 15 total, 9.56 have been identified as professional staff-years.
[3] 1,800 staff-hours=1 productive staff-year.

Fee Collection

It is proposed that the NRC billing procedure be revised whereby applicants would pay review and licensing costs as the review progresses for those applications where fees are determined based on the actual costs expended for the review. Under the revised procedure, charges will be assessed against all applicable applications currently on file with the Commission and pending review for permits, licenses, approvals, or special projects, except applications for renewals, amendments, and other required approvals for which fees have already been paid in accordance with the March 23, 1978 fee schedule and special project applications filed prior to March 23, 1978. Accordingly, for those applications currently on file for which fees are determined based on the actual review costs, the actual professional staff hours expended for the review of the application through the effective date of the proposed rule will be determined and the billing for that time period will be based on the professional rate established in the March 23, 1978 fee schedule. Subsequently, the professional rate assessed would be as shown in § 170.20. The first itemized billing under this procedure will occur at the time the proposed rule becomes effective and every six months thereafter or when review of the application is completed, whichever is earlier. Any professional staff-hours expended in the review of applications filed on or after the effective date of the proposed rule will be assessed at the rate shown in the proposed schedule (10 CFR 170.20) plus any contractual services costs. For applications filed on or after the effective date of the proposed rule that are subject to the revised billing procedure and for Part 55 reviews, itemized bills will be sent to applicants at six-month intervals for all accumulated cost on each application. The revised billing procedure will enable applicants to pay for work as it is being done and it will also bring greater reliability to any collection forecasts made by the Commission. Under this proposed rule, all applications that are assessed fees based on actual costs are to be accompanied by the application fee specified in this Part except for Part 55 reviews. In no event will the fee assessed exceed the actual costs of reviewing an application, except that under no circumstance will the applicant or licensee pay less than the application fee specified in this proposed rule. Fees for applications not subject to actual-cost charges will remain payable at the time the applications are filed with the Commission.

The Commission will bill licensees at the end of each calendar quarter for all inspections initiated on or after the effective date of this rule for which inspection fees are determined based on the actual costs expended for the inspections. Inspection fees for licenses not subject to actual-cost computations will continue to be due upon notification by the Commission.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This proposed rule affects the licensing

and inspection of nuclear power plants, other production or utilization facilities, and vendors of nuclear power steam supply systems and balance of nuclear power plants. The proposed rule also affects materials facilities engaged in uranium and plutonium fuel fabrication, uranium milling, leaching and refining operations, source material ore-buying and ion exchange activities, burial and storage of low-level radioactive waste, spent fuel cask and package approvals, and other users of critical quantities of special nuclear materials. The companies that own these businesses do not fall within scope of the definition of "small entities" set forth in Section 601(3) of the Regulatory Flexibility Act or within the definition of "small business" as set forth in Section 3 of the Small Business Act, 15 U.S.C. 632, or the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR Part 121. To the extent that this proposed rule affects all other users of by-product materials, the proposed revision of the fee schedule is not expected to have a significant economic effect upon a substantial number of small entities among this group of licensees.

In the event any affected licensee considers itself a small business under the terms of the Regulatory Flexibility Act, the NRC would appreciate comments on how the regulations could be modified to take into account the differing needs of small entities. Specifically, they should discuss:

(a) The size of their business and how the proposed regulations would result in a significant economic burden upon them as compared to larger organizations in the same business community;

(b) How the proposed regulations could be modified to take into account their differing needs or capabilities;

(c) The benefits that would accrue, or the detriments that would be avoided, if the proposed regulations were modified as suggested by the commenter; and

(d) How the proposed regulations, as modified, would more closely equalize the impact of NRC regulations or create more equal access to the benefits of Federal programs as opposed to providing special advantages to any individuals or groups.

Paperwork Reduction Act Statement

The proposed rule contains no new or amended requirements for recordkeeping, reporting, plans, applications or any other types of information collection subject to the Paperwork Reduction Act of 1980 (Pub. L. 96-511, 44 U.S.C. 3501 et seq.).

Pursuant to the Independent Offices Appropriation Act of 1952 (31 U.S.C. 483a), the Atomic Energy Act of 1954, as amended, and Sections 552 and 553 of Title 5 of the United States Code, the NRC is proposing to adopt the following amendments to 10 CFR Part 170.

List of Subjects in 10 CFR Part 170

Byproduct material, Nuclear materials, Nuclear power plants and reactors, Penalty, Source material, Special nuclear material.

PART 170—FEES FOR FACILITIES AND MATERIALS LICENSES AND OTHER REGULATORY SERVICES UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

1. The authority citation for Part 170 is revised to read as follows:

Authority: Sec. 501, 65 Stat 290 (31 U.S.C. 483a); sec. 301, Pub. L. 92-314, 86 Stat. 222 (42 U.S.C. 2201w); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

2. Section 170.2 is revised to read as follows:

§ 170.2 Scope.

Except for persons who apply for or hold the permits, licenses or approvals exempted in § 170.11, the regulations in this part apply to a person who is—

(a) An applicant for or holder of a specific byproduct material license issued pursuant to Parts 30 and 32 through 35 of this Chapter;

(b) An applicant for or holder of a specific source material license issued pursuant to Part 40 of this Chapter;

(c) An applicant for or holder of a specific special nuclear material license issued pursuant to Part 70 of this Chapter;

(d) An applicant for or holder of a specific approval of spent fuel casks and shipping containers issued pursuant to Part 71 of this Chapter;

(e) An applicant for or holder of a specific license to possess power reactor spent fuel and other radioactive materials associated with spent fuel storage, in an independent spent fuel storage installation and issued pursuant to Part 72 of this Chapter;

(f) An applicant for or holder of a specific approval of sealed sources and devices containing byproduct material, source material, or special nuclear material;

(g) An applicant for or holder of a production or utilization facility construction permit or operating license issued pursuant to Part 50 of this Chapter;

(h) Required to have examinations and tests performed to qualify or requalify individuals as Part 55 reactor operators;

(i) Required to have routine and non-routine safety and safeguards inspections of activities licensed pursuant to the requirements of this Chapter;

(j) Applying for or is holder of an approval of a standard reference design for a nuclear steam supply system or balance of plant;

(k) Applying for or already has applied for review of a facility site prior to the submission of an application for a construction permit;

(l) Applying for or already has applied for review of a standardized spent fuel facility design; or

(m) Applying for or has applied for since March 23, 1978, review of an item under the category of special projects in this Chapter which the Commission completes or makes whether or not in conjunction with a license application on file or which may be filed.

3. In § 170.3, paragraphs (t), (u), and (v) are revised and new paragraphs (y) and (z) are added to read as follows:

§ 170.3 Definitions.

* * * * *

(t) "Inspections" include routine inspections performed to evaluate the licensee's activities within the context of the licensee's ultimate responsibility for public protection, and non-routine inspections such as reactive inspections, investigations, incident/accident response, performance appraisal inspections, enforcement activities, special emergency preparedness inspections, and systematic appraisal of licensee performance.

(u) "Person" as used in this Part is the same definition found in Parts 30, 40, 50, and 70 of Title 10 of the Code of Federal Regulations.

(v) Part 55 Reviews are those services provided by the Commission to administer requalification and replacement examinations and tests for reactor operators licensed pursuant to 10 CFR Part 55 of the Commission's regulations and employed by Part 50 licensees.

* * * * *

(y) "Application" means any request for a permit, license, approval, exemption, certificate, other permission or for any other service, which is filed with the Commission.

(z) The phrase "review is completed" as used in this Part means that the review has been brought to an end, whether by reason of issuance of a permit, license, approval, certificate, exemption, or other form of permission, or whether the application is denied,

withdrawn, suspended or action on the application is postponed by the applicant.

4. In § 170.11, paragraphs (a) (3) and (4) are revised to read as follows:

§ 170.11 Exemptions.

(a) * * *

(3) A license authorizing the receipt, ownership, possession, use, or production of byproduct material, source material, or special nuclear material incidental to the operation of a production or utilization facility licensed under Part 50 of this chapter, including a license under Part 70 of this chapter, authorizing possession and storage only of special nuclear material at the site of a nuclear reactor for use as fuel in operation of the nuclear reactor or at the site of a spent fuel processing plant for processing at the plant, except for licenses authorizing storage of low-level radioactive waste at nuclear reactor sites.

(4) A construction permit or license applied for by, or issued to, a nonprofit educational institution for a production facility or utilization facility, other than a power reator, to be used for teaching, training, or medical purposes, except human use, or for byproduct material, source material, or special nuclear material to be used for teaching, training or medical purposes, except human use, or in connection with a facility, other than a power reactor, used for teaching, training, or medical purposes, except human use.

* * * * *

5. In § 170.12, paragraphs (b), (c), (d), (e), (f) and (i) are revised to read as follows:

§ 170.12 Payment of fees.

* * * * *

(b) *License fees.* Fees for review of applications for permits, licenses, and facility reference standardized design approvals are payable upon notification by the Commission. Each application for which the review charges are based on actual costs and the application has been pending with the Commission for six months or longer, the first bill for accumulated costs will be sent at the time this rule becomes effective and will include all of the applicable review time and contractual costs expended. Thereafter, each applicant will be billed at six-month intervals or when the review is completed, whichever is earlier. Each bill will identify the applications and the costs related to each.

(c) *Amendment fees and other required approvals.* All applications for license amendments and other required approvals which are subject to fees based on the actual cost of the reviews shall be accompanied by an application fee of $150. Fees for amendments to permits and licenses and other required approvals which are subject to actual cost reviews are payable upon notification by the Commission. Each applicant will be billed at six-month intervals for all accumulated costs for each application the applicant has on file for review by the Commission, and each six-month period thereafter or when review is completed, whichever is earlier. Each bill will identify the applications and costs related to each. Amendment fees for materials licenses and approvals not subject to actual cost reviews are payable at the time the application is filed.

(d) *Renewal fees.* All applications for renewals subject to fees based on the actual cost of the review shall be accompanied by an application fee of $150. Fees for renewal of permits and licenses and other required approvals are payable upon notification by the Commission. Each applicant will be billed at six-month intervals for all accumulated costs on each application that the applicant has on file for review by the Commission, and each six-month period thereafter or when the review is completed, whichever is earlier. Each bill will identify the applications and the costs related to each. Renewal fees for materials licenses and approvals not subject to actual cost reviews are payable at the time the application is filed.

(e) *Approval fees.* Applications for spent fuel casks, packages, and shipping container approvals, spent fuel storage facility design approvals, and construction approvals for plutonium fuel processing and fabrication plants shall be accompanied by an application fee of $150. Applications for facility standard reference design approvals shall be accompanied by an application fee of $50,000. Fees for applications which are subject to actual cost reviews are payable upon notification by the Commission. For applications where the review charges are based on actual costs and the applications have been pending with the Commission for six months or longer, the first bill for accumulated costs will be sent at the time this rule become effective and will include all of the applicable review time and contractual costs expended. Thereafter, each applicant will be billed at six-month intervals or when the review is completed, whichever is earlier. Each bill will identify the applications and the costs related to each.

(f) *Special project fees.* All applications for special projects shall be accompanied by an application fee of $150. Fees for special projects are payable upon notification by the Commission. For applications where the review charges are based on actual costs and the applications have been pending with the Commission for six months or longer, the first bill for accumulated costs will be sent at the time this rule becomes effective and will include all of the applicable review time and contractual costs expended. Thereafter, each applicant will be billed at six-month intervals or when the review is completed, whichever is earlier. Each bill will identify the applications and the costs related to each.

* * * * *

(i) *Part 55 review fees.* Part 55 reviews are those services performed by the NRC for requalification and replacement examinations and tests for reactor operators licensed pursuant to 10 CFR Part 55. The costs for these services will be subject to fees based on actual NRC time spent in administering the examinations and tests which are generally given at the reactor site. The costs will be billed at six-month intervals to the licensee employing the operators.

6. A new § 170.20 is added to read as follows:

§ 170.20 Average cost per professional staff-hour.

(a) Fees for permits, licenses, amendments, renewals, special projects, Part 55 requalification examination and replacement examination, or other required approvals under §§ 170.21 and 170.31 will be calculated based upon the actual costs for the review using the following applicable professional staff rates:

(1) Office of Nuclear Reactor Regulation—$62 per hour.

(2) Office of Nuclear Material Safety and Safeguards—$58 per hour.

(3) Advisory Committee on Reactor Safeguards—$62 per hour.

(4) Atomic Safety and Licensing Board Panel—$62 per hour.

(5) Atomic Safety and Licensing Appeal Panel—$66 per hour.

(b) Fees for inspections based on actual cost under §§ 170.21 and 170.32 will be calculated using the following applicable professional staff rates:

(1) Office of Inspection and Enforcement—$53 per hour.

7. Section 170.21 is revised to read as follows:

§ 170.21 Schedule of fees for production and utilization facilities, review of reference standard design approvals, special projects, and inspections.

Applicants for construction permits, manufacturing licenses, operating licenses and approvals of facility standard reference designs, requalification and replacement examinations for reactor operators, and special projects and holders of construction permits, licenses and other approvals shall pay the fees described in the table below.

SCHEDULE OF FACILITY FEES

Facility categories and type of fees	Fee [1]
A. Power reactor:	
Application-construction permit	$125,000.
Construction permit	Actual cost.[2]
License	Actual cost.[2]
Application for amendment, renewal, other approvals.	$150.
Amendment, renewal, other approvals	Actual cost.[2]
Inspection [3]	Actual cost.[2]
B. Standard reference design review:	
Application	$50,000
Approvals	Actual cost.[2]
Application for amendment, renewal, other approvals.	$150.
Amendment, renewal, other approvals	Actual cost.[2]
C. Test facility/research reactor:	
Application-construction permit	$5,000.
Construction permit	Actual cost.[2]
License	Actual cost.[2]
Application for amendment, renewal, other approvals.	$150.
Amendment, renewal, other approvals	Actual cost.[2]
Inspection [3]	Actual cost.[2]
D. Manufacturing license:	
Application-construction permit	$125,000.
Construction permit	Actual cost.[2]
License	Actual cost.[2]
Application for amendment, renewal, other approvals.	$150.
Amendment, renewal, other approvals	Actual cost.[2]
Inspection [3]	Actual cost.[2]
E. Uranium enrichment plant:	
Application-construction permit	$125,000.
Construction permit	Actual cost.[2]
License	Actual cost.[2]
Application for amendment, renewal, other approvals.	$150.
Amendment, renewal, other approvals	Actual cost.[2]
Inspection [3]	Actual cost.[2]
F. Advanced reactors:	
Application-construction permit	$125,000.
Construction permit	Actual cost.[2]
License	Actual cost.[2]
Application for amendment, renewal, other approvals.	$150.
Amendment, renewal, other approvals	Actual cost.[2]
Inspection [3]	Actual cost.[2]
G. Other production and utilization facility:	
Application-construction permit	$125,000.
Construction permit	Actual cost.[2]
License	Actual cost.[2]
Application for amendment, renewal, other approvals.	$150.
Amendment, renewal, other approvals	Actual cost.[2]
Inspection [3]	Actual cost.[2]
H. Production or utilization faciality licensed for possession but not in operation: Inspection [3].	Actual cost.[2]
I. Part 55 reviews: Requalification and replacement, examinations for reactor operators.	Actual cost.[2]
J. Special projects:	
Application	$150.
Approval	Actual cost.[2]
Amendment	Actual cost.[2]

[1] Fees will not be charged for orders issued by the Commission pursuant to § 2.204 of Part 2 nor for amendments resulting specifically from such Commission orders. However, fees will be charged for approvals issued pursuant to a specific exemption provision of the Commission's regulations under Title 10 of the Code of Federal Regulations (e.g., §§ 50.12, 73.5, and any other such sections now or hereafter in effect) regardless of whether the approval is in the form of a license amendment, letter of approval, safety evaluation report, aor other form.

[2] Charge will be based on the expenditures for professional staff time and appropriate contractual support services. For those reviews currently on file and for which fees are determined based on the actual cost expended for the review, the actual professional staff hours expended for the review of the application through the effective date of this rule will be determined and billings for that time will be at the professional rates established for the March 23, 1978 rule. Any professional hours expended on or after the effective date of this rule will be assessed at the FY 1981 rates shown in § 170.20 of this Part. These rates will be reviewed and adjusted annually as necessary to take into consideration increased or decreased costs to the Commission. In no event will the total review costs be less than the application fee.

[3] Inspections covered by this schedule are both routine and nonroutine safety, environmental, health physics and special nuclear material safeguards inspections performed by NRC for purposes of reviewing a licensed program. These inspections are performed throughout the full term of the license to assure that the authorized activities are being conducted in accordance with the Atomic Energy Act of 1954, as amended, Commission regulations, and the terms and conditions of the license.

§ 170.22–170.24 [Removed]

8. Section 170.22, 170.23, and 170.24 are removed.

9. Section 170.31 is revised to read as follows:

§ 170.31 Schedule of fees for materials licenses and other regulatory services.

Applicants for materials licenses and other regulatory services and holders of materials licenses shall pay the following fees:

SCHEDULE OF FEES FOR MATERIALS LICENSES AND OTHER REGULATORY SERVICES

Category of materials licenses	Type of fee [1]	Fee [2]
1. Special nuclear material:		
A. Licenses for 200 grams or more of plutonium in unsealed form or 350 grams or more of contained U-235 in unsealed form or 200 grams or more of U-233 in unsealed form.	Application	$150.
	Construction approval	Actual cost.[3]
	License	Actual cost.[3]
	Renewal	Actual cost.[3]
	Amendment	Actual cost.[3]
B. Licenses for receipt and storage of spent fuel [4]	Application	$150.
	License	Actual cost.[3]
	Renewal	Actual cost.[3]
	Amendment	Actual cost.[3]
C. Licenses for possession and use of special nuclear material in sealed sources contained in devices used in industrial measuring systems [4].	Application—New license	$230.
	Renewal	$120.
	Amendment	$60.
D. All other special nuclear material licenses, except licenses authorizing special nuclear material in unsealed form in combination that would constitute a critical quantity as defined in $150.11 of Part 150 which shall pay the same rate as Category 1A.	Application—New license	$350.
	Renewal	$350.
	Amendment	$120.
2. Source material:		
A. Licenses for possession and use of source material in recovery operations such as in milling, in situ leaching, heap-leaching, refining uranium mill concentrates to uranium hexafluoride, ore-buying stations, ion exchange facilities and in processing of ores containing source material for extraction of metals other than uranium or thorium, including licenses authorizing the possession of byproduct waste material (tailings) from source material recovery operations, and licenses authorizing decommissioning, reclamation or restoration activities as well as licenses authorizing the possession and maintenance of a facility in a standby mode..	Application	$150.
	License	Actual cost.[3]
	Renewal	Actual cost.[3]
	Amendment	Actual cost.[3]
B. Licenses for possession and use of source material for shielding	Application—New license	$60.
	Renewal	$60.
	Amendment	$60.
C. All other source material licenses	Application—New license	$350.
	Renewal	$230.
	Amendment	$120.
3. Byproduct Material:		
A. Licenses of broad scope for possession and use of byproduct material issued pursuant to Parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution to specific licensees.	Application—New license	$1,200.
	Renewal	$700.
	Amendment	$120.
B. Other licenses for possession and use of byproduct material issued pursuant to Part 30 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution to specific licensees.	Application—New license	$460.
	Renewal	$460.
	Amendment	$120.

SCHEDULE OF FEES FOR MATERIALS LICENSES AND OTHER REGULATORY SERVICES—Continued

Category of materials licenses	Type of fee[1]	Fee[2]
C. Licenses issued pursuant to §§ 32.72, 32.73, and/or 32.74 of Part 32 of this chapter authorizing the processing or manufacture and distribution of radiopharmaceuticals, generators, reagent kits and/or sources and devices containing byproduct material.	Application—New license	$1,400.
	Renewal	$1,400.
	Amendment	$230.
D. Licenses issued pursuant to §§ 32.72, 32.73, and/or 32.74 of Part 32 of this chapter authorizing distribution of radiopharmaceuticals, generators, reagent kits and/or sources or devices not involving processing of byproduct material.	Application—New license	$700.
	Renewal	$700.
	Amendment	$120.
E. Licenses for possession and use of byproduct material in sealed sources for irradiation of materials where the source is not removed from its shield (self-shielded units).	Application—New license	$230.
	Renewal	$170.
	Amendment	$120.
F. Licenses for possession and use of less than 10,000 curies of byproduct material in sealed sources for irradiation of materials where the source is exposed for irradiation purposes.	Application—New license	$580.P$350.P$230.
	Renewal	
	Amendment	
G. Licenses for possession and use of 10,000 curies or more of byproduct material in sealed sources for irradiation of materials where the source is exposed for irradition purposes.	Application—New license	$930.
	Renewal	$230.
	Amendment	$.
H. Licenses issued pursuant to subpart A of Part 32 of this chapter to distribute items containing byproduct material which require device review to persons exempt form the licensing requirements of Part 30 of this chapter.	Application—New license	$580.[5]
	Renewal	$230.[5]
	Amendment	$120.[5]
I. Licenses issued pursuant to subpart A of Part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material which do not require device evaluation to persons exempt from the licensing requirements of Part 30 of this chapter.	Application—New license	$290.
	Renewal	$230.
	Amendment	$30.
J. Licenses issued pursuant to subpart B of Part 32 of this chapter to distribute items containing byproduct material which require sealed source and/or device review to persons generally licensed under Parts 31 or 35 of this chapter, except specific licenses authorizing redistribution of items which have been authorized for distribution to persons generally licensed under Parts 31 or 35 of this chapter.	Application—New license	$1,200.[6]
	Renewal	$700.[6]
	Amendment	$230.[6]
K. Licenses issued pursuant to subpart B of Part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material which do not require sealed source and/or device review to persons generally licensed under Parts 31 or 35 of this chapter.	Application—New license	$290.
	Renewal	$230.
	Amendment	$60.
L. Licenses of broad scope for possession and use of byproduct material issued pursuant to Parts 30 and 33 of this chapter for research and development which do not authorize commercial distribution.	Application—New license	$1,200.
	Renewal	$700.
	Amendment	$120.
M. Other licenses for possession and use of byproduct material issued pursuant to Part 30 of this chapter for research and development which do not authorize commercial distribution.	Application—New license	$700.
	Renewal	$460.
	Amendment	$120.
N. Licenses which authorize services for other licensees, except for leak testing and waste disposal pickup services.	Application—New license	$930.
	Renewal	$930.
	Amendment	$120.
O. Licenses for byproduct material issued pursuant to Part 34 of this chapter for industrial radiography operations	Application—New license	$700.
	Renewal	$700.
	Amendment	$230.
P. All other specific byproduct material licenses, except those in categories 4A through 9B	Application—New license	$230.
	Renewal	$230.
	Amendment	$60.
4. Waste Disposal:		
A. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of commercial disposal by land or sea burial by the licensee, and licenses authorizing contingency storage of low level radioactive waste at the site of nuclear power reactors.	Application	$150.
	License	Actual cost.[3]
	Renewal	Actual cost.[3]
	Amendment	Actual cost.[3]
B. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of packaging or repackaging the material. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material.	Application—New license	$1,400.
	Renewal	$930.
	Amendment	$350.
C. Licenses specifically authorizing the receipt of prepackaged waste byproduct material, source material, or special nuclear material from other persons. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material.	Application—New license	$930.
	Renewal	$460.
	Amendment	$120.
D. Licenses specifically authorizing the receipt of waste byproduct material, source material, and/or special nuclear material from other persons for treatment or disposal by incineration; packaging of residues resulting from incineration; and transfer of packages containing residues to another person authorized to receive or dispose of waste material.	Application	$150.
	License	Actual cost.[3]
	Renewal	Actual cost.[3]
	Amendment	Actual cost.[3]
5. Well Logging:		
A. Licenses specifically authorizing use of byproduct material, source material, and/or special nuclear material for well logging, well surveys, and tracer studies other than field flooding tracer studies.	Application—New license	$700.
	Renewal	$700.
	Amendment	$170.
B. Licenses specifically authorizing use of byproduct material for field flooding tracer studies	Application	$150.
	License	Actual cost.[3]
	Renewal	Actual cost.[3]
	Amendment	Acutal cost.[3]
6. Nuclear Laundries:		
A. Licenses for commercial collection and Laundry of items contaminated with byproduct material, source material, or special nuclear material.	Application—New license	$700.
	Renewal	$700.
	Amendment	$170.
7. Human use of byproduct, source or special nuclear material:		
A. Licenses issued pursuant to Parts 30, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices.	Application—New license	$580.
	Renewal	$350.
	Amendment	$230.
B. Licenses of broad scope issued to medical institutions or two or more physicians pursuant to Parts 30, 33, 35, 40, and 70 of this chapter authorizing research and development including human use of byproduct material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices.	Application—New license	$1,200.
	Renewal	$700.
	Amendment	$120.
C. Other licenses issued pursuant to Parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices.	Application—New license	$580.
	Renewal	$580.
	Amendment	$230.
8. Civil Defense:		
A. Licenses for possession and use of byproduct material, source material, or special nuclear material for civil defense activities.	Application—New license	$290.
	Renewal	$230.
	Amendment	$60.
9. Device, product or sealed source safety evaluation:		
A. Safety evaluation of devices or products containing byproduct material, source material, or special nuclear material, except reactor fuel devices and devices or products distributed to general licensees or persons exempt from the requirements for a license pursuant to Parts 30, 40, and 70 of this chapter.	Application—New license	$1,600.
	Amendment	$580.
B. Safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material except: (1) reactor fuel and (2) sealed source(s) distributed to general licensees or persons exempt from the requirements for a license pursuant to Parts 30, 40, and 70 of this chapter.	Application—New license	$350.
	Amendment	$120.

SCHEDULE OF FEES FOR MATERIALS LICENSES AND OTHER REGULATORY SERVICES—Continued

Category of materials licenses	Type of fee[1]	Fee[2]
10. Transportation of radioactive material:		
A. Evaluation of spent fuel casks, packages, and shipping containers	Application	$150.
	Approval	Actual cost.[3]
	Renewal	Actual cost.[3]
	Amendment	Actual cost.[3]
11. Review of standardized spent fuel facilities	Application	$150
	Approval	Actual cost.[3]
	Amendment	Actual cost.[3]
12. Special projects	Application	$150
	Approval	Actual cost.[3]
	Amendment	Actual cost.[3]

[1] *Types of Fees*—Separate charges as shown in the schedule will be assessed for applications for new licenses and approvals, issuance of new licenses and approvals, and amendments and renewals to existing licenses and approvals. The following guidelines apply to these charges:

(a) *Application Fees*—Applications for materials licenses and approvals shall be accompanied by the prescribed application fee for each category. Where a license or approval has expired, the full application fee for each category shall be due.

(b) *License/Approval Fees*—New licenses and approvals issued in fee categories 1A, 1B, 2A, 4A, 4D, 5B, 10A, 11, and 12 shall pay the license or approval fee upon notification by the Commission in accordance with § 170.12(b).

(c) *Renewal Fees*—Applications for renewal of materials licenses and approvals shall be accompanied by the prescribed renewal fee for each category, except that applications for renewal of licenses and approvals in fee categories 1A, 1B, 2A, 4A, 4D, 5B, 10A, 11, and 12 shall be accompanied by an application fee of $150, and the additional renewal fee shall be due upon notification by the Commission in accordance with the procedures specified in § 170.12(d).

(d) *Amendment Fees*—Applications for amendments shall be accompanied by the prescribed amendment fee for each category, except that applications for amendment of licenses in fee categories 1A, 1B, 2A, 4A, 4D, 5B, and 10A, 11, and 12 shall be accompanied by an application fee of $150 with the balance due upon notification by the Commission in accordance with § 170.12(c). An application for amendment to a materials license or approval that would place the license or approval in a higher fee category or add a new fee category shall be accompanied by the prescribed application fee for the new category, except for an application for amendment to increase the scope of a licensed program from fee category 7C to 7B, in which case the licensee shall pay the amendment fee for fee category 7B. An application for amendment to a license or approval that would reduce the scope of a licensee's program to a lower fee category shall pay the prescribed amendment fee for the lower fee category.

[2] Fees will not be charged for orders issued by the Commission pursuant to § 2.204 of Part 2 nor for amendments resulting specifically from such Commission orders. However, fees will be charged for approvals issued pursuant to a specific exemption provision of the Commission's regulations under Title 10 of the Code of Federal Regulations (e.g., § 30.11, 40.14, 70.14, 73.5 and any other such sections now or hereafter in effect) irrespective to whether the approval is in the form of a license amendment, letter of approval, safety evaluation report, or other form.

[3] Charge will be based on the expenditures for professional staff time and appropriate contractual support services. For those reviews currently on file and for which fees are determined based on the actual cost expended for the review, the actual professional staff hours expended for the review of the application through the effective date of this rule will be determined and billings for that time will be at the professional rates established for the March 23, 1978 rule. Any professional hours expended on or after the effective date of this rule will be assessed at the FY 1981 rates shown in § 170.20 of this Part. These rates will be reviewed and adjusted annually as necessary to take into consideration increased or decreased costs to the Commission. In no event will the total review costs be less than the application fee.

[4] Licensees paying fees under Categories 1A and 1B are not subject to fees under Categories 1C and 1D for sealed sources authorized in the same license except in those instances where an application deals only with the sealed sources authorized by the license. Applicants for new licenses or renewal of existing licenses that cover both byproduct material and special nuclear material in sealed sources for use in gauging devices will pay the appropriate application or renewal fee for fee Category 1C only.

[5] In addition to the fee shown, an applicant will be assessed an additional $460 for each device review.

[6] In addition to the fee shown, an applicant will be assessed an additional $1600 for each device/product review and $350 for each sealed source review.

10. Section 170.32 is revised to read as follows:

§ 170.32 Schedule of fees for health and safety, and safeguards inspections for materials licenses.

SCHEDULE OF MATERIALS LICENSE INSPECTION FEES

Category of licenses	Type of inspection	Fee[1]
1. Special Nuclear Material:		
A. Licenses for 200 grams or more of plutonium in unsealed form or 350 grams or more of contained U-235 in unsealed form or 200 grams or more of U-233 in unsealed form.	Routine	Actual cost.[2]
	Non-Routine	Actual cost.[3]
B. Licenses for receipt and storage of spent fuel	Routine	Actual Cost.[3]
	Non-Routine	Actual cost.[3]
C. Licenses for possession and use of special nuclear material in sealed sources contained in devices used in industrial measuring systems	Routine	$210.
	Non-Routine	$640.
D. All other special nuclear material licenses, except licenses authorizing special nuclear material in unsealed form in combination that would constitute a critical quantity as defined in § 150.11 of Part 150 which shall pay the same rate as Category 1A.	Routine	$320.
	Non-Routine	$370.
2. Source Material:		
A. Licenses for possession and use of source material in recovery operations such as in milling, in-situ leaching, heap-leaching and refining uranium concentrates to uranium hexafloride, or-buying stations, ion exchange facilities, and processing of ores containing ource material for extraction of metals other than uranium or thorium including licenses authorizing the possession of byproduct waste material (tailings) from source material recovery operations and licenses authorizing decommissioning, reclamation or restoration activities as well as licenses authorizing the possession and maintenance of a facility in a standby mode.	Routine	Actual cost.[2]
	Non-Routine	Actual cost.[3]
B. Licenses for possession and use of source material for shielding	Routine	$130.
	Non-Routine	$160.
C. All other source material licenses.	Routine	$370.
	Non-Routine	$690.
3. Byproduct Material:		
A. Licenses of Broad scope for possession and use of byproduct material issued pursuant to Parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution to specific licensees.	Routine	$950.[3]
	Non-Routine	$1,000.[3]
B. Other licenses for possession and use of byproduct material issued pursuant to Part 30 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution to specific licensees.	Routine	$480.[3]
	Non-Routine	$900.
C. Licenses issued pursuant to §§ 32.72, 32.73 and/or 32.74 of Part 32 of this chapter authorizing the processing or manufacture and distrubution of radio-pharmaceuticals, generators, reagent kits and/or sources and devices containing byproduct material.	Routine	$640.
	Non-Routine	$950.
D. Licenses issued pursuant to §§ 32.72, 32.73 and/or 32.74 of Part 32 of this chapter authorizing distribution of radiopharmaceuticals, generators, reagent kits and/or sources or devices not involving processing of byproduct material.	Routine	$370.
	Non-Routine	$530.
E. Licenses for possession and use of byproduct material in sealed sources for irradiation of materials where the source is not removed from its shield (self-shielded units).	Routine	$210.
	Non-Routine	$320.
F. Licenses for possession and use of less than 10,000 curies of byproduct material in sealed sources for irradiation of materials where the source is exposed for irradiation purposes.	Routine	$270.
	Non-Routine	$580.
G. Licenses for possession and use of 10,000 curies or more of byproduct material in sealed sources for irradiation of materials where the source is exposed for irradiation purposes.	Routine	$480.
	Non-Routine	$640.
H. Licenses issued pursuant to subpart A of Part 32 of this chapter to distribute items containing byproduct material which require device review to persons excmpt from the licensing requirements of Part 30 of this chapter.	Routine	$320.
	Non-Routine	$320.
I. Licenses issued pursuant to subpart A of Part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material which do not require device evaluation to persons exempt from the licensing requirements of Part 30 of this chapter.	Routine	$210.
	Non-Routine	$320.
J. Licenses issued pursuant to subpart B of Part 32 of this chapter to distribute items containing byproduct material which require sealed source and/or device review to persons generally licensed under Parts 31 or 35 of this chapter, except specific licenses authorizing redistribution of items which have been authorized for distrubution to persons generally licensed under Parts 31 or 35 of this chapter.	Routine	$320.
	Non-Routine	$320.
K. Licenses issued pursuant to subpart B of Part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material which do not require seal source and/or device review to persons generally licensed under Parts 31 or 35 of this chapter.	Routine	$320.
	Non-Routine	$320.

SCHEDULE OF MATERIALS LICENSE INSPECTION FEES—Continued

Category of licenses	Type of inspection	Fee[1]
L. Licenses of broad scope for possession and use of byproduct material issued pursuant to Parts 30 and 33 of this chapter for research and development which do not authorize commercial distribution.	Routine	$420.
	Non-Routine	$530.
M. Other licenses for possession and use of byproduct material issued pursuant to Part 30 of this chapter for research and development which do not authorize commercial distribution.	Routine	$370.
	Non-Routine	$420.
N. Licenses which authorize services for other licensees, except for leak testing and waste disposal pickup services	Routine	$320.
	Non-Routine	$320.
O. Licenses for byproduct material issued pursuant to Part 34 of this chapter for industrial radiography operations	Routine	$530.[3]
	Non-Routine	$1,200.[3]
P. All other specific byproduct material licenses, except those in categories 4A through 9B	Routine	$530.[3]
	Non-Routine	$530.[3]
4. Waste Disposal:		
A. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of commercial disposal by land or sea burial by the licensee and licenses authorizing contingency storage of low-level radioactive wastes at the site of nuclear power reactors.	Routine	Actual cost.[1]
	Non-Routine	Actual cost.[1]
B. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of packaging or repackaging the material. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material.	Routine	$1,000.
	Non-Routine	$740.
C. Licenses specifically authorizing the receipt of prepackaged waste by product material, source material, or special nuclear material from other persons. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material.	Routine	$740.
	Non-Routine	$950.
D. Licenses specifically authorizing the receipt of waste byproduct material, source material, and/or special nuclear material from other persons for treatment or disposal by incineration; packaging of residues resulting from incineration; and transfer of packages containing residues to another person authorized to receive or dispose of waste material.	Routine	$740.
	Non-Routine	$900.
5. Well Logging:		
A. Licenses specifically authorizing use of byproduct material, source material, and/or special nuclear material for well logging, well surveys, and tracer studies other than field flooding tracer studies.	Routine	$370.
	Non-Routine	$370.
B. Licenses specifically authorizing use of byproduct material for field flooding tracer studies	Routine	$320.
	Non-Routine	$480.
6. Nuclear Laundries:		
A. Licenses for commercial collection and laundry of items contaminated with byproduct material, source material, or special nuclear material.	Routine	$530.
	Non-Routine	$850.
7. Human Use Of Byproduct, Source of Special Nuclear Material:		
A. Licenses issued pursuant to Parts 30, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices.	Routine	$530.
	Non-Routine	$830.
B. Licenses of broad scope issued to medical institutions or two or more physicians pursuant to Parts 30, 33, 35, 40 and 70 of this chapter authorizing research and development including human use of byproduct material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices.	Routine	$740.
	Non-Routine	$800.
C. Other licenses issued pursuant to Parts 30, 35, 40 and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices.	Routine	$480.
	Non-Routine	$690.
8. Civil Defense:		
A. Licenses for possession and use of byproduct material, source material, or special nuclear material for civil defense activities	Routine	$320.
	Non-Routine	$320.
9. Device, Product or Sealed Source Safety Evaluation:		
A. Safety evaluation of devices or products containing byproduct material, source material, or special nuclear material, except reactor fuel devices and devices or products distributed to general licensees or persons exempt from the requirements for a license pursuant to Parts 30, 40, and 70 of this chapter.	Routine	No inspections conducted.
	Non-Routine	No inspections conducted.
B. Safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material except: (1) reactor fuel, (2) sealed source(s) distributed to general licensees or persons exempt from the requirements for a license pursuant to Parts 30, 40, and 70 of this chapter.	Routine	No inspections conducted.
	Non-Routine	No inspections conducted.
10. Transportation of radioactive material:		
A. Evaluation of spent fuel casks, packages, and shipping containers		No inspections conducted.
11. Review of standardized spent fuel facilities		No inspections conducted.
12. Special projects		No inspections conducted.

[1] Where a licensee holds more than one materials license at a single location, a fee equal to the highest fee category covered by the licenses will be assessed if the inspections are conducted at the same time, except in those instances where the inspection fees are based on the actual cost to conduct the inspection.
[2] Charge will be based on the expenditures for the professional staff time required to conduct the inspection multiplied by the rates shown in § 170.20 of this Part, plus any appropriate contractual support service costs incurred. These rates will be reviewed and adjusted annually as necessary to take into consideration increased or decreased costs to the Commission.
[3] Where a license authorizes shielded radiographic installations or manufacturing installations at more than one address, a separate fee will be assessed for inspection of each location, provided, however, that if the multiple installations are inspected during a single visit, a single inspection fee will be assessed.

Dated at Washington, D.C., this 15th day of November, 1982.

For the Nuclear Regulatory Commission.

John C. Hoyle,

Acting Secretary of the Commission.

[FR Doc. 82-31682 Filed 11-19-82; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration
14 CFR Part 39
[Docket No. 82-ANE-46]
Airworthiness Directives; Rolls-Royce RB211-22B-02, -524B-02, -524B3-02, -524B4-02, -524B2-19, and -524D4-19 Engines

AGENCY: Federal Aviation Adminstration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would reduce the cyclic life limit of certain high pressure (HP) compressor rotor stage 4 to 6 shaft assemblies. These are suspected to have suffered a reduction in material properties due to overtemperature during heat treating in manufacture. The reduction in properties could result in an undetectable loss of fatigue life. The shaft assemblies are currently used in Rolls-Royce, Ltd., RB211-22B-02, -524B-02, -524B3-02, -524B4-02, -524B2-19, -524C2-19, and -524D4-19 engines.

DATES: Comments must be received on or before December 15, 1982.

ADDRESSES: Send Comments on the proposed rule to: Federal Aviation

Administration, Office of the Regional Counsel, New England Region, Attn: Rules Docket No. 82-ANE-46, 12 New England Executive Park, Burlington, Massachusetts 01803.

A copy of the applicable Mandatory Service Bulletin,[1] Rolls-Royce RB211-72-6420, is on file in the Rules Docket at the above FAA address and may be obtained from Rolls-Royce Limited, P.O. Box 31, Derby, England.

FOR FURTHER INFORMATION CONTACT:

Henry Alden Jackson, Engine and Propeller Standards Staff (ANE-110), New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7330.

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. Information on the economic, environmental, and energy impact that might result because of adoption of the proposed rule is specifically requested. Communications should identify the AD docket number and be submitted in duplicate to the address specified above. All comments received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments received will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

Background: As a result of a vacuum furnace problem during manufacture, 60 HP compressor rotor stage 4 to 6 shaft assemblies, part number LK 73317, have entered service having been subject to the post-weld heat treatment that was in excess of the specified temperature. The effect of this overtemperaturing on the material properties in such that, at normal engine operating conditions, the material at the rim of the disks can suffer unacceptable creep/fatigue interaction with resultant loss of fatigue life and possible engine failure. Because it is not possible to identify the potentially affected assemblies by non-destructive inspection techniques, it is necessary to reduce the life limit for these assemblies. Appropriate action has been taken to prevent a recurrence of this problem.

Note.—No parts in service have reached the proposed reduced life limit

The action required by this AD has been declared a mandatory requirement by the United Kingdom Civil Aviation Authority (CAA).

List of Subjects in 14 CFR Part 39

Engines, Aircraft, Aviation safety.

The Proposed Amendment

Accordingly, the FAA proposes to amend §39.13 of Part 39 of the FARs (14 CFR 39.13) by adding the following new airworthiness directive:

Rolls-Royce, Ltd.: Applies to RB211-22B-02, -524B2-02, -524B3-02, -524B4-02, -524B2-19, -524C2-19, and -524D4-19 engines.

Compliance required as indicated.

To preclude possible engine failure due to improperly heat treated shafts, accomplish the following:

(a) Remove from service part number LK 73317 HP compressor rotor stage 4 to 6 shaft assemblies with serial numbers listed below on or before attaining 3,000 flight cycles in accordance with Rolls-Royce Service Bulletin RB211-72-6420, dated September 3, 1982.

Serial Numbers:

27298	27944-48, inclusive
27359	27952-54, inclusive
27599	28108-12, inclusive
27601	28114
27607	28116
27683	28118
27684-86, inclusive	28190
27689, 90	28192, 93
27712	28196
27716, 17	28198-204, inclusive
27719-21, inclusive	28206-09, inclusive
27838-46, inclusive	28211-13, inclusive

(b) Upon request of the operator, equivalent means of compliance with the requirement of this AD may be approved by the Manager, Aircraft Certification Division, Federal Aviation Administration, New England Region.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 154(a), 1421, 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.85, Federal Aviation Regulations (14 CFR 11.85)

Note.—The FAA has determined that this document involves a proposed regulation which is not a major regulation under Executive Order 12291 and is not a significant regulation under Deparment 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 operators of B-747 and L1011 aircraft in which RB211 engines are installed, none of which are believed to be small entities.

A draft regulatory evaluation has been prepared and placed in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption **"FOR FURTHER INFORMATION CONTACT."**

Issued in Burlington, Massachusetts, on November 3, 1982.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 82-31927 Filed 11-19-82; 8:45 am]

BILLING CODE 4910-13-M

[1] Bulletin filed with the original documents.

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14 CFR Part 71

[Airspace Docket No. 82-ASW-73]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Proposed Alteration of Transition Area and Control Zone: Hot Springs, AR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Aviation Administration proposes to alter the transition area and control zone at Hot Springs, AR.[1] The intended effect of the proposed action is to provide adequate controlled airspace for aircraft executing standard instrument approach procedures (SIAP's) to the Memorial Field. This action is necessary since a review of the designated airspace revealed that it is improperly described and in some cases excessive for the protection of aircraft.

DATES: Comments must be received on or before December 22, 1982.

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

[1] Airspace Docket No. 82-ASW-73 map was filed as part of the original.

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, Subparts G 71.181 and F 71.171, as republished in Advisory Circular AC 70-3 dated January 29, 1982, contains the description of transition areas and control zones designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Alteration of the transition area and control zone at Hot Springs, AR, will necessitate an amendment to these subparts. This amendment will be required at Hot Springs, AR, since the review of controlled airspace in that area revealed the designated airspace is not properly described.

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 decision 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-73." 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 Manager, 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.

List of Subjects in 14 CFR Part 71

Control zones, Transition areas.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend §§ 71.181 and 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Subpart G 71.181

Hot Springs, AR [Revised]

That airspace extending upward from 700 feet above the surface with an 8.5-mile radius of Memorial Field (latitude 34°28'41" N., longitude 93°05'46" W.) and within 5 miles each side of the 235° bearing of the LOM extending from the 8.5-mile radius area to 16 miles southwest of the LOM.

Subpart F 71.171

Hot Springs, AR [Revised]

Within a 5-mile radius of Memorial Field (latitude 34°28'41" N longitude 93°05'46" W.) and within 2.5 miles each side of the Hot Springs VOR 242° radial extending from the 5-mile radius area to 7 miles southwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

(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 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 Fort Worth, TX, on November 10, 1982.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 82-31894 Filed 11-19-82; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 802-3091]

Heatcool, Inc.; Proposed Consent Agreement 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, this consent agreement, accepted subject to final Commission approval, would require a Eugene, Oreg. manufacturer and seller of plastic storm windows among other things, to cease making false or unsubstantiated representations concerning the insulating properties of Heatcool plastic storm windows or any insulating or energy savings device. Further, the company would be required to: (1) Notify its distributors that Heatcool plastic storm windows do not insulate better than comparable glass windows, and that the window's insulating value is R-1.93; and, (2) include this information is all advertising and promotional literature for a period of one year. The company would also be required to recall promotional and advertising materials which misrepresent the insulating value of Heatcool storm window systems.

DATE: Comments must be received on or before January 21, 1983.

ADDRESS: Comments should be directed to: FTC/S, Office of the Secretary, Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Laurence O. Masson, Acting Director, 10R, Seattle Regional Office, Federal Trade Commission, 28th Floor, Federal Bldg., 915 Second Ave., Seattle, WA 98174. (206) 442-4655.

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 principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

List of Subjects in 16 CFR Part 13

Storm windows, Trade practices.

Before the Federal Trade Commission

In the Matter of Heatcool, Incorporated, a corporation, File No. 802-3091, Agreement Containing Consent Order to Cease and Desist.

Recitals

The Federal Trade Commission has commenced investigating certain acts and practices engaged in by Heatcool, Incorporated ("Heatcool"), an Oregon corporation, Heatcool ("proposed respondent") is willing to agree to an order to cease and desist from engaging in the acts and practices being investigated.

Agreement

1. Heatcool admits all jurisdictional facts set forth in the attached complaint.

2. Heatcool waves: (1) Any further procedural steps; (2) the requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and (3) all rights to seek judicial review or two otherwise callenge the order entered into pursuant to this agreement.

3. The agreement shall not become part of the public record unless and until it is accepted by the Commission. If the Commission accepts the agreement, the agreement, together with the attached complaint and any related material, will be placed on the public record for a period of sixty days pursuant to Commission Rule § 2.34. At this time, the agreement and information relating to the agreement will be publicly released. Following the sixty day period, the Commission may either reject or accept the agreement.

4. If the Commission rejects the agreement, it will notify the proposed respondent of the rejection and take such action as it deems appropriate. This action may include but is not limited to issuing and serving a complaint in such form as circumstances require.

5. If at the close of the sixty day period the Commission accepts the agreement, the Commission may, without further notice to the proposed respondent: (1) Issue a complaint corresponding in form and substance with the complaint attached to this agreement; (2) issue its decision containing the cease and desist order attached to this agreement; and (3) make public any information relating to the agreement.

6. If the Commission issues the draft complaint and cease and desist order, the cease and desist order will have the same force and effect and may be altered, modified, or set aside in the same manner within the same time period provided by statute for all other orders. The order shall become final upon service. Delivering the complaint and decision containing the order as set forth in this agreement through the United States mail shall constitute service, and respondent waives all rights to any other service.

7. The complaint may be used to construe the terms of the order. 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.

8. Heatcool may be required to file one or more compliance reports showing it has fully complied with the order. Heatcool will also be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

9. This agreement is for settlement purposes only and does not constitute an admission for Heatcool that the law has been violated as alleged in the attached complaint.

Order

Applicability of the Order

References in this order to Heatcool apply to any of Heatcool's successors, assigns officers, agents, or employees. The order applies to any subsidiary, division, or other entity related to Heatcool and to Heatcool's advertising, displaying, offering for sale, sale or distribution of Heatcool plastic storm windows or other insulation or energy saving device.

Order Provisions

I. It is ordered that Heatcool cease and desist from representing, directly or by implication, that:

A. Heatcool's plastic storm windows have an insulation value of R-9.17.

B. Heatcool's plastic storm windows insulate approximately four times better than comparable glass storm windows.

C. Demonstrations relating to specific heats show relative insulating values.

II. It is further ordered that Heatcool cease and desist from: Making any representation, directly or by implication, regarding the insulating properties of its plastic storm windows or other insulating or energy saving device, unless, at the time the representation is made, it has a reasonable basis in competent scientific tests to believe that the representation is true. For purposes of testing storm windows, a reasonable basis shall consist of tests performed by an accredited lab and shall take into account any information that contradicts or qualifies the tests.

III. It is further ordered that Heatcool immediately recall from all persons or entities that have engaged in advertising, promotion, sale or distribution of its storm windows in the last six months all advertising and promotional materials which represent that Heatcool storm window systems have a total insulating value in excess of R-1.93 or that represent that Heatcool storm windows insulate better than comparable glass storm windows.

IV. It is further ordered that Heatcool prepare and send to all distributors who may reasonably be expected to have purchased Heatcool storm windows within the last six months a clear statement that Heatcool storm windows have an insulating value of R-1.93 and that the windows do not insulate better than comparable glass storm windows.

V. It is further ordered that Heatcool include in its advertising and promotional materials, for the twelve month period after the order becomes effective, a clear and conspicuous statement that Heatcool storm window systems have an insulating value of R-1.93 and do not insulate better than comparable glass storm windows.

VI. It is further ordered that Heatcool maintain complete business records of its compliance with this order. Heatcool shall retain each record for at least three years. Records which provide a reasonable basis for representations of the insulating or energy saving properties of Heatcool products shall be retained for at least two years after the last dissemination of any representation which relies on the records. Heatcool shall make these records, or a photocopy of these records, available to any authorized representative of the Federal Trade Commission within fourteen days after the representative requests the documents.

VII. It is further ordered that Heatcool deliver a copy of this order to each of its

distributors, operating divisions, and affiliated businesses.

VIII. It is further ordered that Heatcool notify the Commission at least thirty days prior to any change in its corporate structure or in its ownership which may affect compliance obligations under this order.

Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Heatcool, Inc.

The proposed consent order has 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 agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The complaint alleges that Heatcool misrepresented the insulating value of its magnetic sealing storm windows from October 1979 to the present. Heatcool claimed that its storm windows had an insulating value of R–9.17; that its storm windows were approximately four times more effective than glass storm windows; and that its storm windows could reduce heat loss of single glaze windows by a factor of 10. (R-values measure resistance to heat flow; the higher the R-value, the better the insulating power.)

An independent, accredited testing laboratory, Dynatherm Engineering, tested Heatcool's storm windows and found their insulating value to be R–1.93. A copy of Dynatherm's test results is attached to this complaint.

The complaint also alleges that Heatcool lacked substantiation for its claims about its windows' insulating value and possessed persuasive evidence that its storm windows were not superior to comparable glass storm windows. It had received an insulating rating of its storm windows from Martin Processing, manufacturer of LLumar, the basic component of the storm windows. This rating was under R–2.

The complaint alleges that Heatcool refused to accept Martin's insulating value and contracted with Northwest Testing Laboratories, and independent testing lab not accredited for purposes of testing thermal insulation value of storm windows.

Northwest Testing Laboratories found the insulating value of a window *and* a Heatcool storm window to be R–9.17 but, it advised Heatcool that the result could not be used to advertise the storm windows because the test conditions were abnormal.

The third count of the complaint alleges that Heatcool put on or encouraged its distributors to put on phony demonstrations ostensibly showing that its plastic storm windows were superior to conventional glass storm windows.

The consent order requires Heatcool to cease and desist from misrepresenting the insulating value of its storm windows. In the future, Heatcool must possess a reasonable basis to believe that any representations regarding the insulating properties of its storm windows or other insulating or energy saving device is true. A reasonable basis shall consist of tests performed by an accredited lab and shall take into account information that contradicts or qualifies the tests.

Heatcool must recall its promotional literature which represents its storm windows have an R-value greater that R–1.93 from its distributors who have advertised or promoted the storm windows in the last six months. Heatcool storm must also prepare and send to its distributors who purchased the storm windows within the last six months a clear statement that Heatcool windows have an insulating value of R–1.93 and that the windows do not insulate better than comparable glass storm windows. In addition, Heatcool must include in all its advertising and promotional materials for twelve months after this order becomes final a clear and conspicuous statement that Heatcool storm windows have an insulating value of R–1.93 and do not insulate better than comparable glass storm windows.

The purpose of this analysis is to facilitate public comment on the proposed order and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Carol M. Thomas,

Secretary.

[FR Doc. 82-31917 Filed 11-19-82; 8:45 am]

BILLING CODE 6750-01-M

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16 CFR Part 13

[File No. 811 0158]

Canada Cement Lafarge Ltd., et al.; Correction

AGENCY: Federal Trade Commission.

ACTION: Correction.

SUMMARY: This document corrects the Commission document on Canada Cement Lafarge, Ltd., et al., previously published in the **Federal Register** on Wednesday, August 25, 1982. The version published did not reflect certain deletions and subsequent renumbering of parts agreed to by respondents and the Commission prior to acceptance, subject to final approval, of the proposed consent agreement by the Commission.

DATE: The corrections are effective November 22, 1982.

FOR FURTHER INFORMATION CONTACT: FTC/CS–7, Richard L. Rosen, Washington, D.C. 20580. (202) 724–1155.

SUPPLEMENTARY INFORMATION: In FR Doc. 82–23382, appearing in the **Federal Register** issue for Wednesday, August 25, 1982, 47 FR 37249, the following changes should be made:

On page 37250, middle column, remove paragraph "g." and reletter paragraphs "h."–"j.", accordingly. On the same page, third column, delete section "VI" and renumber sections "VII"–"XIII", accordingly.

Also, on page 37251, first column, under section "XII" (to be renumbered "XI"), eighth line, delete the words "oilwell cement".

Carol M. Thomas,

Secretary.

[FR Doc. 82-31970 Filed 11-19-82; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Parts 230, 640, and 642

[FHWA Docket No. 82–19]

Equal Employment Opportunity on Federal and Federal-Aid Construction Contracts (Including Supportive Services); Report Requirements

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would amend FHWA regulations on recordkeeping and reporting requirements for on-the-job training on Federal-aid construction contracts. The proposed amendments would no longer require contractors to submit the Federal-Aid Highway Construction Contractor's Semi-Annual Training Report (OMB No. 2125–0021) and would no longer require State highway agencies to complete and submit the Federal-Aid Highway Construction Semi-Annual Training Report (OMB No. 2125–0021). In addition, the specific recordkeeping requirement and documentation of contractor performance under the training special

provision would be eliminated. The proposed amendments are intended to eliminate unnecessary and burdensome recordkeeping and reporting requirements currently being imposed on State highway agencies and construction contractors.

DATE: Comments must be received on or before December 22, 1982.

ADDRESS: Submit written comments, preferably in triplicate, to FHWA Docket No. 82–19, Federal Highway Administration, Room 4205, HCC–10, 400 Seventh Street SW., Washington, D.C. 20590. All comments received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m. ET, Monday through Friday. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard..

FOR FURTHER INFORMATION CONTACT: Mr. Paul E. Cunningham, Chief, Construction and Maintenance Division, Office of Highway Operations, (202)426–4847, or Mr. Jerry Boone, Office of the Chief Counsel, (202)426–0761, Federal Highway Administration, 400 Seventh Street SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday Through Friday.

SUPPLEMENTARY INFORMATION: Pursuant to the FHWA's equal employment opportunity program, as implemented by 23 CFR Part 230, Subpart A, Federal and-Federal-aid highway construction contracts are subject to certain on-the-job training provisions. Section 230.121 presecribes the recordkeeping and reporting requirements relative to the training provisions of Federal-aid highway construction contracts and is the subject of this proposed amendment.

Section 230.121(d) provides that State highway agencies are to require contractors subject to the training special provision to maintain records of training on each trainee. It further requires that the contractor complete a semi-annual report, Form FHWA–1409, Federal-Aid Highway Construction Contractor's Semi-Annual Training Report, for each trainee receiving training under the special provision. The contractor is to submit two copies each of the semi-annual reports to the State highway agency and is to furnish the original of the report to the trainee. The State highway agency reviews the reports and transmits one copy of each to the FHWA.

Section 230.121(d) also requires each State highway agency to complete a semi-annual report, Form FHWA–1410, Federal-Aid Highway Construction Semi-Annual Training Report, summarizing the individual training reports (Form FHWA–1409) submitted by the contractors. The completed report is submitted to the FHWA.

As part of the FHWA's effort to carry out an internal Cost Avoidance, Reduction, Efficiency, and Effectiveness (CARE) program, these recordkeeping and reporting requirements were reviewed for their effectiveness. With respect to the reporting requirement, it was determined that, although the information received on these reports has been useful in addressing issues related to employment and training, the current reporting efforts are excessive and unnecessary. Elimination of the reporting requirement would not adversely impact other areas of the equal employment opportunity program as the reports are not used for any related purposes, e.g., contract compliance determinations or FHWA's annual report to Congress on the status of civil rights and equal opportunity programs.

An evaluation of the preparation costs of these two reports indicates that an annual cost savings of approximately $108,000 could be realized. Of the total amount, approximately $84,000 is attributed to Form FHWA–1409 and $24,000 is the estimated cost for preparing and handling Form FHWA–1410.

The estimate for Form FHWA–1409 is based on data from the calendar year 1980. A total of 4,400 persons received training during 1980 with approximately 85 percent (.85) having worked during both (2) reporting periods. The person-hour effort required by the contractor for preparation of each form was approximately one-fourth (.25) hour, while approximately one-half (.50) hour was necessary for review and handling by the State highway agency. Thus, the total effort expended for Form FHWA–1409 was roughly 5,600 hours: (4,400 Reports X .85 X .75 Hours for preparation, review and handling X 2). At a rate of $15 per hour the estimated annual cost is $84,000 (5,600 hours X $15).

Person-hours expended in connection with Form FHWA–1410 are estimated at 1,600 hours which break down as follows: average of 15 hours per State for preparation, average of one-half (.50) hour for review and handling by FHWA, and approximately 20 hours for summary of the 51 submissions by FHWA; (51 Reports X 15.5 Hours for preparation, review and handling X 2)+ 40 hours for summary=approximately 1,600 hours. At rate of $15 per hour the estimated annual cost is $24,000 (1,600 hours X $15).

It should be noted that the preparation time and review time for each of the forms vary considerably from contractor to contractor and State to State. The FHWA believes the average values used throughout the evaluation are very conservative. The FHWA is interested in receiving estimates of the resources necessary to prepare these forms.

In an effort to allow the State highway agencies more flexibility and to reduce Federal redtape, the FHWA also proposes to discontinue the recordkeeping requirement. Although FHWA does not have specific costs related to this recordkeeping requirement, it is believed to be substantial. Because some State highway agencies may continue to require the contractor to keep these records, an estimated cost savings cannot be provided.

Appendixes B, E, and F to Subpart A of Part 230 would be amended in accordance with this action to reflect the elimination of the recordkeeping and reporting requirements for on-the-job training.

Parts 640 and 642 would also be amended in accordance with this action. Part 640 provides for certification acceptance, an alternative procedure authorized by 23 U.S.C. 117, which allows State highway agencies to accomplish the policies and objectives of title 23, United States Code, with respect to the administration of certain Federal-aid highway projects using State laws and standards. Part 642 provides for a secondary road plan which is a statement setting forth the standards and procedures adopted by the State highway agency to be used in the administration of Federal-aid highway projects on the Federal-aid secondary system. The appendixes to Part 640 and Part 642 list Forms FHWA–1409 and FHWA–1410 as reports that may be included under certification acceptance and the secondary road plan, respectively. Accordingly, if this action is promulgated, Appendixes A to Part 640 and Part 642 would be amended to delete Forms FHWA–1409 and FHWA–1410 from the lists of covered reports.

Elimination of these reporting requirements would help reduce the administrative burden on contractors as well as States. The FHWA believes the revisions would have a positive economic impact on contractors and State highway agencies as well as the FHWA itself. It is not anticipated that these revisions would have a significant economic effect; therefore, a full regulatory evaluation is not required. For the foregoing reasons, under the criteria of the Regulatory Flexibility Act, it is certified that this action, if promulgated, will not have a significant economic impact on a substantial

number of small entities. The FHWA has determined that this document contains neither a major proposal under Executive Order 12291 nor a significant proposal under the DOT regulatory policies and procedures.

List of Subjects in 23 CFR Parts 230, 640, and 642

Certification, Equal employment opportunity, Government contracts, Highways and roads, Reporting requirements.

PART 230—[AMENDED]

In consideration of the foregoing and under the authority of 23 U.S.C. 101, 112, 117, 140, and 315, and 49 CFR 1.48(b), it is proposed that Chapter I, Parts 230, Subpart A; 640; and 642 of title 23, Code of Federal Regulations, be amended as set forth below.

§ 230.121 [Amended]

1. Amend § 230.121 by removing paragraph "(d)" and by redesignating existing paragraph "(e)" to read as the new paragraph "(d)";

Appendix B [Amended]

2. Amend Appendix B of Part 230, Subpart A by removing the last paragraph;

Appendix E [Removed]

3. Remove the heading of Appendix E from the table of sections in Part 230, Subpart A and remove the corresponding material from the subpart text;

Appendix F [Removed]

4. Remove the heading of Appendix F from the table of contents in Part 230, Subpart A and remove the corresponding material from the subpart text; and

Appendix G [Redesignated as Appendix E]

5. Redesignate existing Appendix G as Appendix E;

§ 230.115 [Amended]

6. Amend § 230.115 by removing the words "Appendix G" and inserting in their place the words "Appendix E";

PARTS 640 AND 642—[AMENDED]

Part 640, Appendix A and Part 642, Appendix A [Amended].

7. Amend Appendix A to Part 640 and Appendix A to Part 642 by removing the following lines:

"HHO—Federal-aid Highway Construction Contractor's Semiannual Training Report. FHWA–1409. SA. January 20, July 20. Contractors."

"HHO—Federal-aid Highway Construction Semiannual Training Report. FHWA–1410. SA. January 30, July 30. States.".

(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 November 12, 1982.

Ray Barnhart,

Federal Highway Administrator, Federal Highway Administration.

[FR Doc. 82–31778 Filed 11–19–82; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR–148–80]

Information Returns of Brokers; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document sets forth the full text of a previously published notice of public hearing (47 FR 51412 November 15, 1982, FR Doc. 82–31129) captioned as relating to barter transactions. The purpose of this notice is to clarify the subject of the hearing, which, as originally published, may have been misinterpreted as limiting discussion to barter transactions.

DATES: The public hearing will be held on January 27, 1983, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by January 14, 1983.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C. The outlines of oral comments should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR–148–80), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, 202–566–3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 6045 of the Internal Revenue Code of 1954, relating to information returns of brokers. The proposed regulations appeared in the **Federal Register** for Monday, November 15, 1982, (47 FR 51415). The purpose of this notice is to clarify the subject of the hearing, which, as originally published, may have been misinterpreted as limiting discussion to barter transactions.

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and also desire to present oral comments at the hearing on the proposed regulations should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by January 14, 1983.

Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

By direction of the Commissioner of Intrernal Revenue.

George H. Jelly,

Acting Director, Legislation and Regulations Division.

[FR Doc. 82–31914 Filed 11–19–82; 8:45 am]

BILLING CODE 4830–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–2–FRL 2238–7]

Approval and Promulgation of State Implementation Plans; Revision to the Virgin Islands Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This proposal announces receipt of a request from the Virgin Islands to revise its implementation plan. If approved by the Environmental Protection Agency (EPA), this revision will have the effect of allowing Martin Marietta Alumina and Hess Oil Virgin Islands Corporation, located on the Island of Saint Croix, to continue using fuel oil with a maximum sulfur content of 1.5 percent, by weight. The current

sulfur content limitation contained in the Virgin Islandss' regulations is 0.50 percent, by weigtht. Under the provisions of the Virgin Islands' submittal, the use of the higher sulfur content fuel oil would continue to be permitted for a maximum period of one year from the date of EPA's final approval.

A public hearing on this proposal was held by the Department of Conservation and Cultural Affairs of the Government of the United States Virgin Islands on August 31, 1982. Concurrently, EPA is proposing to approve the Virgin Island request contingent upon final adoption by the Virgin Islands of its proposal in a substantially unchanged form. This concurrent review, which EPA refers to as "parallel processing," is designed to expedite EPA action.

DATES: Comments must be received on or before December 22, 1982.

ADDRESSES: All comments should be addressed to: Jacqueline E. Schafer, Regional Administrator, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278.

Copies of the proposal are available for public inspection during normal business hours at:

Environmental Protection Agency, Air Programs Branch, Room 1005, Region II Office, 26 Federal Plaza, New York, New York 10278.

Government of the Virgin Islands of the United States, Department of Conservation and Cultural Affairs, Office of the Commissioner, Charlotte Amalie, St. Thomas, Virgin Islands 00801.

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278, (212) 264–2517.

SUPPLEMENTARY INFORMATION: On September 13, 1982 the Commissioner of the Virgin Islands Department of Conservation and Cultural Affairs submitted to the Environmental Protection Agency (EPA) a request to revise its implementation plan for attaining and maintaining national ambient air quality standards. The proposed revision deals with an administrative order which, if approved by EPA, would allow Martin Marietta Alumina (MMA) and Hess Oil Virgin Islands Corporation (HOVIC) to continue using fuel oil with a sulfur content of 1.5 percent, by weight, at certain of their fuel burning sources.

Both MMA and HOVIC are located in the Southern Industrial Complex on the Island of Saint Croix. Sources in this location currently are required by regulation to burn fuel oil with a maximum sulfur content of 0.50 percent, by weight. However, the regulation provides for a variance to this limit if the applicant can demonstrate that the use of a higher sulfur content fuel oil will not interfere with attainment and maintenance of national ambient air quality standards. Based on applications made in February 1980 and approved by EPA on May 2, 1980 (45 FR 29293) MMA and HOVIC have been permitted to burn 1.5 percent sulfur content fuel. The proposed revision is intended to continue this variance for one more year.

The submittal by the Virgin Islands consists of a letter indicating the Virgin Islands' intention to approve its proposed administrative order, a notice of a Virgin Islands' public hearing held on August 31, 1982 and a technical document prepared by MMA.

EPA has reviewed the technical material submitted by MMA and the Virgin Islands Government. Based on this review, EPA concurs with the Virgin Islands Government that no violations of national ambient air quality standards or Prevention of Significant Deterioration increments will occur if the Virgin Islands Implementation Plan revision is approved.

EPA's review of the material submitted by the Virgin Islands indicates that this revision will be approvable if it is not substantially changed from its presently proposed form. In the interest of expediting federal review, EPA is proposing approval of this implementation plan revision now, before final submittal of the revision to EPA by the Virgin Islands. EPA refers to this procedure as "parallel processing." If the revision currently proposed by the Virgin Islands is substantially altered as a result of the public review process, EPA will evaluate the approvability of the altered proposal and publish a revised notice of proposed rulemaking in the **Federal Register**. Alternatively, if it is determined based on public comment that substantial revision is not required, EPA will take final rulemaking action on today's proposal. While EPA encourages the public to participate in the Virgin Island's public review process, direct comment to EPA on today's proposal is also invited.

This notice is issued as required by Section 110 of the Clean Air Act, as amended, to advise the public that such comments may be submitted on or before (30 days from date of publication) on whether the proposed implementation plan revision should be approved or disapproved.

The Administrator's decision regarding approval or disapproval of this proposed implementation plan revision will be based on whether it meets the requirements of Section 110 of the Clean Air Act and EPA regulations at 40 CFR Part 51.

Under 5 U.S.C. Section 605(b), the Administrator has certified that implementation plan approvals do not have a significant economic impact on a substantial number of small entities (46 FR 8709; January 27, 1981).

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

List of Subjects in 40 CFR Part 52

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

Dated: October 22, 1982.

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

Jacqueline E. Schafer,

Regional Administrator, Environmental Protection Agency.

[FR Doc. 82-31930 Filed 11-19-82; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 3100, 3110, 3120, and 3130

Federal Oil and Gas Leasing; Opportunity for the Completion of Environmental Analysis by the Lease Applicant or the Applicant's Contractor To Expedite the Lease Issuance Process

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of final decision.

SUMMARY: By **Federal Register** notice published August 10, 1982, the Bureau of Land Management (BLM) requested comments regarding the opportunity for the applicant for a Federal oil and gas lease to complete necessary Environmental Assessments (EA's) or, where an Environmental Impact Statement (EIS) is required, for the applicant's contractor to prepare the EIS in accordance with the National

Environmental Policy Act of 1969 (NEPA) regulations at 40 CFR Parts 1500–1508.

Most comments opposed this option for several reasons. Some believe that the NEPA responsibilities belong to the Federal agencies and that such statutory duties may not be delegated to private parties by BLM. Several indicated that although the proposal is offered as "streamlining", in principle it is a shift in the burden of payments, and since there would be no cost to BLM, BLM may require an EA for every lease and an inordinate number of EIS's.

It is the belief of some commentors that an applicant prepared EA or an applicant's contractor prepared EIS would not be unbiased even with BLM's review and evaluation. Others were concerned that the veracity of applicant prepared environmental studies was more likely to be challenged, thereby slowing rather than speeding lease issuance.

All of the comments have been reviewed and considered. The Department has decided not to foreclose the option as authorized under 40 CFR Parts 1500–1508, and which frequently is utilized in permitting rights-of-way among other authorizations. The Department, nonetheless, will not require or actively encourage completion of environmental analyses for purposes of oil and gas lease issuance by applicants or their contractors. Such option would be exercised only at the express request of the prospective lessee.

FOR FURTHER INFORMATION CONTACT:
Marcia E. Rohn, (202) 343–7753.

Dated: November 2, 1982.

Robert F. Burford,

Director.

[FR Doc. 82-31715 Filed 11-19-82; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6449]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below and proposed changes to base flood elevations for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT:
Brian R. Mrazik, Ph.D., Federal Emergency Management Agency, National Flood Insurance Program, (202) 287–0230, Washington, D.C. 20472

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

List of Subjects in 44 CFR Part 67

Flood insurance, Floodplains.

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

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
California	Placer County (Unincorporated Areas)	Dry Creek (at Roseville)	375 feet downstream from center of Atkinson Street	*119
		Miners Ravine	25 feet upstream from center of Sierra College Boulevard.	*246
		Antelope Creek	100 feet upstream from center of Grange Avenue	*331
		Antelope Creek Tributary	25 feet upstream from center of Humphrey Road	*380
		Secret Ravine	100 feet upstream from center of King Road	*381
		Secret Ravine Tributary	20 feet upstream from center of Interstate Highway 80	*367
		Aguilar Road Tributary	25 upstream from center of Aguilar Road	*267
		Pleasant Grove Creek	25 upstream from center of Southern Pacific Railroad	*106
		Pleasant Grove Creek Tributary 1	20 feet upstream from center of State Highway 65	*109
		Pleasant Grove Creek Tributary 2	20 feet upstream from center of unnamed road	*118
		Pleasant Grove Creek Tributary 3	20 feet upstream from center of unnamed road	*119
		Sucker Ravine	500 feet upstream from confluence with Secret ravine	*235

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Orchard Creek	100 feet upstream from center of Industrial Avenue	*119
		Orchard Creek Tributary 1	20 feet upstream from center of Athens Avenue	*120
		Orchard Creek Tributary 2	20 feet upstream from center of State Highway 65	*128
		Orchard Creek Tributary 2-1	100 feet upstream from center of State Highway 65	*128
		Orchard Creek Tributary 2-2	20 feet upstream from center of unnamed road	*134
		Orchard Creek Tributary 3	25 feet upstream from center of State Highway 65	*129
		Auburn Ravine	20 feet upstream from center of Forgotten road	*1,004
		Dry Creek (Vicinity of Auburn)	25 feet upstream from center of Haines Road	*1,430
		Truckee River	50 feet upstream from center of Alpine Meadows Road.	*6,174
		Auburn Ravine (at Lincoln)	20 feet upstream from center of State highway 65	*150
		Ward Creek	30 feet upstream from center of State Highway 89	*6,250
		Clover Valley Creek	180 feet downstream from center of Sierra College Boulevard.	*496
	Mays available for inspection at Department of Public Works, 11444 B Avenue, Auburn, California. Send comments to the Honorable Larry Sevison, 175 Fulweiler Avenue, Auburn, California 95603.			
Idaho	Lapwa (City) Nez Perce County	Lapwai Creek	300 feet east from the intersedtion of Main Street and 2nd Street East.	*949
		Lapwai Creek Upper Overflow	At the intersection of Alder Avenue and 1st Street West.	*961
	Maps available for inspection at City Hall, Main Street, Lapwai, Idaho. Send comments to the Honorable Frank J. Murphy, P.O. Box 336, Lapwai, Idaho 83540.			
Idaho	Nez Perce County (Unincorporated areas)	Clearwater River	At intersection of river and U.S. Highway 95	*785
			At confluence with Big Canyon Creek	*948
		Lindsay Creek	70 feet upstream from center of Gun Club Road	*855
		Lindsay Creek Tributary	25 feet upstream from center of first crossing of Old Lapwai Road.	*1,035
		Tammany Creek	At center of intersection of County Road 456 and Tammany Creek Road.	*1,406
		Lapwai Creek	100 feet upstream from center of Sweetwater Road	*1,091
			100 feet upstream from center of Lyle Gulch Road	*1,389
		Lapwai Creek Lower Overflow	40 feet upstream from center of County Road 343	*882
		Lapwai Creek Upper Overflow	20 feet upstream from center of U.S. Highway 95	*973
		Mission Creek	40 feet upstream from center of Fountain Grade Road	*1,764
		Mission Creek Lower Overflow	At the divergence from Mission Creek	*1,519
		Mission Creek Upper Overflow	25 feet upstream from center of unnamed road	*1,575
		Big Canyon Creek	At intersection of Creek and Little Canyon Creek Road	*1,071
		Hatwai Creek	130 feet upstream from center of U.S. Highway 95	*768
		Potlatch River	25 feet upstream from center of County Road 220	*1,072
	Maps available for inspection at County Planning Office, Urban Renewal Building, Lewistown, Idaho. Send comments to the Honorable Robert L. Huddleston, P.O. Box 896, Lewistown, Idaho 83501.			
Illinois	(V) Eldred, Greene County	Hurricane Creek	About 0.5 mile downstream of Bluff Street	*443
			About 320 feet upstream of Bluff Street	*452
	Maps available for inspection at the Eldred Post Office, Eldred, Illinois. Send comments to Honorable Glenn Jones, Village President, Village of Eldred, Village Hall, Eldred, Illinois 62027.			
Illinois	(V) Florence, Pike County	Illinois River	About 0.92 mile downstream of U.S. Route 36 (at downsteam corporate limits).	*445
			About 0.14 mile upsteam of U.S. Route 36 (at upsteam corporate limits).	*445
	Maps available for inspection at the Florence at the Florence Village Hall, R. R. #1, Pittsfield, Illinois Send comments to Honorable Raymond Wade, Village President, Village of Florence, Florence Village Hall, R.R. #1 Pittsfield, Illinois 62363.			
Illinois	(V) Hardin, Calhoun County	Illinois River	Within corporate limit	*440
	Maps available for inspection at the Village Hall, Main and Water Streets, Hardin, Illinois. Send comments to Honorable William C. Horman, Village President, Village of Hardin, Village Hall, Main and Water Streets, Hardin, Illinois 62047.			
Illinois	(V) Hillview, Greene County	Illinois River	Within the corporate limits	*443
		Hurricane Creek	Just upstream of Main Street	*443
			About 1.07 miles upstream of Main Street	*455
	Maps available for inspection at the Office of the Clerk, Village Hall, Hillview, Illinois. Send comments to Honorable Robert Killebrew, Village President, Village of Hillview, Village Hall, Hillview, Illinois 62050.			
Illinois	(V) Kampsville, Calhoun County	Illinois River	Within the corporate limit	*441
	Maps available for inspection at the Village Hall, Kampsville, Illinois. Send comments to Honorable Robert Smith, Village President, Village of Kampsville, Village Hall, Kampsville, Illinois 62053.			
Illinois	(V) Valley City, Pike County	Illinois River	Just downstream of Norfolk and Western Railway (at downsteam corporate limit).	*445
			About .48 mile upstream of Norfolk and Western Railway (at upstream corporate limit).	*446
	Maps available for inspection at the Village Hall, Route 2, Griggsville, Illinois. Send comments to Honorable Delford R. Tooley, Village President, Village of Valley City, Village Hall, Route 2, Griggsville, Illinois 62363.			
Indiana	(Uninc.) Hamilton County	White River	About 1.0 mile downstream of East 211th Street	*771
			Just downstream of Indiana Route 13	*803

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Duck Creek	At confluence with White River	*783
			Just downstream of County Line Road	*823
		Bear Creek	At confluence with Duck Creek	*788
			Just upstream of East 266th Street	*821
			About 300 feet downstream of County Line Road	*846
		Stony Creek	About 0.38 mile downstream of State Highway 38	*771
			Just downstream of East 198th Street	*781
Maps available for inspection at the Hamilton County Courthouse, Noblesville, Indiana.				
Send comments to Honorable Jere Roudebush, Chairman of the County Commissioners, Hamilton County, Hamilton County Courthouse, Noblesville, Indiana 46060.				
Indiana	(T) Leavenworth, Crawford County	Ohio River	Within the community	*431
Maps available for inspection at the Town Hall, Leavenworth, Indiana.				
Send comments to Honorable Gerald Apple, Town Board President, Town of Leavenworth, Town Hall, Leavenworth, Indiana 47137.				
Louisiana	Unicorporatd Areas of Plaquemines Parish	Runoff Ponding	Approximately 1,000 feet north of the intersection of State Highway 39 and the Lorez Canal	*2.0
			Approximately 100 feet northeast of the Ollie Canal pumping station.	*1.0
			Confluence of Agusta Canal with Barnere Bayou	*1.0
			About 3,000 feet northwest of the Belle Chasse State School.	*1.0
			Intersection of State Road 3,017 and the New Orleans and Lower Coast Railroad.	*−2.0
		Gulf of Mexico	Along east levee of the Mississippi River and State Highway 39, approximately 1,500 feet east of Woodlawn School.	*3.0
			Along east levee of the Mississippi River and State Highway 39 at Bertrandville Cemetary	*3.0
			Just south of State Highway 39 at Braithwaite Park Airfield.	*5.5
			Along State Highway 23 at Boothville	*13.0
			Along State Highway 23 at Triumph	*14.0
			Along west levee of the Mississippi River and State Highway 23 at the Sunrise High School	*14.0
			Just northwest of the bridge over the Doullut Canal at State Highway 23.	*14.0
			At Socola Canal and State Highway 23	*13.0
			At State Highway 23 and the Shell Road that leads to the Ferry Landing at West Pointe a la Mache	*7.0
			Just south of the Mississippi west levee at Point Celeste.	*5.0
			Just west of Wilkinson Canal at Timber Canal	*0.0
			Entire Shoreline of Little Lake Batola	*20.0
			Confluence of Bayou Dulac and Pipeline Canal near Bay Sansbois.	*17.0
			Entire Shoreline of Carencro Bay	*19.0
		Mississippi River	North of Port Sulfer at Mississippi River Mile 42	*14
			South of Ostrica Lock at Mississippi River Mile 25	*14
			North of Venice at Mississippi River Mile 11	*13
Maps available for inspection at Commissioner Kirby's Office, Plaquemines Parish Courthouse, Point a la Maches, Lusisiana 70083				
Send comments to Commissioner Michael E. Kirby, Plaquemines Parish President, Plaquemines Parish Courthouse, Point a la Mache, Louisiana 70083.				
Massachusetts	Middleborough, Town, Plymouth County	Nemasket River	At Murdock Street	*25
			U.S. Route 44 downstream	*27
			East Main Street upstream	*35
			Downstream Wareham Street	*47
			East Grove Street upstream	*54
			Downstream Assawompset Pond Dam	*55
Maps available for inspection at the Town Hall, Nickerson Avenue, Middleborough, Massachusetts.				
Send comments to Honorable Anders Martenson, Jr., Middleborough Town Manager, Nickerson Avenue, Middleborough, Massachusetts 02346.				
Minnesota (uninc.)	Polk County	Red River of the North	At Northern County Boundary	*813
			Just downstream of County Highway 9	*842
		Red Lake River	About 4.2 miles downstream of County Highway 58	*832
			About 5.4 miles upstream of County Highway 58	*833
			About 8.8 miles downstream of U.S. Highway 75	*848
			About 1.6 miles downstream of U.S. Highway 75	*858
			About 9.6 miles upstream of U.S. Highway 75	*876
		Burnham Creek	About 1.6 miles downstream of County Highway 217	*856
			Just upstream of County Highway 14	*872
			Just downsteam of State Highway 9	*892
		Burnham Creek Tributary	Confluence with Burnham Creek	*858
			Just upstream of County Highway 217	*862
			Just upstream of unnamed County Highway (about 1.2 miles downstream of County Highway 45).	*869
			Just downstream of County Highway 14	*877
		Judicial Ditch 15	Confluence with Burnham Creek	*879
			Just upstream of County Highway 45	*880
			Just downstream of State Highway 9	*888
		Snake River	About 2,000 feet upstream of County Highway 104	*835
			About 1,200 feet upstream of Burlington Northern Railroad.	*857
			About 100 feet upstream of Second Street (in City of Warren).	*858

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Shallow Flooding	Within Sections 11, 14, 27, & 34 T154N, R49W	*820
			Within Sections 23 & 26 T154N, R49W	*821
			Within Sections 12 & 13 T154N, R49W	*823
			Within Section 15 T153N, R49W	*824
			Within Sections 35 T154N, R49W & 2, 11, 14, & 29 T153N, R49W.	*825
			Within Sections 24 T154N, R49W; 22, 28, & 33 T153N, R49W & 18 &19 T154N, R48W.	*826
			Within Sections 25 T154N, R49W & 23, 27 & 34 T153N, R49W.	*827
			Within Section 30 T154N, R48W	*828
			Within Sections 36 T154N, R49W, 1, 12, 13, 26 & 35 T153N, R49W & 8 & 17 T154N, R48W.	*829
			Within Sections 24 T153N, R49W & 20 T154N, R48W	*831
			Within Sections 25 T153N, R49W & 31 T154N, R48W	*832
			Within Sections 6 T153N, R48W & 36 T153N, R49W	*833
			Within Sections 28, 29 & 32 T154N, R48W & 7 & 18 T153N, R48W.	*834
			Within Sections 19, 30, and 31, T153N, R48W	*835
			Within Sections 16 and 21 T154N, R48W	*836
			Within Sections 33 T154N, R48W and 5 T153N, R48W.	*837
			Within Section 32 T153N, R48W	*838
			Within Section 8 T153N, R48W	*839
			Within Sections 15 and 22 T154N, R48W and 28 and 29 T153N, R48W.	*840
			Within Sections 27 and 34 T154N, R48W and 4, 17 and 20 T153N, R48W.	*841
			Within Section 9 T153N, R48W	*842
			Within Sections 3 and 16 T153N, R48W	*843
			Within Sections 35 T154N, R48W and 10 and 21 T153N, R48W.	*844
			Within Sections 14, 23 and 26 T154N, R48W and 2, 11, 15, 22, 27 and 34, T153N, R48W.	*846
			Within Sections 14, 23, 26 and 35 T153N, R48W	*848
			Within Sections 25 T154N, R48W	*849
			Within Sections 13 and 36 T154N, R48W and 12 and 13 T153N, R48W.	*850
			Within Sections 24 T154N, R48W and 24 T153N, R48W.	*851
			Within Sections 31 T154N, R48W, 6 T153N, R47W and 25 T153N, R48W.	*852
			Within Section 19 T153N, R47W	*853
			Within Sections 36 T153N, R48W and 31 T153N, R47W.	*854
			Within Sections 18, 19 and 30 T154N, R47W, 18 and 30 T153N, R47W and 25 T153N, R48W.	*856
			Within Section 8 T153N, R47W	*859
			Within Sections 32 T154N, R47W, 4, 5, 17, 20 and 29 T153N, R47W.	*860
			Within Sections 29 T154N, R47W and 32 T153N, R47W.	*861
			Within Sections 9, 28 and 33 T153N, R47W	*866
			Within Sections 16 and 21 T153N, R47W	*867
			Within Section 34 T153N, R47W	*870
			Within Section 27 T153N, R47W	*871
			Within Section 22 T153N, R47W	*872

Maps available for inspection at County Assessor's Office, 600 North Broadway, Crookston, Minnesota.

Send comments to Honorable Marvin Reitmeier, Chairman of the County Board, Polk County, Polk County Courthouse, P.O. Box 554, 600 North Broadway, Crookston, Minnesota 56716.

Missouri	(Uninc.) Jackson County	Sni-A-Bar Creek	At County Boundary	*740
			About 800 feet upstream of Illinois Central Gulf Railroad.	*776
			Just upstream of Colbern Road	*811
			About 150 feet downstream of Falkenberry Road	*839
		Tributary No. S-1	Just upstream of County Highway 24E	*753
			About 0.60 mile upstream of Jim Owens Road	*810
		Tributary No. S-2	Mouth at Sni-A-Bar Creek	*753
			Just upstream of Jim Owens Road	*763
			About 0.76 mile upstream of Jim Owens Road	*788
		Tributary No. S-3	Mouth at Sni-A-Bar Creek	*755
			About 2,100 feet upstream of Interstate 70	*794
		Tributary No. S-3A	About 600 feet downstream of Jim Owens Road	*755
			About 0.86 mile upstream of Jim Owens Road	*788
		Tributary No. S-4	Mouth at Sni-A-Bar Creek	*767
			Just downstream of Pink Hill Road	*798
			About 1,200 feet upstream of Pink Hill Road	*804
		Tributary No. S-5	Mouth at Sni-A-Bar Creek	*819
			Just upstream of Brown Road	*878
			Just downstream of Buckner-Tarsney Road	*956
		West Fork Sni-A-Bar Creek	Mouth at Sni-A-Bar Creek	*793
			About 1.29 miles upstream of Buckner-Tarsney Road	*819
			At Village of Lake Lotawana corporate limits	*636
		Blue Branch	Mouth at Sni-A-Bar Creek	*777
			Just downstream of U.S. Highway 40	*792
			Just upstream of U.S. Highway 40	*797
			Just upstream of County Highway AA	*804

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			About 200 feet downstream of Ryan Road	*828
		Tributary No. B-1	Just downstream of Illinois Central Gulf Railroad	*800
			At the City of Blue Springs corporate limit	*829
		Tributary No. B-2	Just upstream of U.S. Highway 40	*806
			At the City of Blue Springs corporate limit (About 0.7 0.7 mile upstream of Interstate 70).	*849
		Swiney Brach	Just upstream of Seymour Road	*773
			Just downstream of Rust Road	*789
			Just upstream of Rust Road	*794
			Just upstream of Dillingham Road	*822
			About 0.57 mile upstream of Tyler Road	*860
		Swiney Branch Tributary	Mouth at Swiney Branch	*784
			About 0.78 mile upstream of Rust Road	*816
			About 150 feet downstream of Dillingham Road	*840
		Horsehoe Creek	Mouth at Sni-A-Bar Creek	*743
			At County Boundary	*763
		Tucker Branch	Mouth at Sni-A-Bar Creek	*747
			Just upstream of Pink Hill Road	*757
			Just downstream of County Highway FF	*824
		Tucker Branch Tributary	Mouth at Tucker Branch	*770
			Just upstream of Borgman Road	*778
			Just downstream of Truman Road	*779
			Just upstream of Truman Road	*785
			About 1.23 miles upstream of Truman Road	*819
		Seminary Creek	Mouth at Sni-A-Bar Creek	*742
			About 1.42 miles upstream of Truman Road	*781
		West Fire Prairie Creek	Just upstream of County Highway FF	*773
			Just downstream of Argo Road	*799
		West Branch Crawford Creek	About 2,150 feet downstream of Stringtown Road	*898
			Just upstream of Outer Belt Road	*918
			About 2,000 feet upstream of R. F. Gammon Road	*957
		Tributary No. C-2	Mouth at West Branch Crawford Creek	*906
			Just downstream of Outer Belt Road	*916
			About 200 feet upstream of Outer Belt Road	*923
			About 2,000 feet upstream of Outer Belt Road	*938
		Tributary No. C-1	Mouth at Tributary No. C-2	*907
			Just downstream of Outer Belt Road	*911
			Just upstream of Outer Belt Road	*916
			About 1.6 miles upstream of Outer Belt Road	*947
		Missouri River	About 4.0 miles downstream of Atchison, Topeka and Santa Fe Railroad.	*712
			About 0.4 mile upstream of State Highway 291	*735
		Mill Creek	About 0.8 mile downstream of Quarry Road	*774
			About 740 feet upstream of Quarry Road	*803
		Fire Prairie Creek	About 1.0 mile downstream of O'Donnell Road	*723
			About 630 feet of U.S. Highway 24	*732
		Horseshoe Creek Tributary	About 0.8 mile downstream of County Highway F	*793
			About 0.5 mile downstream of County Highway F	*805

Maps available for inspection at the County Planning and Zoning Office, First Floor, County Courthouse (Annex), 306 West Kansas, Independence, Missouri.
Send comments to Honorable Dale Baumgardner, County Executive, Jackson County, 415 East 12th, Room 200, Kansas City, Missouri 64106.

New Jersey	Bayonne, city, Hudson County	Upper New York Bay	Entire shoreline within community	*10
		Kill Van Kull	At the confluence of Upper New York Bay	*10
			2.0 miles upstream of the Bayonne Bridge	*9
			Upstream of the Bayonne Bridge	*8
		Newark Bay	At the Newark Bay Bridge	*10
			0.6 mile downstream of the Newark Bay Bridge	*9
			0.5 mile upstream of Shooters Island	*9
			At Shooters Island	*8

Maps available for inspection at the Municipal Building, 630 Avenue C, Bayonne, New Jersey.
Send comments to Honorable Dennis P. Collins, Mayor of Bayonne, 630 Avenue C, Bayonne, New Jersey 07002.

New Jersey	Bound Brook, Borough, Somerset County	Raritan River	At confluence of Green Brook	*33
			At confluence of Middle Brook	*36
		Green Brook	At confluence with Raritan River	*33
			At upstream corporate limits	*34
		Middle Brook	At confluence with Raritan River	*36
			Downstream Talmadge Avenue	*40
			Downstream West Union Avenue	*50
			At upstream corporate limits	*65

Maps available for inspection at the Borough Hall, 110 Hamilton Streets Bound Brook, New Jersey.
Send comments to Honorable George Plesa, Mayor of Bound Brook, 110 Hamilton Street, Bound Brook, New Jersey 08805.

New Jersey	Brielle, Borough, Monmouth County	Atlantic Ocean	Entire shoreline of Manasquan River	*10
			Glimmer Glass shoreline from confluence with Manasquan River to CONRAIL crossing.	*10
			Glimmer Glass shoreline upstream of CONRAIL crossing.	*8

Maps available for inspection at the Municipal Building, 601 Union Lane, Brielle, New Jersey.
Send comments to Honorable Walter H. Mercy, Mayor of Brielle, 601 Union Lane, Brielle, New Jersey 08730.

New Jersey	Lumberton (township), Burlington County	South Branch Rancocas Creek	Center of intersection of Main and Church Streets	*11

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Southwest Branch Rancocas Creek	150 Feet upstream from center of Stacy Haines Road	*13
		Masons Creek	100 feet upstream from center of Airport Runway	*39
		Little Creek	50 feet upstream from center of Eayrestown Road	*17
		Bobbys Run	50 feet upstream from center of Lumberton Newbolds Corner Road.	*11
		Tributary to South Branch Rancocas Creek	150 feet upstream from center of Crispin Road	*19
Maps available for inspection at the Municipal Building, Newbolds Corner Road, Lumberton, New Jersey.				
Send comments to Honorable Richard Bohlen, Newbolds Corner Road, Lumberton, New Jersey 08048.				
New Jersey	River Edge, Borough, Bergen County	Hackensack River	Upstream corporate limits	*12
			River Edge Road (downstream side)	*10
			New Bridge Road	*9
		Coles Brook	Confluence with Hackensack River	*9
			Johnson Avenue (downstream side)	*12
			Confluence of Van Saun Mill Brook	*16
		Van Saun Mill Brook	Confluence with Coles Brook	*16
			Howland Avenue (downstream side)	*28
			Access Road upstream of Herring Brook (downstream side).	*32
			Continental Avenue (upstream side)	*45
Maps available for inspection at the Borough Hall, 705 Kinderkamack Road, River Edge, New Jersey.				
Send comments to Honorable William Doyle, Mayor of River Edge, 705 Kinderkamack Road, River Edge, New Jersey 07661.				
New York	Altamont, Village, Albany County	Altamont Tributary 1	Severson Avenue (upstream side)	*477
			Approximately 1,020 feet upstream of Severson Avenue.	*535
			Upstream corporate limits	*631
		Altamont Tributary 2	Approximately 350 feet downstream of Delaware and Hudson Railroad.	*463
			Delaware and Hudson Railroad (downstream side)	*479
			Upstream corporate limits	*564
Maps available for inspection at the Village Hall, Main Street, Altamont, New York.				
Send comments to Honorable James P. Caruso, Mayor of Altamont, P.O. Box B–2, Altamont, New York 12009.				
New York	Avoca, Town, Steuben County	Cohocton River	Downstream corporate limits	*1,152
			Upstream of State Route 415	*1,172
			Upstream of westbound Interstate Route 390 (2nd crossing).	*1,210
			Upstream of Conrail (downstream crossing)	*1,231
			Upstream corporate limits	*1,238
		Goff Creek	Confluence with Cohocton River	*1,173
			Upstream of eastbound State Route 17	*1,194
			Approximately 4,750 feet upstream of eastbound State Route 17.	*1,230
			Approximately 4,000 feet downstream of County Route 69.	*1,260
			Downstream of County Route 69	*1,291
			Upstream corporate limits	*1,308
		Castle Creek	Confluence with Cohocton River	*1,224
			Upstream of County Route 6	*1,244
			Upstream corporate limits	*1,271
Maps available for inspection at the Town Hall, Three Chase Street, Avoca, New York.				
Send comments to Honorable Delbert Thorsen, Supervisor of Avoca, Three Chase Street, Avoca, New York 14809.				
New York	Black Brook, Town, Clinton County	Ausable River	Downstream corporate limits	*504
			Confluence of West Branch Ausable River	*551
		West Branch Ausable River	Confluence with Ausable River	*551
			Downstream Old Bridge	*577
Maps available for inspection at the Town Hall, Main Street, Au Sable Forks, New York.				
Send comments to Honorable Roger Nelson, Supervisor of Black Brook, Box G, Au Sable Forks, New York 12912.				
New York	Cambria, Town Niagara County	East Branch Twelvemile Creek	Downstream corporate limits	*370
			Downstream side North Ridge Road	*374
		Bergholtz Creek	Upstream Raymond Road	*603
			Upstream side Baer Road	*615
Maps available for inspection at the Town Hall, 4160 Upper Mountain Road, Sanborn, New York.				
Send comments to Honorable John F. Kroening, Supervisor of Cambria, 4160 Upper Mountain Road, Sanborn, New York 14132.				
New York	Gloversville, City, Fulton County	Cayadutta Creek	At downstream corporate limits	*727
			Downstream of East Pine Street	*779
			Upstream of Lincoln Avenue	*807
			Downstream of West Eleventh Avenue	*843
		Tributary A	Confluence with Cayadutta Creek	*791
			Approximately 440 feet upstream of Rose Street	*825
Maps available for inspection at the Office of the City Clerk, City Hall, Frontage Road, Gloversville, New York.				
Send comments to Honorable Eugene Reppenhagen, Mayor of Gloversville, City Hall, Frontage Road, Gloversville, New York 12078.				

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New York	Harrietstown, Town, Franklin County	Saranac River	Entire shoreline within community	*1,537
Maps available for inspection at the Town Hall, 30 Main Street, Saranac Lake, New York. Send comments to Honorable Ronald B. Keough, Supervisor of Harrietstown, 30 Main Street, Saranac Lake, New York 12983.				
New York	Head-of-the-Harbor, Village, Suffolk County	Stony Brook Harbor	Shoreline at Shep Jones Lane extended	*14
			Shoreline west of intersection of Hithesbrook Road and Harbor Road.	*11
			Shoreline southwest of Thompson Alley extended	*14
Maps available for inspection by contacting the Village Clerk, M. B. L'Hommedieu, at (516) 584-5550. Send comments to Honorable Kate C. Lefferts, Mayor of Head-of-the-Harbor, 103 Harbor Road, St. James, New York 11780.				
New York	Jay, Town, Essex County	Ausable River	Approximately 3 miles downstream of confluence of West Branch Ausable River.	*503
			Approximately 1.4 miles downstream of confluence of West Branch Ausable River.	*524
			Confluence of West Branch Ausable River	*551
		East Branch Ausable River	Confluence with Ausable River	*551
			Approximately 300 feet upstream Jersey Bridge (County Route 9R).	*558
			Approximately 1 mile upstream Jersey Bridge	*572
		West Branch Ausable River	Confluence with Ausable River	*551
			Approximately 700 feet downstream of Old Bridge	*568
			Approximately 850 feet upstream of Old Bridge	*584
Maps available for inspection at the Town Hall located at the Community Center, Main Street, Au Sable Forks, New York. Send comments to Honorable Paul Savage, Supervisor of Jay, Main Street, Au Sable Forks, New York 12912.				
New York	Johnstown, City, Fulton County	Cayadutta Creek	Downstream corporate limits	*597
			Upstream of Main Street	*647
			Upstream of Miller Street	*682
			Upstream corporate limits	*727
		Hall Creek	Upstream of Pleasant Avenue	*653
			Confluence with Mathew Creek	*663
			Upstream corporate limits	*712
		Mathew Creek	Confluence with Hall Creek	*663
			Approximately 200 feet downstream of Oneil Avenue	*698
		Comrie Creek	Confluence with Hale Creek	*661
			Upstream of Comrie Avenue	*669
		Hale Creek	Confluence with Cayadutta Creek	*659
			Upstream of Jansen Avenue	*665
			Upstream corporate limits	*668
		Yost Creek	Confluence with Cayadutta Creek	*647
			Upstream of Wright Drive	*668
Maps available for inspection at the City Hall, 41 East Main Street, Johnstown, New York. Send comments to Honorable Donald F. Murphy, Mayor of Johnstown, 41 East Main Street, Johnstown, New York 12095.				
New York	Lexington, Town, Greene County	Schoharie Creek	Approximately 4,100 feet upstream Van Road	*1,382
			Van Road (upstream)	*1,367
			State Route 42 (upstream)	*1,335
			Confluence of West Kill	*1,316
			Approximately 5,100 feet upstream Mosquito Point Road.	*1,300
			Mosquito Point Road (upstream)	*1,280
			Approximately 5,600 feet upstream corporate limits	*1,250
			Downstream corporate limits	*1,226
Maps available for inspection at the Municipal Building, Lexington, New York. Send comments to Honorable Kenneth A. Becker, Supervisor of the Town of Lexington, Municipal Building, Lexington, New York 12452,				
New York	Middleport, Village, Niagara County	Johnson Creek	Approximately 400 feet downstream of downstream corporate limits.	*476
			Upstream of Church Street	*515
			Upstream corporate limits	*544
		Tributary J-1	At Kelly Street	*526
			Upstream corporate limits	*527
Maps available for inspection at the Village Hall, 24 Main Street, Middleport, New York. Send comments to Honorable Harold E. Mufford, Mayor of Middleport, P.O. Box 86, Middleport, New York 14105.				
New York	Poquott, Village, Suffolk County	Port Jefferson Harbor	Entire shoreline within community	*14
		Setauket Harbor	Shoreline north of Shore Road	*11
Maps available for inspection at the residence of the Village Clerk, Joseph Newfield, Three Harrison Avenue, Poquott, New York. Send comments to Honorable Otto A. Seeburg, Mayor of Poquott 22 Birchwood Avenue, East Setauket, New York 11733.				
New York	Silver Creek, Village, Chautauqua County	Lake Erie	Entire shoreline within community	*579
		Silver Creek	Confluence with Lake Erie	*579
			Upstream of Central Avenue (U.S. Route 20)	*591
			Upstream corporate limits	*607
		Walnut Creek	Confluence with Silver Creek	*579
			Upstream of Main Street	*597
			Upstream corporate limits	*607
Maps available for inspection at the Village Hall, 172 Central Avenue, Silver Creek, New York. Send comments to Honorable Harry Van Curen, Mayor of Silver Creek, 172 Central Avenue, Silver Creek, New York 14136.				
Ohio	(V) Aberdeen, Brown County	Ohio River	At confluence of Big Threemile Creek	*515

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			About 1,000 feet upstream of U.S. Route 62	*516

Maps available for inspection at the Mayor's Office, Village Hall, Aberdeen, Ohio. Send comments to Honorable Joseph Jensen, Mayor, Village of Aberdeen, Village Hall, P.O. Box 509, Aberdeen, Ohio 45101.

Ohio	(V) Addyston, Hamilton County	Ohio River	Within corporate limits	*493
		Muddy Creek	Within corporate limits	*493

Maps available for inspection at Mayor's Office, 235 Main Street, Addyston, Ohio. Send comments to Honorable Carole A. Kolb, Mayor, Village of Addyston, 235 Main Street, Addyston, Ohio 45001.

Ohio	(V) Darbydale, Franklin County	Big Darby Creek	About 0.74 mile downstream of Harrisburg Georgesville Road.	*807
			About 0.31 mile upstream of Harrisburg Georgesville Road.	*814

Maps available for inspection at the Clerk-Treasurer's Office, 7080 London-Groveport Road, Darbydale, Ohio. Send comments to Honorable Robert Knott, Mayor, Village of Darbydale, 7080 London-Groveport Road, Darbydale, Ohio 43123.

Ohio	(C) Grove City, Franklin County	Plum Run	Just upstream of London-Groveport Road	*720
			About 0.6 mile upstream of London-Groveport road	*734
		Grant Run	About 1.05 miles downstream of Borror Road	*726
			Just upstream of Borror Road	*762
			Just downstream of Interstate 71	*815
			Just upstream of Interstate 71	*821
			About 0.41 mile upstream of Interstate 71	*828
		Grant Run Tributary	About 0.25 mile downstream of Holton Road	*744
			About 400 feet downstream of Holton Road	*748
			Just upstream of Hoover Road	*809
			About 1,000 feet upstream of Orders Road	*828
		Brown Run	Just upstream of Hoover Run	*805
			Just upstream of Santa Maria Drive	*815
			Just upstream of Sheldon Place	*835
			Just downstream of Chessie System	*844
		Mulberry Run	Just upstream of Interstate 71	*760
			Just upstream of Hoover Road	*812
			Just upstream of Haughn Road	*836
		Marsh Run	Just upstream of Marlane Drive	*757
			Just downstream of U.S. Route 62	*813
			Just upstream of U.S. Route 62	*823
			Just downstream of Chessie System	*824
			Just downstream of Big Run South Road	*866
			Just upstream of Demorest Road	*872
		Republican Run	About 400 feet upstream of Interstate 71	*767
			Just downstream of Stringtown Road	*781
			Just upstream of Stringtown Road	*788
			About 600 feet downstream of Hoover Road	*804
			Just upstream of Columbus Street (450 feet upstream of Hoover Road).	*819
			Just downstream of Demorest Road	*862

Maps available for inspection at the Administrative Assistant's Office, City Hall, 3360 Park Street, Grove City, Ohio. Send comments to Honorable Robert Evan, Mayor, City of Grove City, City Hall, 3360 Part Street, Grove City, Ohio 43123.

Pennsylvania	Bridgeville, Borough, Allegheny County	Chartiers Creek	Downstream corporate limits	*821
			Upstream of Washington Avenue	*827
			Upstream corporate limits	*833
		McLaughlin Run	Confluence with Chartiers Creek Auxiliary Channel	*801
			Upstream of 1st crossing of McLaughlin Run Road	*827
			Upstream corporate limits	*850
		Chartiers Creek Auxiliary Channel	Downstream corporate limits	*797
			Upstream corporate limits	*801

Maps available for inspection at the Borough Municipal Building, Bridgeville, Pennsylvania.

Send comments to Honorable Dale Miller, Council President of Bridgeville, 425 Bower Hill Road, Bridgeville, Pennsylvania 15017.

Pennsylvania	McDonald, Brorough, Allegheny and Washington Counties	Robinson Run	Downstream corporate limits	*959
			Upstream of Main Street	*964
			Upstream of McDonald Street	*979
			Upstream corporate limits	*983

Maps available for inspection at the Borough Hall, McDonald, Pennsylvania.

Send comments to Honorable Ralph G. Schwartz, Council President of McDonald, Box 56 McDonald, Pennsylvania 15057.

Pennsylvania	Oakdale, Borough, Allegheny County	Robinson Run	Downstream corporate limits	*897
			Upstream corporate limits	*907
		North Branch Robinson Run	Confluence with Robinson Run	*903
			Upstream corporate limits	*913

Maps available for inspection at the Municipal Building, Marion Avenue, Oakdale, Pennsylvania.

Send comments to Honorable Peter M. Greck, Council President of Oakdale, Municipal Building, Marion Avenue, Oakdale, Pennsylvania 15071.

Washington	North Bend (City) King County	South Fork Snoqualmie River	50 feet downstream from center of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*429
			At the intersection of East Park Street and Cedar Avenue South.	*444
		Middle Fork Snoqualmie River	At the intersection of Ballarat Avenue Northeast and Northeast 8th Street.	#2

Maps available for inspection at City Hall, 211 Main Avenue North, North Bend, Washington. Send comments to Honorable Oscar B. Miller, P.O. Box 896, North Bend, Washington 98645.

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Wisconsin	(V) New Glarus, Green County	Little Sugar River	About 0.25 mile downstream of Sugar River Trail (downstream of corporate limits)	*856
			About 0.5 mile upstream of State Highway 69 (upstream of corporate limits).	*868
		Ledger School Branch	Just upstream of State Highway 39 & 69	*855
			About 1 mile upstream of Second Street	*876
Maps available for inspection at Village Hall, 807 Third Street, New Glarus, Wisconsin. Send comments to Honorable Richard Arn, Village President, Village of New Glarus, Village Hall, 807 Third Street, P.O. Box 548, New Glarus, Wisconsin 53474.				
Wisconsin	(V) Pardeeville, Columbia County	Fox River	At downstream of corporate limits	*789
			Just downstream of Park Lake Dam	*798
			Just upstream of Park Lake Dam	*808
Maps available for inspection at Village Hall, 124 Lake Street, Pardeeville, Wisconsin. Send comments to Honorable Douglas E. Hare, Village President, Village of Pardeville, Village Hall, 124 Lake Street, P.O. Box 156, Pardeeville, Wisconsin 53954.				
Wisconsin	(C) Portage, Columbia County	Wisconsin River	About 1.74 miles downstream of confluence with Portage Canal.	*789
			About 300 feet upstream of State Highway 78	*795
		Fox River	About 2,400 feet downstream of the confluence of Portage Canal.	*784
			Just downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*789
		Interbasin flow area	An area north of Portage levee, southeast of Portage Creek.	*789
Maps available for inspection at the City Engineers' Office, City Hall, 210 Brooke, Portage, Wisconsin. Send comments to Honorable Vincent Smith, Mayor, City of Portage, City Hall, 210 Brooke, Portage, Wisconsin 53901.				
Wisconsin	(Uninc.) Walworth County	Como Creek	At mouth	*824
			About 300 feet upstream of State Highway 36	*832
			About 100 feet upstream of County Highway NN	*849
			Just downstream of Lake Como Dam	*852
		East Branch Nippersink Creek	At mouth	*828
			Just upstream of Powers Lake Road	*835
			About 1.23 miles upstream of Powers Lake Road	*848
		Honey Creek	At county boundary about 0.5 mile downstream of County Highway DD.	*770
			About 2,000 feet upstream of Himebauch Road	*796
			About 200 feet upstream of Bell School Road	*802
			Just downstream of dam about 1,000 feet downstream of State Highway 20.	*809
			Just upstream of dam about 1,000 feet downstream of State Highway 20.	*813
			Just downstream of State Highway 15	*819
			Just upstream of State Highway 15	*824
			Just upstream of County Highway G	*827
			Just upstream of dam near County Highway G	*834
			Just upstream of County Highway N	*843
			About 2,100 feet downstream of Pleasant Lake Road	*848
			About 100 feet downstream of Pleasant Lake Road	*862
			Just upstream of dam at Pleasant Lake Road	*874
			Just downstream of Old Highway 12 and 67	*876
		Jackson Creek	Just downstream of Mound Road	*930
			Just upstream of Old Highway 12	*968
			Just downstream of State Highway 12	*977
		North Branch Nippersink Creek	About 200 feet upstream of Darling Road near Genoa City corporate limits.	*828
			About 1.8 miles upstream of County Highway H	*838
		Pell Lake Tributary	At mouth	*832
			Just upstream of County Highway U	*835
			Just downstream of Daisey Road	*851
			Just upstream of Daisey Road	*855
			Just downstream of Pell Lake Road	*860
		Spring Brook	About 1,300 feet downstream of State Highway 89	*819
			About 0.76 mile upstream of State Highway 89	*841
			Just upstream of Island Road	*848
			About 0.7 mile upstream of Island Road	*849
		Sugar Creek	At mouth at Honey Lake	*772
			About 300 feet upstream of Hargraves Road	*810
			About 200 feet upstream of Hodunk Road	*847
			Just downstream of U.S. Highway 12	*860
			Just downstream of Cobbie Road	*893
		Swan Creek	About 1.46 miles downstream of County Highway O	*908
			Just upstream of County highway O	*919
			Just downstream of Delavan Lake Dam	*924
		Turtle Creek	About 800 feet downstream of County Highway C	*856
			Just upstream of State Highway 11	*874
			About 1.5 miles upstream of Pounder Road	*878
			About 2,000 feet downstream of Dam Road	*891
			Just downstream of Turtle Lake Road	*897
		White River	Just downstream of State Highway 11	*768
			About 200 feet upstream of State Highway 36	*774
			About 300 feet downstream of Spring Valley Road	*791
			Just upstream of dam near Spring Valley Road	*799

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just upstream of Sheridan Springs Road Downstream of Como Creek.	*822
			About 500 feet upstream of U.S. Highway 12	*836
		Whitewater Creek	About 1,400 feet downstream of Willis Ray Road	*824
			Just upstream of Willis Ray Road	*830
			Just downstream of Moraine Road	*856
		Lake Geneva	Shoreline	*865
		Pell Lake	Shoreline	*860
		Powers Lake	Shoreline	*833
		Turtle Lake	Shoreline	*900
		Comus Lake	Shoreline	*891
		Delavan Lake	Shoreline	*929
		Green Lake, Middle Lake, Mill Lake, Don Jean Bay	Shoreline	*886
		Lake Como	Shoreline	*852
		Cravath Lake	Shoreline	*815
		Honey Creek Lake	Shoreline	*834

Maps available for inspection at the Walworth County Office of Planning and Zoning, Walworth County Courthouse, Elkhorn, Wisconsin.

Send comments to Honorable Roy Lighfield, County Board Chairman, Walworth County, County Clerks' Office, Walworth County Courthouse, Elkhorn, Wisconsin 53121.

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

Issued: October 25, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-31399 Filed 11-19-82; 8:45 am]

BILLING CODE 6718-03-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1300, 1306, 1307, 1309, and 1310

[Ex Parte No. 435]

Modify Rules Governing Tariff Amendments

AGENCY: Interstate Commerce Commission.

ACTION: Extension of time for filing public comments to notice of proposed rulemaking.

SUMMARY: The proceeding concerns the proposed modification of tariff publishing rules to allow for quicker and more efficient tariff publication. Petitioners state that additional time is needed to formulate responses. The time for filing comments is extended 30 days.

DATE: Comments must be filed on or before December 23, 1982.

ADDRESS: Interstate Commerce Commission, Ex Parte No. 435, Room 5340, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: William P. Geisenkotter, (202) 275–7739.

SUPPLEMENTARY INFORMATION: By a notice of proposed rulemaking served September 23, 1982, and published in the **Federal Register** on September 24, 1982 (47 FR 42126), the Commission sought comments on its proposals for the modification of several tariff publishing regulations. The comments were due on or before November 23, 1982.

The motor carrier rate bureaus (petitioners) have requested a 30-day extension of the due date for comments because it will take an additional 30 days for discussions concerning the proposals and for the formulation of positions.

An extension of time is warranted. It appears that no other party to the proceeding would be prejudiced by the grant of the instant request. Accordingly, the time for filing comments in this proceeding is extended to and including December 23, 1982.

(49 U.S.C. 10762 and 5 U.S.C. 553)

Decided: November 15, 1982.

By the Commission, Chairman Taylor.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-31913 Filed 11-19-82; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Threatened Status for Senecio Franciscanus (San Francisco Peaks Groundsel) With Critical Habitat

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service proposes to list a plant, *Senecio franciscanus* (San Francisco Peaks groundsel), as a Threatened species and to determine its Critical Habitat under the authority contained in the Endangered Species Act of 1973, as amended. This plant is endemic to the San Francisco Peaks, north of Flagstaff, Arizona. The population occurs on land administered by the U.S. Forest Service. The one known population is currently threatened by trampling from off-trail hiking. This proposal, if finalized, will implement the protection provided by the Endangered Species Act of 1973, as amended, for *Senecio franciscanus*. The Service seeks data and comments from the public on this proposal.

DATES: Comments from the public and the State of Arizona must be received by January 21, 1983.

Public hearing requests must be received by January 6, 1983.

ADDRESSES: Comments and materials concerning this proposal, preferably in triplicate, should be sent to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Comments and materials received will be available for public inspection by appointment during normal business hours at the Service's Office of Endangered Species at the above address.

FOR FURTHER INFORMATION CONTACT: Dr. Russell L. Kologiski, Botanist, Region 2 Endangered Species staff (see ADDRESSES above) (505/766–3972). Mr. John L. Spinks, Jr., Chief, Washington Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703–235–2771).

SUPPLEMENTARY INFORMATION: *Senecio franciscanus* was first discovered by Edward L. Green in 1884. It is a dwarf alpine species, 3.2 to 10.2 centimeters tall. The leaves are deeply lobed, with the upper leaves reduced. The yellow flower heads are 0.9 to 1.3 centimeters wide when in bloom, and are single or in a compact cluster of up to six. The one known population is locally common for a distance of approximately 3.2 kilometers, in a total area of less than 2.6 square kilometers between Humphreys and Agassiz Peaks. The elevation of its occurrence is mainly between 3,350 to 3,750 meters. This plant grows on talus slopes as a primary successional species. As an isolated and endemic species, *Senecio franciscanus* is a good example for scientific studies. *Senecio franciscanus* is found in alpine tundra areas of Southwestern spruce-fir forests. Dominant associated species are bristlecone pine (*Pinus aristata*), Engelmann spruce (*Picea engelmannii*), avens (*Geum turbinatum*), alumroot (*Heuchera versicolor*), and gooseberry (*Ribes montigenum*) (Phillips and Peterson, 1980; Fletcher, 1978).

Reproduction is mainly vegetative, by rhizomes, but sexual reproduction does occur. Flowering is in August to early September, and the fruits begin to mature in mid-September. The plants are in winter dormancy by early October. Individuals in more exposed sites produce fewer flowers and fruits than those in more protected locations (Phillips and Peterson, 1980).

Background

Section 12 of the Endangered Species Act of 1973 directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be Endangered, Threatened, or extinct. This report, designated as House Document No. 94–51, was presented to Congress on January 9, 1975. On July 1, 1975, the Director published a notice in the **Federal Register** (40 FR 27823) of his acceptance of the report of the Smithsonian Institution as a petition within the context of Section 4(c)(2) of the Act, and of his intention thereby to review the status of the plant taxa named within. On June 16, 1976, the Service published a proposed rule in the **Federal Register** (41 FR 24523) to determine approximately 1,700 vascular plant species to be Endangered species pursuant to Section 4 of the Act. This list of 1,700 plant taxa was assembled on the basis of comments and data received by the Smithsonian Institution and the Service in response to House Document No. 94–51 and the July 1, 1975, **Federal Register** publication. *Senecio franciscanus* was included in the July 1, 1975, notice of review and the June 16, 1976, proposal. General comments on the 1976 proposal are summarized in an April 26, 1978, **Federal Register** publication (43 FR 17909).

The Endangered Species Act Amendments of 1978 required that all proposals over 2 years old be withdrawn. A 1-year grace period was given to proposals already over 2 years old. On December 10, 1979, the Service published a notice of the withdrawal of the June 16, 1976, proposal, along with four other proposals which had expired (44 FR 79796). The Service is now reproposing *Senecio franciscanus*.

A status report compiled in 1980 and investigations carried out by Service botanists and U.S. Forest Service personnel since December 1979 have provided new biological and economic data which is included in this reproposal. Numbers and status of plants present and the relationship of the Ski Bowl development to the species' survival were described in this new data. The Service was again petitioned to list *Senecio franciscanus* on June 18, 1980, by the Navajo Medicinemen's Association and their petition was accepted by the Service.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (codified at 50 CFR Part 424; under revision to accommodate 1982 amendments) set forth the procedures for adding species to the Federal list. The Secretary of Interior shall determine whether any species is an Endangered species or a Threatened species due to one or more of the five factors described in Section 4(a)(1) of the Act.

These factors and their application to *Senecio franciscanus* Green (San Francisco Peaks groundsel) are as follows:

A. *The present or threatened destruction, modification or curtailment of its habitat or range.* Most of the natural habitat of *Senecio franciscanus* has not been disturbed by unnatural factors. The proposed expansion of the Snow Bowl ski area could affect the habitat in which this species is found through increased numbers of people using the trail system, which could result in trampling of the plants. A small percentage of the habitat has already been destroyed by the existing chair lift.

The most severe threat to this species is the activity of summer hikers. Trampling is seriously disturbing some plants along the trail. This includes approximately 25 percent of the population from the ski lift to Mt. Agassiz. Numerous parallel trails have been worn along the western face of Humphreys Peak as well as on top. These trails destroy all vegetation in their paths. The remainder of the plants remain undisturbed. Very serious disruption can occur when an occasional hiker crosses or descends the mountain on a loose talus slope.

Whether or not expansion of the ski area will have a serious detrimental effect on this species depends on the amount of care taken to minimize such effects. The most serious effect of expansion on the plants would be an increase in summer hikers within the Critical Habitat (Fletcher 1978; Goodwin, personal communication). Proper planning and routing of hiker traffic away from the plants could alleviate a great percentage of the threat at a minimal cost.

B. *Overutilization for commercial, recreational, scientific or educational purposes.* No threat from overutilization of this species is known to exist at this time.

C. *Disease or predation (including grazing).* There is no evidence that either disease or predation is a contributing factor to the threatened status of this species.

D. *Inadequacy of existing regulatory mechanisms.* At present, there is little to to regulate off-trail hiking except a sign explaining the fragility of the tundra and requesting people to stay on the trails. There are multiple trails through the tundra which contribute to the uncontrolled off-trail hiking. Increased recreational pressure on the Peaks will make this situation additionally detrimental to all of the alpine vegetation, including *Senecio franciscanus*. Establishment of a single trail through an area should decrease hiking on the tundra, and could be designed to direct traffic away from large populations of *Senecio franciscanus*. Existing Federal reguations in 36 CFR 261.9 prohibiting taking of this species in Coconino National Forest although this regulation is difficult to enforce. State law does not protect *Senecio franciscanus*. The Endangered Species Act will provide additional protection for this species, through Section 7 (interagency cooperation) requirements and through Section 9 which prohibits taking with intent to reduce to possession on Federal lands.

E. *Other natural or manmade factors affecting its continued existence.* The steep mountain slopes are subject to instability because of loose cinder talus. Larger species commonly grow in soil at

the base of large, relatively stable rock. Smaller plants, such as *Senecio franciscanus*, tend to grow in loose cinders which are unstable. In winter, steep slopes are subject to avalanche, an extrenme natural disturbance.

Critical Habitat

The Act defines "Critical Habitat" as (i) the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of Section 4 of this Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and (ii) specific areas outside the geographic area occupied by the species at the time it is listed in accordance with the provisions of Section 4 of the Act, upon a determination by the Secretary that such areas are essential for the conservation of the species.

Critical Habitat for *Senecio franciscanus* is proposed to be the entire range of the species, which is on two peaks in Coconino National Forest, Coconino County, Arizona. On Agassiz Peak and Humphreys Peak the location is: T22N, R7E, NW ¼ Sec. 5; T23N, R7E, W ½ Sec. 32; and SW ¼ Sec. 29 (Phillips and Peterson, 1980). The primary constituent elements are the loose-cinder, talus slopes of the San Francisco Peaks alpine tundra system.

Subsection 4(b)(8) of the Act requires, to the maximum extent practicable, that any proposal to determine Critical Habitat be accompanied by a brief description and evaluation of those activities which, in the opinion of the Secretary, may adversely modify such habitat if undertaken, or may be affected by such designation. Off-trail hiking has occurred in some parts of the habitat. The disturbance presently affects a small part of the population, but could impact additional individuals if not controlled. Development of a management plan would aid the preservation of the habitat by regulating off-trail hiking and by monitoring of the status of the population. Management might include eliminating some of the existing multiple trails, development of new trails away from large populations of the *Senecio* or posting signs prohibiting off-trail hiking. Establishment of a Critical Habitat will only require minimal expenditures on the part of the U.S. Forest Service to protect this unique plant. Designation of *Senecio franciscanus* as a Threatened species could be used to promote public education about Threatened and Endangered species and could enhance the recreational value of the area (Fletcher 1981, personal communication; Fletcher, 1980).

Subsection 4(b)(2) of the Act requires the Service to consider economic and other impacts of specifying a particular area as Critical Habitat. The Service has prepared an impact analysis and believes that economic and other impacts of this action are not significant in the foreseeable future. As previously stated, only minimal impacts upon the Forest Service are expected. The Fish and Wildlife Service has notified and is working with the Forest Service which has jurisdiction over the land involved in this action. The U.S. Forest Service, other Federal agencies, and other interested organizations were requested to submit information on economic or other impacts of the proposed action and this information was utilized in completing this analysis. The Service's draft economic impact analysis was used as part of the basis for the Service's decision on whether or not to exclude any area from Critical Habitat for *Senecio franciscanus*. It was noted previously that the only impact would be a minimal expense to the U.S. Forest Service to protect this species.

Effects of This Rule

In addition to the effects discussed above, the effects of this proposal, if published as a final rule, would include, but would not necessarily be limited to, those mentioned below.

Subsection 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species which is proposed or listed as Endangered or Threatened. This rule requires Federal agencies to satisfy their statutory obligations with respect to this species, that is, as a proposed species, agencies are required under Section 7(a)(4) to confer with the Service on any action that is likely to jeopardize this species or result in destruction or adverse modification of its Critical Habitat. When species are listed, Section 7 requires Federal agencies to insure that activities they authorize, fund or carry out are not likely to jeopardize the continued existence of this species, and to ensure that their actions are not likely to result in the destruction or adverse modification of its Critical Habitat which has been determined by the Secretary. Possible effects of this rule on the Forest Service have already been discussed. National forest management is likely to be affected but not in a major way. The Forest Service supports the listing of *Senecio franciscanus* as Threatened.

The Act and implementing regulations published in the June 24, 1977, **Federal Register** set forth a series of general trade prohibitions and exceptions which apply to all Threatened plant species. The regulations pertaining to Threatened plants are found at 50 CFR 17.71 and 17.72 are summarized below.

With respect to *Senecio franciscanus* all trade prohibitions of Section 9(a)(2) of the Act, implemented by 50 CFR 17.71, would apply except for an exemption with respect to seeds from cultivation. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to import, or export, transport in interstate or foreign commerce in the course of a commerical activity, or sell or offer for sale this species in interstate or foreign commerce. Certain exceptions would apply to agents of the Service and State conversation agencies. The Act and 50 CFR 17.72 also provide for the issuance of permits to carry out otherwise prohibited activities involving Threatened species, under certain circumstances. International and interstate commerical trade in *Senecio franciscanus* is not known to exist. It is not anticipated that many trade permits involving plants of wild origin would ever be issued since this plant is not common in the wild and is not presently in cultivation.

Section 9(a)(2)(B) of the Act, as amended in 1982, states that it is unlawful to remove and reduce to possession Endangered plant species from areas under Federal jurisdiction. Section 4(d) provides for regulations to provide this protection to Threatened plant species. This new prohibition will apply to *Senecio franciscanus* once new regulations are promulgated. Permits for exceptions to this prohibition are available through Sections 10(a) and 4(d) of the Act, following the general approach of 50 CFR 17.72 until revised regulations are promulgated.

Requests for copies of the regulations on plants and inquiries regarding them may be addressed to the Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–1903). It is anticipated that few taking permits for the species will ever be requested.

The Service will now review this species to determine whether it should be considered for placement upon the Annex of the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, and whether it should be considered for other appropriate international agreements.

The Service determined on June 10, 1982 that this proposed action is not major as defined in Executive Order 12291 and does not have a significant

economic effect on a substantial number of small entitiers as defined in the Regulatory Flexibility Act. San Francisco Peaks groundsel occurs as only one known population on land administered solely by the U.S. Forest Service. No small entities, cities, towns, or businesses occur in the proposed Critical Habitat area. No small entities in the adjacent region are foreseen to be affected by this listing proposal. The private concession which operates the ski area has no facilities in the proposed Critical Habitat and will not be affected. The Forest Service is totally responsible for the trails in the proposed Critical Habitat. If information to the contrary is brough forward, this certifications will be modified prior to the final rule. This finding is made as a result of analyses by the Office of Endangered Species of information received from Regional Fish and Wildlife Service staff, U.S. Forest Service personnel, Justice Department personnel, and Navajo legal advisers.

National Environmental Policy Act

An environmental assessment has been prepared in conjunction with this proposal. It is on file in the Service's Office of Endangered Species, 1000 N. Glebe Road, Arlington, Virginia, and in the Regional Office (see ADDRESSES section) and may be examined, by appointment, during regular business hours. This assessment forms the basis for a decision that this is not a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969 (40 CFR Parts 1500–1508).

Public Comments Solicited

The Service intends that the rules finally adopted will be as accurate and effective as possible in the conservation of any Endangered or Threatened species. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning any aspect of these proposed rules are hereby solicited.

Comments particularly are sought concerning:

(1) Biological or other relevant data concerning any threat (or the lack thereof) to *Senecio franciscanus;*

(2) The location of any additional populations of *Senecio franciscanus* and the reasons why any habitat of this species should or should not be determined to be Critical Habitat as provided by Section 4 of the Act;

(3) Additional information concerning the range and distribution of this species;

(4) Current or planned activities in the subject area; the probable impacts of such activities on the area designated as Critical Habitat; and

(5) The foreseeable economic and other impacts of the Critical Habitat designation on Federal activities, small entities, private individuals, etc.

Final promulgation of the regulations on *Senecio franciscanus* will take into consideration the comments and any additional information received by the Service, and such communications may lead to a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests should be made in writing and addressed to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103.

Author

The primary author of this proposed rule is Ms. Sandra Limerick, Endangered Species Staff, U.S. Fish and Wildlife Service, Department of the Interior, P.O. Box 1306, Albuquerque, New Mexico 87103 (505/766–3972). Status information and a preliminary listing package were provided by Dr. Arthur M. Phillips III and Elaine M. Peterson, Museum of Northern Arizona, Route 4, Box 720, Flagstaff, Arizona 86001 (602/774–5211, Ext. 68). Ms. E. LaVerne Smith of the Service's Washington Office of Endangered Species served as editor.

References

Fletcher, R. 1978. *Senecio franciscanus:* Status report. U.S. Forest Service, Albuquerque, NM. 4 pp.

Fletcher, R. U.S. Forest Service, Albuquerque, NM. (pers. comm.) August 14, 1981.

Goodwin, Greg. U.S. Forest Service, Flagstaff, AZ. Personal communication, August 21, 1981.

Greene, E. L. 1889. New or Noteworthy Species VI. Brittonia 2:13–24.

Phillips, A. M., III and E. Peterson. 1980. Status report: *Senecio franciscanus*. U.S. Fish and Wildlife Service, Albuquerque, NM. 13 pp.

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Proposed Regulation Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I Title 50 of the Code of Federal Regulations, as set forth below:

1. The authority citation for Part 17 is revised to read as follows:

Authority: Pub. L. 93–205, 87 Stat. 884; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1241; Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531, *et seq.*).

2. It is proposed to amend § 17.12(h) by adding, in alphabetical order the following to the list of Endangered and Threatened plants:

§ 17.12 [Amended]

* * * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
ASTERACEAE—Aster family: *Senecio franciscanus*	San Francisco Peaks groundsel	U.S.A. (AZ)	T	NA	17.96(a)	NA.

* * * * * * *

3. Also, the Service proposes to amend § 17.96(a) by adding the Critical Habitat of *Senecio franciscanus* after that of the (to be determined at OES immediately before the rule is taken to the **Federal Register**) as follows:

§ 17.96 [Amended]

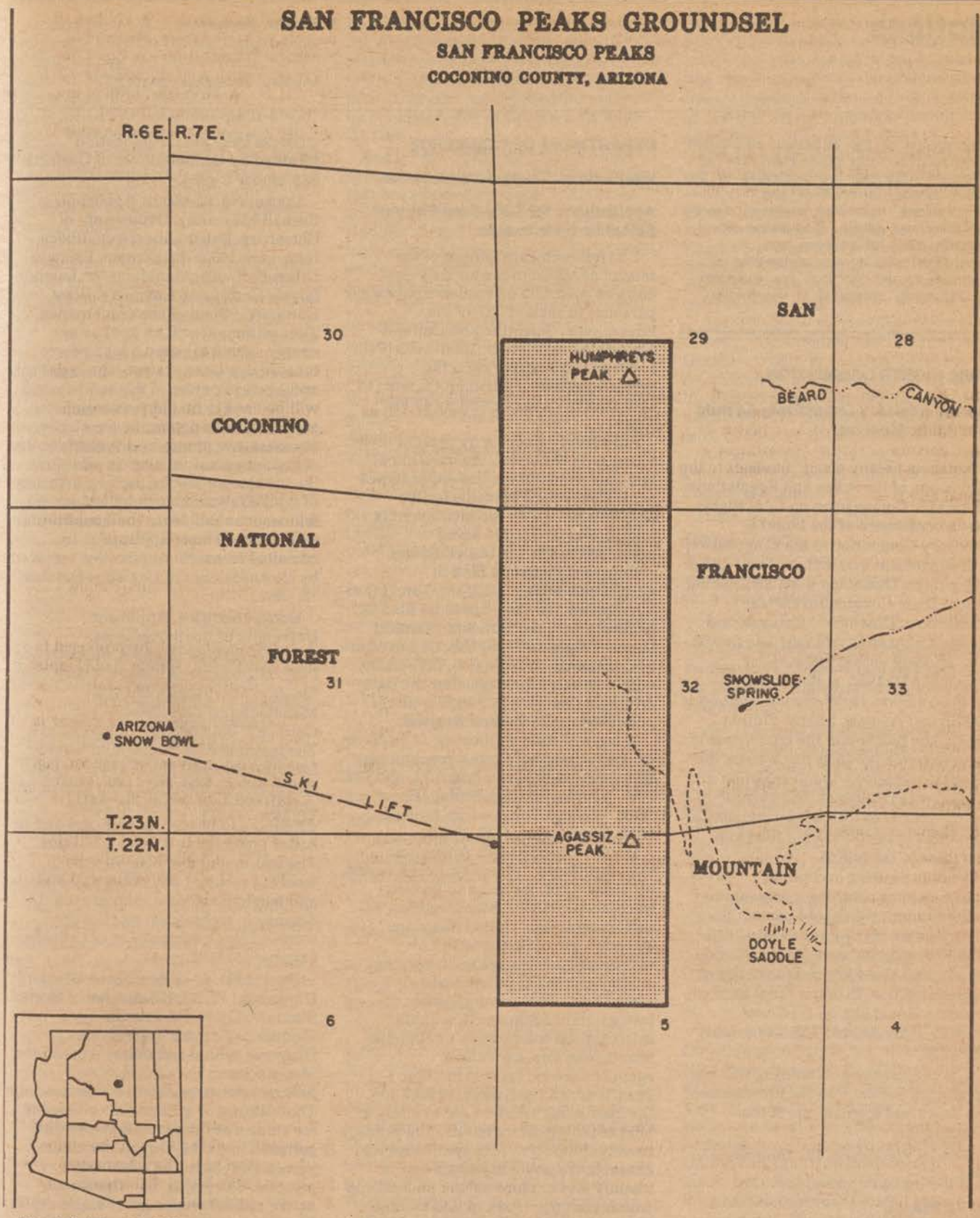
(a) *Flowering plants.*

Family Asteraceae: San Francisco Peaks groundsel (*Senecio franciscanus*).

Arizona: Coconino County; Coconino National Forest; Agassiz Peak and Humphreys Peak; T22N, R7E, NW ¼ Sec. 5; T23N, R7E, W ½ Sec. 32; and SW ¼ Sec. 29.

Primary constituent elements are the loose-cinder, talus slopes of the alpine tundra system of the San Francisco Peaks and absence of disturbance and damage from hikers.

BILLING CODE 4310-55-M



Dated: October 14, 1982.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 82-31834 Filed 11-19-82; 8:45 am]

BILLING CODE 4310-55-C

Notices

Federal Register
Vol. 47, No. 225
Monday, November 22, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

CIVIL RIGHTS COMMISSION

Florida Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a conference of the Florida Advisory Committee to the Commission will convene at 9:00 a.m. and will end at 5:00 p.m. on December 9–10, 1982, at the Miami Dade Community College Auditorium, Downtown Campus, 2nd Avenue; a meeting will convene at 9:00 a.m. and will end at 5:00 p.m. on December 11, 1982, at the Howard Johnson's Plaza Hotel, Room—Plaza #1, 200 SE 2nd Avenue, Miami, Florida 33131. The purpose of the conference is to explore the progress made since the report *Confronting Racial Isolation in Miami,* was published. The purpose of the meeting is to discuss the outcome of the conference and to plan followup activities to the report.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Ms. Teresa Saldise, 815 South West 13th Court, Miami, Florida 33135, (305) 856–1363; or the Southern Regional Office, Citizens Trust Bank Building, Room 362, 75 Piedmont Avenue, N.E., Atlanta GA 30303, (404) 242–4391.

The conference and meeting will be conducted pursuant to the Provisions of the Rules and Regulations of the Commission.

Dated at Washington, DC, November 17, 1982.

John I. Binkley,
Advisory Committee Management Officer.

[FR Doc. 81–31972 Filed 11–19–82; 8:45 am]
BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

Applications for Duty-Free Entry of Scientific Instruments

The following are notices of the receipt of applications for duty-free entry of scientific instruments published pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the instrument is intended to be used is being manufactured in the United States.

Comments must be filed in accordance with § 301.5(a) (3) and (4) of the regulations. They are to be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the **Federal Register.**

A copy of each application is on file in the Department of Commerce, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, Room 2097, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82–00322. Applicant: Michigan State University, East Lansing, MI 48824–1116. Instrument: Electron Microscope, HB501. Manufacturer: VG Instruments, Inc., United Kingdom. Intended use of instrument: The instrument is intended to be used to study a myriad of ordered and disordered solids including clay intercalation compounds, graphite intercalation compounds, amorphous semiconductors, crystalline semiconductors, layered metallic structures, and polymers. In addition, the instrument will be used to study a host of biological materials. The primary research objective is to synthesize and characterize novel materials and to identify and explore unique phenomena which such materials should exhibit. The instrument will also be used in the education of graduate students and will play a key role in the Ph. D. research programs of approximately 10 graduate students each year. Application received by Commissioner of Customs: September 2, 1982.

Docket No. 82–00381. Applicant: Cornell University, Department of Chemistry, Baker Laboratory, Ithaca, New York 14853. Instrument: Excimer Laser, EMG 101. Manufacturer: Lambda Physik GmbH and Company, West Germany. Intended use of instrument: The instrument will be used as an energy source to pump a high power tunable dye laser system. The high peak and average power of this total system will be used to do unique multiphoton experiments to determine the electronic structure and photophysics of molecules of high chemical interest. In addition, the instrument will be used by a variety of graduate students and postdoctoral fellows who will learn the fundamental techniques of laser application to chemical research. Application received by Commissioner of Customs: October 18, 1982.

Docket No. 83–1. Applicant: University of South Alabama, Purchasing Department, Administration Bldg. 285, Mobile, AL 36688. Instrument: Electron Microscope, EM 109. Manufacturer: Carl Zeiss, West Germany. Intended use of instrument: The instrument is intended to be used for ultrastructural studies of histologic and cytologic materials from human and animal sources in order to make diagnoses to further patient care and to better understand disease processes. The instrument will also be used in teaching resident physician pathologists and medical students ultrastructural diagnostic techniques. Application received by Commissioner of Customs: October 15, 1982.

Docket No. 83–3. Applicant: Stanford University, W. W. Hansen Laboratories, Stanford, CA 94305. Instrument: Centerless Grinder Type FB 40, Diamond Wheel and other Accessories. Manufacturer: Boccadora, S.A., Switzerland. Intended use of instrument: The instrument is intended to be used for studies of lithium niobate, lithium germanium oxide, yhrium aluminum garnet, sapphire, and other oxide crystals. The linear, non-linear and active optical properties of single crystal fibers grown from these materials will be studied. Application received by Commissioner of Customs: October 20, 1982.

Docket No. 83–4. Applicant: New York University Medical Center, Department of Cell Biology, 550 First Avenue, New York, NY 10016. Instrument: Electron Microscope, JEM–1200 EX with Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of instrument: The instrument is intended to be used for the study of the structure of eukaryotic cells and cell organelles. Application received by Commissioner of Customs: October 18, 1982.

Docket No. 83–13. Applicant: Washington University, c/o Purchasing Department, St. Louis, Missouri 63130. Instrument: Mass Spectrometer (thermal ionization), Model 354. Manufacturer: V.G. Isotopes, Limited, United Kingdom. Intended use of instrument: The instrument is intended to be used for studies of natural samples of terrestrial and extraterrestrial materials. Experiments will consist of analysis of isotopic composition and abundance of constituent elements. It is expected that the instrument will also be used by graduate students and that this usage will be important in their education and training as scientists. Application received by Commissioner of Customs: October 18, 1982.

Docket No. 83–19. Applicant: California Institute of Technology, Pasadena, California 91125. Instrument: Dye Laser, FL 2002. Manufacturer: Lambda Physik GmbH, & Company KG, West Germany. Intended use of instrument: The instrument is intended to be used in an experiment which involves the photodissociation of weakly bound molecules in a pulsed molecular beam using a pulsed CO_2 laser followed by investigation of the products by laser induced fluorescence. The particular system to be studied is ethylene-nitric oxide. Application received by Commissioner of Customs: October 20, 1982.

Docket No. 83–20. Applicant: National Institutes of Health, National Institute of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, NC 27709. Instrument: Electron Microscope, EM 10CA. Manufacturer: Carl Zeiss, West Germany. Intended use of instrument: The instrument is intended to be used for studies on experimental animal tissues that have been exposed to chemicals of environmental interest. Application received by Commissioner of Customs: October 20, 1982.

Docket No. 83–23. Applicant: United States Department of Agriculture, National Animal Disease Center, Agricultural Research Service, North Central Region, RR.2, Dayton Avenue, Building #1 Room #B8, Ames, Iowa 50010. Instrument: Electron Microscope, EM–410 and Accessories. Manufacturer: N. V. Philips, The Netherlands. Intended use of instrument: The instrument is intended to be used for structural examination of animal tissues and fluids of microorganisms. Application received by Commissioner of Customs: October 20, 1982.

Docket No. 83–25. Applicant: Idaho State University, Pocatello, Idaho 83209. Instrument: Electromagnetic Receiver, #EM 16–VLF. Manufacturer: Geonics Canada. Intended use of instrument: The instrument is intended to be used for the study of the influence of geologic formations on Very Low Frequency (VLF) radio waves. Measurements will be conducted at stations across suspected geologic structures and interpretation of the data obtained will be made. Students and faculty will use the instrument to solve practical geologic problems in the field. Application received by Commissioner of Customs: October 20, 1982.

Docket No. 83–26. Applicant: U.S. Department of Energy, Morgantown Energy Technology Center, P.O. Box 880, Collins Ferry Road, Morgantown, WV 26506. Intended use of instrument: The instrument is intended to be used as an energy source to pump a high tunable dye laser system. The high peak and average power of this total system will be used to probe and monitor the spectroscopy and kinetics of high temperature chemical species relevant to energy systems. Application received by Commissioner of Customs: October 20, 1982.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 82–31908 Filed 11–19–82; 8:45 am]

BILLING CODE 3510–25–M

[Case No. 637]

AEG-Kanis Turbinenfabrik GmbH; Order Vacating Temporary Denial of Export Privileges

By Order of October 5, 1982, 47 FR 44603 (October 8, 1982), respondent AEG-Kanis Turbinenfabrik GmbH ("AEG-Kanis") Frankenstrasse 70–80, D–8500 Nuernberg, Federal Republic of Germany and Altendorfer Strasse 39–85, D–4300 Essen, 1, Federal Republic of Germany, was temporarily denied, pursuant to § 388.19 of the Export Administration Regulations (currently codified at 15 CFR Part 368, *et seq.* (1982)) (the "Regulations"), export privileges concerning U.S.-origin commodities and technical data for or relating to oil and gas exploration, production, transmission, or refinement.

The U.S. Department of Commerce (the "Department") has filed a Motion to Vacate Temporary Denial Order, giving as reasons for its motion the recent amendment of the Regulations to rescind the export controls on oil and gas equipment and technology imposed on December 30, 1981 and June 22, 1982. The Department states that the administrative proceeding against AEG-Kanis was based on the now-rescinded controls. The Department also states that it will take no further action to enforce those controls.

Accordingly, it is hereby ordered that, effective immediately, the Order of October 5, 1982, is vacated. I hereby retain jurisdiction over this matter for the limited purpose of dealing with the administrative record in accordance with § 388.20 of the Regulations.

A copy of this Order shall be served upon AEG-Kanis and published in the **Federal Register.**

Dated: November 16, 1982.

Thomas W. Hoya,

Hearing Commissioner.

[FR Doc. 82–31898 Filed 11–17–82; 4:57 pm]

BILLING CODE 3510–25–M

The City College of the City University of New York; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 2097, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 82–00227. Applicant: The City College of the City University of New York, Department of Physics, Convent Avenue and 138th Street, New York, N.Y. 10031. Instrument: RF Hydrogen Source and Electronics. Manufacturer: University of Stirling, United Kingdom. Intended use of instrument: See notice on page 29582 in the **Federal Register** of July 7, 1982.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent

scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States. Reasons: The foreign instrument provides the capability of producing beams of hydrogen atoms with dissociation of approximately 95 percent and densities in the range of 5×10^{17} to 2×10^{19} per cubic meter. The National Bureau of Standards advises in its memorandum dated September 16, 1982, that (1) the capabilities of the foreign instrument described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 82-31906 Filed 11-19-82; 8:45 am]

BILLING CODE 3510-25-M

[Case No. 633]

Creusot-Loire S.A.; Order Vacating Temporary Denial of Export Privileges

By Order of August 26, 1982, 47 FR 38169 (August 30, 1962, as modified by Order of September 23, 1982. 47 FR 42392 (Septemer 27, 1982), respondent Creusot-Loire S.A. ("Creusot-Loire") 42 Rue d'Anjou, 75008 Paris, France, was temporarily denied, pursuant to § 388.19 of the Export Administration Regulations (currently codified at 15 CFR Part 368, *et seq.* (1982)) (the "Regulations"), export privileges concerning U.S.-origin commodities and technical data for or relating to oil and gas exploration, production, transmission, or refinement.

The Department of Commerce (the "Department") has filed a Motion to Vacate Temporary Denial Order, giving as reasons for its motion the recent amendment of the Regulations to rescind the export controls on oil and gas equipment and technology imposed on December 30, 1981 and June 22, 1982. The Department states that the administrative proceeding against Creusot-Loire was based on the now-rescinded controls. The Department also states that it will take no further action to enforce those controls.

Accordingly, it is hereby ordered that, effective immediately, the Order of August 26, 1982, as modified by the Order of September 23, 1982, is vacated. I hereby retain jurisdiction over this matter for the limited purposes of dealing with the administrative record in accordance with § 388.20 of the Regulations.

A copy of this Order shall be served upon Creusot-Loire and published in the **Federal Register.**

Dated: November 16, 1982.

Thomas W. Hoya,

Hearing Commissioner.

[FR Doc. 82-31899 Filed 11-17-82; 4:57 pm]

BILLING CODE 3510-25-M

[Case No. 632]

Dresser (France) S.A.; Order Vacating Temporary Denial of Export Privileges

By Order of August 26, 1982, 47 FR 38170 (August 30, 1982), as modified by Order of September 7, 1982, 47 FR 39708 (September 9, 1982), respondent Dresser (France) S.A. ("Dresser-France") Cedex L 192, SILIC 5 Rue d'Antony, 94563 Rungis, France, was temporarily denied, pursuant to § 388.19 of the Export Administration Regulations (currently codified at 15 CFR Part 368, *et seq.* (1982)) (the "Regulations"), export privileges concerning U.S.-origin commodities and technical data for or relating to oil and gas exploration, production, transmission, or refinement.

The Department of Commerce (the "Department") has filed a Motion to Vacate Temporary Denial Order, giving as reasons for its motion the recent amendment of the Regulations to rescind the export controls on oil and gas equipment and technology imposed on December 30, 1981 and June 22, 1982. The Department states that the administrative proceeding against Dresser-France was based on the now-rescinded controls. The Department also states that it will take no further action to enforce those controls.

Accordingly, it is hereby ordered that, effective immediately, the Order of August 26, 1982, as modified by the Order of September 7, 1982, is vacated. I hereby retain jurisdiction over this matter for the limited purpose of dealing with the administrative record in accordance with Section 388.20 of the Regulations.

A copy of this Order shall be served upon Dresser-France and published in the **Federal Register.**

Dated: November 16, 1982.

Thomas W. Hoya,

Hearing Commissioner.

[FR Doc. 82-31900 Filed 11-17-82; 4:57 pm]

BILLING CODE 3510-25-M

[Case No. 635]

John Brown Engineering Ltd.; Order Vacating Temorary Denial of Export Privileges

By Order of September 9, 1982, 47 FR 40205 (Septmber 13, 1982), respondent John Brown Engineering Ltd. ("John Brown") Clydebank, Dunbartonshire, G81 1YA, Scotland, and three named related parties were temporarily denied, pursuant to § 388.19 of the Export Administration Regulations (currently codified at 15 CFR Part 368, *et seq.* (1982)) (the "Regulations"), export privileges concerning U.S.-origin commodities and technical data for or relating to oil and gas exploration, production transmission, or refinement.

The Department of Commerce (the "Department") has filed a Motion to Vacate Temporary Denial Order, giving as reasons for its motion the recent amendment of the Regulations to rescind the export controls on oil and gas equipment and technology imposed on December 30, 1981 and June 22, 1982. The Department states that the administative proceeding against John Brown was based on the now-rescinded controls. The Department also states that it will take no further action to enforce those controls.

Accordingly, it is hereby ordered that, effective immediately, the Order of September 9, 1982, is vacated. I hereby retain jurisdiction over this matter for the limited purpose of dealing with the administrative record in accordance with § 388.20 of the Regulations.

A copy of this Order shall be served upon John Brown and the named related parties and published in the **Federal Register.**

Dated: Novermber 16, 1982.

Thomas W. Hoya,

Hearing Commissioner.

[FR Doc. 82-31901 Filed 11-17-82; 4:57 pm]

BILLING CODE 3510-25-M

[Case No. 638]

Mannesmann Anlagenbau Aktiengesellschaft Order Vacating Temporary Denial of Export Privileges

By Order of October 5,1982, 47 FR 44604 (October 8, 1982), respondent Mannesmann Anlagenbau Aktiengesellschaft ("Mannesmann

Anlagenbau") Theodorstrasse 90, 4000 Dusselorf 30, Federal Republic of Germany, and two named related parties were temporarily denied, pursuant to § 388.19 of the Export Administration Regulations (currently codified at 15 CFR Part 368, *et seq.* (1982)) (the "Regulations"), export privileges concerning U.S.-origin commodities and technical data for or relating to oil and gas exploration, production, transmission, or refinement.

The Department of Commerce (the "Department") has filed a motion to Vacate Temporary Denial Order, giving as reasons for its motion the recent amendment of the Regulations to rescind the export controls on oil and gas equipment and technology imposed on December 30, 1981 and June 22, 1982. The Department states that the administrative proceeding against Mannesmann Anlagenbau was based on the now-rescinded controls. The Department also states that it will take no further action to enforce those controls.

Accordingly, it is hereby ordered that, effective immediately, the Order of October 5, 1982, is vacated. I hereby retain jurisdiction over this matter for the limited purpose of dealing with the administrative record in accordance with Section 388.20 of the Regulations.

A copy of this Order shall be served upon Mannesmann Anlagenbau and the named related parties and published in the **Federal Register.**

Dated: November 16, 1982.

Thomas W. Hoya,

Hearing Commissioner.

[FR Doc. 82-31902 Filed 11-17-82; 4:45 pm]

BILLING CODE 3510-25-M

[Case No. 634]

Nuovo Pignone S.p.A. Industrie Meccaniche E Fonderia; Order Vacating Temporary Denial of Export Privileges

By Order of September 4, 1982, 47 FR 39709 (September 9, 1982), respondent Nuovo Pignone S.p.A. Industrie Meccaniche E Fonderia ("Nuovo Pignone"), 2 Via F. Matteucci, 50100 Florence, Italy, and a named related party were temporarily denied, pursuant to § 388.19 of the Export Administration Regulations (currently codified at 15 CFR Part 368, *et seq.* (1982)) (the "Regulations"), export privileges concerning U.S.-origin commodities and technical data for or relating to oil and gas exploration, production, transmission, or refinement.

The Department of Commerce (the "Department") has filed a Motion to Vacate Temporary Denial Order, giving as reasons for its motion the recent amendment of the Regulations to rescind the export controls on oil and gas equipment and technology imposed on December 30, 1981 and June 22, 1982. The Department states that the administrative proceeding against Nuovo Pignone was based on the now-rescinded controls. The Department also states that it will take no further action to enforce those controls.

Accordingly, it is hereby ordered that, effective immediately, the Order of September 4, 1982, is vacated. I hereby retain jurisdiction over this matter for the limited purpose of dealing with the administrative record in accordance with Section 388.20 of the Regulations.

A copy of this Order shall be served upon Nuovo Pignone and the named related party and published in the **Federal Register.**

Dated: November 16, 1982.

Thomas W. Hoya,

Hearing Commissioner.

[FR Doc. 82-31903 Filed 11-17-82; 4:57 pm]

BILLING CODE 3510-25-M

Jet Propulsion Laboratory; Decision on Appliccation for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended my 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 2097, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 82-00242. Applicant: Jet Propulsion Laboratory, 4800 Oak Grove Drive, Pasadena, CA 91109. Instrument: Millimeter Wavelength Carcinotron. Manufacturer: Thomson CSF, France. Intended use of instrument: See Notice on page 30538 in the **Federal Register** of July 14, 1982.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States. Reasons: The foreign instrument provides a minimum of one-watt at a frequency between 305 and 315 gigahertz. The National Bureau of Standards advises in its memorandum dated September 16, 1982 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 82-31909 Filed 11-19-82; 8:45 am]

BILLING CODE 3510-25-M

President and Fellows of Harvard College; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulation issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 2097, Statutory Import Programs staff, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 82-00235. Applicant: President and Fellows of Harvard College, Office for Sponsored Research, Holyoke Center 458, Cambridge, MA 02138. Instrument: Excimer Laser, EMG 101. Manufacturer: Lambda Physik GmbH, West Germany. Intended use of instrument: See Notice on page 30538 in the **Federal Register** of July 14, 1982.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, was being manufactured in the United States at the time the foreign instrument was ordered (December 10, 1981). Reasons: The foreign instrument provides a pulse energy of 150 millijoules for xenon

chloride at 306 nanometers. The most closely comparable domestic instrument is the Tachisto Model 800XR which is manufactured by Tachisto Incorporated, 13 Highland Circle, Needham, Mass. 02194. The domestic instrument provided a pulse energy of 90 millijoules for xenon chloride at 308 nanometers at the time of order. The National Bureau of Standards advises in its memorandum dated September 9, 1982 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use which was available at the time the foreign instrument was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which was being manufactured in the United States at the time the foreign instrument was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 82-31910 Filed 11-19-82; 8:45 am]

BILLING CODE 3510-25-M

University of Delaware; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 2097, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00334. Applicant: University of Delaware, Department of Chemical Engineering, Newark, DE 19711. Instrument: Potentiostat with Accessories. Manufacturer: Santron, Sweden. Intended use of instrument: See Notice on page 43731 in the **Federal Register** of August 31, 1981.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States. Reasons: The foreign instrument provides the capability to raise the temperature in preset increment of 0.1 degrees centigrade (°C) in the range of zero to 99.9°C. The National Bureau of Standards advises in its memorandum dated October 18, 982 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 82-31907 Filed 11-19-82; 8:45 am]

BILLING CODE 3510-25-M

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of the Census.
Title: Annual Demographic Survey.
Type of Request: Reinstatement.
Burden: 61,000 respondents; 24,400 reporting hours.
Needs and Uses: This supplement is the source of data on work experience, personal and family income, poverty levels, population status, and migration. These measurements will be analyzed with respect to each other as well as with demographic variables such as education, age, race, and sex.
Affected Public: 58,000 interviewed households in March 1983 Current Population Survey (CPS) and 2,500 Spanish American households selected from November 1982 CPS.
Frequency: Annually
Respondent's Obligation: Voluntary.
OMB Deck Officer: Timothy Sprehe, 395-4814.

Agency: Bureau of the Census.
Title: 1982 Census of Agriculture (Puerto Rico, Guam, and Virgin Islands).
Type of Request: New.
Burden: 320,375 respondents; 39,599 reporting hours.
Needs and Uses: These censuses are the primary source of area wide and local geographic area data that have a uniform definition and provide basic data for the agriculture sector of the economty. It is the only source of information by municipalities on number of farms, acreage, output of field crops and livestock, value of farm production, and cost of farm input. In addition, the data are used to analyze the effects of farm programs, farm policy, and to make program allocations.
Affected Public: Farmers and agricultural related respondents.
Frequency: Nonrecurring.
Respondent's Obligation: Mandatory.
OMB Deck Officer: Timothy Sprehe, 395-4814.

Agency: Office of the Secretary/DOC.
Title: Merit Appraisal of Demonstrated Performance or Potential.
Type of Request: New.
Burden: 3,000 respondents; 1,000 reporting hours.
Needs and Uses: External applicants for merit competition under the merit promotion program need reference checks on a comparable basis as internal candidates. This collection will be used for this purpose, either by having references record their judgments on the form or by having supervisors or personnel specialists gather the information by telephone.
Affected Public: Individuals who are personal references.
Frequency: On occasion.
Respondent's Obligation: Voluntary.
OMB Deck Officer: Ken Allen, 395-3785.

Copies of the above information collection proposals can be obtained by calling or writing DOC Clearance Officer, Edward Michals (202) 377-4217, Department of Commerce, Room 6622, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collections should be sent to the respective OMB Desk Officer, Room 3235, New Executive Office Building, Washington, D.C. 20503.

Edward Michals,

Departmental Clearance Officer.

[FR Doc. 82-31974 Filed 11-19-82; 8:45 am]

BILLING CODE 3510-CW-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Import Restraint Levels for Certain Cotton, Wool, and Man-Made Fiber Apparel Products from the Peoples Republic of China

November 16, 1982.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: (1) Increasing by the application of swing the levels of restraint

established for wool and man-made fiber sweaters in Categories 445/446 and 645/646 and, in the case of Category 445/446, applying carryover in the amount of 9,326 dozen.

(2) Decreasing the levels of restraint for cotton printcloth in Category 315/320 pt. (only T.S.U.S.A. number 326.0092) and for cotton knit shirts and blouses in Category 339 to account for swing applied to Categories 445/446 and 645/646.

All of the foregoing adjustments apply to cotton, wool, and man-made fiber textile products, produced or manufactured in the People's Republic of China and exported during the agreement year which began on January 1, 1982.

[A detailed description of the texile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963), October 27, 1981 (46 FR 52409), February 9, 1982 (47 FR 5926), and May 13, 1982 (47 FR 20654)]

SUMMARY: The Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of September 17, 1980, as amended, between the Governments of the United States and the People's Republic of China provides that certain specific ceilings may be exceeded by designated percentages, provided the specific limit for another is decreased by an equivalent amount (swing). It also provides for the carryover of shortfalls in certain categories from the previous agreement year (carryover). At the request of the Government of the People's Republic of China, swing is being applied to the levels of restraint for Categories 445/446 and 645/646 and the levels for Categories 315/320 pt. (only T.S.U.S.A. number 326.0092) and 339 are being reduced accordingly. The level for Category 445/446 is also being increased by the application of carryover.

EFFECTIVE DATE: November 16, 1982.

FOR FURTHER INFORMATION CONTACT: Carl J. Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

SUPPLEMENTARY INFORMATION: On December 23, 1981, there was published in the **Federal Register** (46 FR 61495) a letter dated December 14, 1981 from the Chairman of the Committee for the Implementation of Textile Agreements, to the Commissioner of Customs which established levels of restraint for certain specific categories of cotton, wool, and man-made fiber textile products, including Categories 339, 445/446, and 645/646, produced or manufactured in the People's Republic of China which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1982 and extends through December 31, 1982. On August 10, 1982 a further letter dated August 4, 1982 was published in the **Federal Register** (47 FR 34614), which established a level of restraint for cotton textile products in Category 315/320 pt. (only T.S.U.S.A. number 326.0092) for the January 19-December 31, 1982 period. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements, in accordance with the terms of the bilateral agreement and at the request of the Government of the People's Republic of China, directs the Commissioner of Customs to adjust the previously established levels of restraint for Categories 315.320 pt. (only T.S.U.S.A. number 326.0092), 339, 445/446, and 645/646 to the designated amounts.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

November 16, 1982.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229.

Dear Mr. Commissioner: On December 14, 1981, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry for consumption, or withdrawal from warehouse for consumption, during the twelve-month period beginning on January 1, 1982 and extending through December 31, 1982 of cotton, wool, and man-made fiber textile products in certain specified categories, produced or manufactured in the People's Republic of China, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Pursuant to the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of September 17, 1980, as amended, between the governments of the United States and the People's Republic of China and in accordance with the provisions of Executive Order 11651 of March 3, 1971, as amended by Executive Order 11951 of January 6, 1977, you are directed to amend, effective on November 16, 1982, the levels of restraint previously established for cotton, wool, and man-made fiber textile products in Categories 315/320 pt. (only T.S.U.S.A. number 326.0092), 339, 445/446, and 645/646 to the following:

Category and Amended Twelve-Month Level of Restraint[2]

315/320 pt. (only T.S.U.S.A. number 165,523,772 square yards 326.0092).
339—765,842 dozen.
445/446—274,451 dozen.
645/646—618,505 dozen.

The actions taken with respect to the Government of the People's Republic of China and with respect to imports of cotton, wool, and man-made textile products from China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 82-31905 Filed 11-19-82; 8:45 am]
BILLING CODE 3510-25-M

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of September 17, 1980, as amended, between the Governments of the United States and the People s Republic of China which provide, in part, that: (1) Specific levels of restraint may be exceeded by designated percentages in any agreement year; (2) specific limits may be increased for carryover and carryforward up to 11 percent of the appicable category limit; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

[2] The levels of restraint have not been adjusted to reflect any imports after December 31, 1981.

Adjusting the Import Restraint Level for Certain Cotton, Apparel Products from the People's Republic of China

November 18, 1982.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing to 3,382,165 dozen pairs by the application of swing the level of restraint established for cotton gloves in Category 331, produced or manufactured in the People's Republic of China and exported during the agreement year which began on January 1, 1982.

[A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963), October 27, 1981 (46 FR 52409), February 9, 1982 (47 FR 5926), and May 13, 1982 (47 FR 20654)]

SUMMARY: The Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of September 17, 1980, as amended, between the Governments of the United States and the People's Republic of China provides that certain specific

ceilings may be exceeded by designated percentages, provided the specific limit for another is decreased by an equivalent amount (swing). At the request of the Government of the People's Republic of China, swing is being applied to the level of restraint for Category 331. The levels for Categories 315/320 pt. (only T.S.U.S.A. number 326.092) and 339 have been reduced accordingly to account for the swing applied to Category 331, among other categories, and are being published in the **Federal Register** on November 22, 1982.

EFFECTIVE DATE: November 23, 1982.

FOR FURTHER INFORMATION CONTACT: Carl J. Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

SUPPLEMENTARY INFORMATION: On December 17, 1981, there was published in the **Federal Register** (46 FR 61495) a letter dated December 14, 1981 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established levels of restraint for certain specific categories of cotton, wool, and man-made fiber textile products, including Categories 331 and 339, produced or manufacutred in the People's Republic of China, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1982 and extends through December 31, 1982. On August 10, 1982 a further letter dated August 4, 1982 was published in the **Federal Register** (47 FR 34614), which established a level of restraint for cotton textile products in Category 315/320 pt. (only T.S.U.S.A. number 326.0092) for the January 19–December 31, 1982 period. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements, in accordance with the terms of the bilateral agreement and at the request of the Government of the People's Republic of China, directs the Commissioner of Customs to adjust the previously established level of restraint for Category 331 to the designated amount.

Walter C. Lenanan,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

November 18, 1982.

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229.

Dear Mr. Commissioner: On December 14, 1981, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry for consumption, or withdrawal from warehouse for consumption, during the twelve-month period beginning on January 1, 1982 and extending through December 31, 1982 of cotton, wool, and man-made fiber textile products in certain specified categories, produced or manufactured in the People's Republic of China, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Pursuant to the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of September 17, 1980, as amended, between the Governments of the United States and the People's Republic of China and in accordance with the provisions of Executive Order 11651 of March 3, 1971, as amended by Executive Order 11951 of January 6, 1977, you are directed to amend, effective on November 23, 1982, the level of restraint previously established for cotton textile products in Category 331 to 3,382,165 dozen pairs.[2]

The actions taken with respect to the Government of the People's Republic of China and with respect to imports of cotton textile products from China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 82–32012 Filed 11–19–82; 8:45 am]

BILLING CODE 3510–25–M

DEPARTMENT OF DEFENSE

Department of the Air Force

Scientific Advisory Board; Meeting

November 2, 1982.

The USAF Scientific Advisory Board Ad Hoc Committee on Engineering and Services Role in the Employment of Air Power will meet at Tyndall AFB, FL on December 7 and 8, 1982. The purpose of the meeting will be to review the ongoing civil engineering research and development programs. 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.

[FR Doc. 82–31928 Filed 11–19–82; 8:45 am]

BILLING CODE 3910–01–M

Scientific Advisory Board; Meeting

November 2, 1982.

The USAF Scientific Advisory Board Arnold Engineering Development Center Advisory Group will meet at Arnold Air Force Station, Tennessee on December 9 and 10, 1982. The purpose of the meeting will be to review the application and improvement of ground based testing facilities to support future aerospace systems. 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 subparagraphs (1) and (4) 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.

[FR Doc. 82–31929 Filed 11–19–82; 8:45 am]

BILLING CODE 3910–01–M

Department of the Army

Military Personal Property Claims Symposium; Meeting

Announcement is made of a meeting of the Military Personal Property Claims Symposium. This meeting will be held on December 7, 1982 at the U.S. Army Claims Service, Office of the Judge Advocate General, Fort George G. Meade, Maryland, and will convene at 0830 hours and adjourn at approximately 1500 hours.

Proposed Agenda. The purpose of the Symposium is to provide an open discussion and free exchange of ideas with the public on procedural changes to the Personal Property Traffic Management Regulation (DOD 4500.34–R), and the handling of other matters of

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of September 17, 1980, as amended, between the Governments of the United States and the People's Republic of China which provide, in part, that: (1) specific levels of restraint may be exceeded by designated percentages in any agreement year; (2) specific limits may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

[2] The level of restraint has not been adjusted to reflect any imports after December 31, 1981.

mutual interest relating to claims actions concerning the Department of Defense Personal Property Movement and Storage Program.

All interested persons desiring to submit topics to be discussed should contact the Commander, Military Traffic Management Command, ATTN: MT-PPM, at telephone number 756-1600, between 0800-1600 hours. Topics to be discussed should be received on or before November 29, 1982.

Dated: November 5, 1982.

Robert F. Waldman,

Deputy Director, Directorate of Personal Property.

[FR Doc. 82-31840 Filed 11-19-82; 8:45 am]

BILLING CODE 3710-08-M

Application Sought for Academic Position, United States Military Academy

AGENCY: United States Military Academy, Department of the Army, DOD.

ACTION: Notice.

The Superintendent of the United States Military Academy has appointed a committee to nominate a permanent Professor and Deputy Head of the Department of History.

Applicants should have, or be making significant progress toward, a Ph.D. degree in history, or in a field associated with history, and have taught history at the college level. They should also have sufficient management skills and service experience to supervise a predominantly military faculty of approximately fifty-four personnel and ten civilian administrative personnel.

Interested persons should request an application packet from LTC Norman W. Gill, Office of the Dean, USMA, West Point, NY 10996, by December 31, 1982.

John O. Roach II,

Army Liaison Officer with the Federal Register.

[FR Doc. 82-31841 Filed 11-19-82; 8:45 am]

BILLING CODE 3710-08-M

Office of the Secretary

Defense Advisory Committee on Women in the Services (DACOWITS); Change

The 7-8 December 1982 dates for the Defense Advisory Committee on Women in the Services (DACOWITS) Executive Committee Meeting as published in the **Federal Register** (Volume 47, No. 215, Friday, 5 November 1982, FR Doc. 82-30493 p. 50318) have been changed to 14-15 December 1982. Times and places remain the same.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

November 17, 1982.

[FR Doc. 82-31981 Filed 11-19-82; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

Office of Postsecondary Education

Strengthening Program; Special Needs Program; Notice of Closing Date for Requests for Designation as an Eligible Institution and as an Institution Whose Enrollment Is at Least 45 Percent Hispanic and Native American Students—Fiscal Year 1982 Supplemental Competition for Institutions Serving Hispanic and Native American Students

Institutions of higher education, that wish to compete for grants under the Strengthening Program and the Special Needs Program fiscal year 1982 supplemental competitions for institutions serving Hispanic and Native American students, must be designated by the Secretary as an institution that (1) has an enrollment of at least 45 percent Hispanic and Native American students as reported on the latest available Higher Education General Information Survey (HEGIS) and (2) satisfies the criteria for an eligible institution as set forth in the Strengthening Program or Special Needs Program regulations.

In order for the Secretary to determine whether an institution has an enrollment of at least 45 percent Hispanic and Native American students as reported on the latest available HEGIS form, the institution must submit either the HEGIS "Fall Enrollment and Compliance Report of Institutions of Higher Education, 1982" or "The 9999 Summary (Total Enrollment)" page of the above Report. If it is impossible for an applicant to submit the Report or Summary by the January 5, 1983 closing date, the applicant may submit a request for a waiver of this requirement.

In order for the Secretary to determine whether an institution qualifies as an eligible institution under the regulations for the Strengthening Program or Special Needs Program, it must submit a "Request for Designation as an Eligible Institution" form ED Form 1049-6.

The Strengthening Program is authorized by sections 311-313 and 341-347 of Title III of the HEA, 20 U.S.C. 1057-1059 and 1066-1069c. The Special Needs Program is authorized by sections 321-324 and 341-347 of the HEA, 20 U.S.C. 1061-1063 and 1066-1069c. The Strengthening Program and Special Needs Program fiscal year 1982 supplemental competitions for institutions serving Hispanic and Native American students are authorized by the Fiscal Year 1982 Supplemental Appropriations Act, Public Law 97-257.

The Strengthening Program assists eligible institutions of higher education to become self-sufficient by providing funds to improve their academic quality and strengthen their planning, management, and fiscal capabilities. To this end, the Secretary awards planning grants and renewable and non-renewable development grants to eligible two and four year, public and private institutions of higher education. The purpose of the planning grants is to assist institutions in developing institutional long-range plans and/or applications for development grants. The purpose of the development grants is to assist institutions in implementing portions of their long-range plans, thereby enabling them to move toward or achieve self-sufficiency.

The Special Needs Program assists eligible institutions of higher education to become self-sufficient by providing funds to improve their academic quality and strengthen their planning, management, and fiscal capabilities. To this end, the Secretary awards planning grants and non-renewable development grants to eligible two and four year, public and private institutions of higher education. The purpose of the planning grants is to assist institutions in developing their long-range plans. The purpose of the development grants is to assist institutions in implementing portions of their long-range plans, thereby becoming self-sufficient.

Closing Date for Transmittal of Applications

A "Request for Designation as an Eligible Institution", ED Form 1049-6, and the HEGIS "Fall Enrollment and Compliance Report of Institutions of Higher Education, 1982" or "The 9999 Summary (Total Enrollment)" page of that Report, or the waiver request, must be mailed or hand delivered by January 5, 1983.

Requests and Reports Delivered by Mail

The "Request for Designation as an Eligible Institution" form, ED Form 1049-6, and a copy of the HEGIS "Fall Enrollment and Compliance Report of Institutions of Higher Education, 1982" or "The 9999 Summary (Total Enrollment)" page of that Report, if sent by mail, must be addressed to the

Evaluation Section, Division of Institutional Development, L'Enfant Plaza, Post Office Box 23868, Washington, D.C. 20024.

Proof of mailing must consist of one of the following:

1. A legible dated U.S. Postal Service Postmark.

2. A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

3. A dated shipping label, invoice, or receipt from a commerial carrier.

4. Any other proof of mailing acceptable to the U.S. Secretary of Education.

If a request is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

Requests and Reports Delivered by Hand

A request or report that is hand-delivered must be taken to the Evaluation Section, Division of Institutional Development, Room 3045, Regional Office Building, 3, 7th and D Streets, S.W., Washington, D.C. Hand-delivered requests must be receipted by the staff of the Evaluation Section.

The staff of the Evaluation Section will accept and receipt hand-delivered requests between 9:00 a.m. and 4:30 p.m. (Eastern Time) daily, except Staturdays, Sundays and Federal holidays.

A request that is hand-delivered will not be accepted after 4:30 p.m. on January 5, 1983.

Program Information

A. Hispanic and Native American Enrollment

The Fiscal Year 1982 Supplemental Appropriations Act, 97–257, appropriated $5 million for a supplemental competition for grants under the Institutional Aid Programs authorized by Title III of the Higher Education Act of 1965. However, it limited the competition to eligible institutions that, among other requirements, had "an enrollment of Hispanic and Native American students, as reported on the latest available Higher Education General Information Survey, * * * (of) at least 45 per centum." For the purpose of this requirement, (1) The latest available Higher Education General Information Survey (HEGIS) is the "Enrollment and Compliance Report of Institutions of Higher Education, 1982"; (2) Native American students include students who are residents of the Pacific basin and are reported under the category of "Asian or Pacific Islanders" on the HEGIS "Fall Enrollment and Compliance Report of Institutions of Higher Education, 1982", or "The 9999 Summary (Total enrollment)" page of that Report; and (3) The enrollment of an institution includes the total number of full-time and part-time students enrolled in all programs of the institution including undergraduate, graduate, and professional programs.

In order for the Secretary to determine whether an institution's enrollment is at least 45 percent Hispanic and Native American students as reported by the latest available HEGIS "Fall Enrollment and Compliance Report of Institutions of Higher Education, 1982" or "The 9999 Summary (Total Enrollment)" page of that Report, an institution must submit a copy of the Report or "The 9999 Summary (Total Enrollment)" page of that Report, to the Evaluation Section of the Division of Institutional Development by January 5, 1983.

If it is impossible for an institution to complete "The 9999 Summary (Total Enrollment)" page of the Report and submit it by the January 5, 1983 closing date, the Secretary may use the data included in the institution's previously submitted HEGIS "Fall Enrollment and Compliance Report of Institutions of Higher Education, 1980" to determine whether the institution's enrollment of Hispanic and Native American students is at least 45 percent. In order for the Secretary to use the data included in the 1980 HEGIS Report, the institution must submit a narrative, which demonstrates to the Secretary's satisfaction, that the submission of "The 9999 Summary (Total Enrollment)" page of the "Fall Enrollment and Compliance Report of Institutions of Higher Education 1982" by January 5, 1983 is impossible.

B. Eligible Institutions Under the Strengthening and Special Needs Programs

In order to receive a grant under the Strengthening or Special Needs Program, the institution must be designated as an eligible institution under that program. The definition of an eligible institution under the Strengthening Program is set forth in § 625.2 of that program's regulations, 34 CFR 625.2. The definition of an eligible institution under the Special Needs Program is set forth in § 626.2 of that program's regulations, 34 CFR 626.2.

Institutions seeking funds under the fiscal year 1982 supplemental competition for institutions serving Hispanic and Native American students under a program for which they have previously been designated as an eligible institution, do not have to reapply for designation. Institutions that have not been so designated must apply for that designation.

The Secretary will use award year 1979–80 (July 1, 1979–June 30, 1980) as the base year for calculating the variables used to determine an institution's eligibility under § 625.2(a)(2) and (3) of the Strengthening Program and § 626.2(a)(2) and (3) of the Special Needs Program regulations, respectively. These variables include for the Strengthening Program (1) the percentage of full-time equivalent (FTE) undergraduate students that received Pell Grants that were enrolled in the institution, and (2) the average Pell Grant award per recipient. These variables include for the Special Needs Program (1) the percent of full-time equivalent (FTE) undergraduate students that received Pell Grants, Supplemental Educational Opportunity Grants (SEOG), College Work-Study (CWS) employment, and National Direct Student Loans (NDSL) that were enrolled in the institution and (2) the average amount of such assistance per recipient.

The base year to be used for calculating the variables in § 625.2(a)(4) and § 626.2(a)(4) will be 1979–1980. These variables include the educational and general expenditures (E&G) per FTE undergraduate student at the institution. Institutions are to submit E&G expenditure data for the 12 month period they reported in the "Higher Education General Information Survey (HEGIS XV), Financial Statistics for Institutions of Higher Education for Fiscal Year Ending 1980."

The Department of Education will use Pell Grant data currently on file in the Dpeartment in making its determination under the financial aid eligibility criteria in 34 CFR 625.2 and 626.2. The Department will use the 1979–1980 figures as they have been corrected and updated as of January 12, 1983.

Conversion tables which explain how the Secretary assigns points to institutions applying for eligibility designation were published in the **Federal Register** on January 27, 1982 as an appendix to the Notice of Closing Date for designation as an eligible institution for the Institutional Aid Programs for the regular fiscal year 1982 competition, 47 FR 3826–3833. In addition, such conversion tables will be included in the request for eligibility package for the FY 1982 supplemental

competition for institutions serving Hispanic and Native American students.

Eligibility forms will be processed and reviewed by the Evaluation Section in the order in which they are received. Institutions will be notified of their designation as soon as possible. Institutions should note that the closing date for receipt of applications for funding is being announced in a separate notice whithin the Federal Register.

An institution that does not submit its eligibility form by January 5, 1983, will not be eligible for Institutional Aid Program assistance in fiscal year 1982 under the supplemental competition.

FURTHER INFORMATION: For further information, contact: Evaluation Section, Division of Institutional Development, L'Enfant Plaza, Post Office Box 23868, Washington, D.C. 20024. Telephone: (202) 245–2338.

(20 U.S.C. 1051–1060c)

(Catalog of Federal Domestic Assistance Number: 84.031—Institutional Aid Programs)

Dated: November 18, 1982.

T. H. Bell,

Secretary of Education.

[FR Doc. 82–32110 Filed 11–19–82; 10:45 am]

BILLING CODE 4000–01–M

Strengthening Program and Special Needs Program; Application Notice for New Awards Under the Fiscal Year 1982 Supplemental Competitions for Institutions Serving Hispanic and Native American Students—Establishment of Funding Priority

Eligible institutions of higher education, that (1) have an enrollment of at least 45 percent Hispanic and Native American students as reported on the latest available Higher Education General Information Survey (HEGIS), (2) have not previously been awarded a grant under any Institutional Aid Program authorized by Title III of the Higher Education Act of 1965 as amended (HEA), and (3) are not historically black institutions, are invitied to compete for a grant under the Strengthening and Special Needs Programs fiscal year 1982 supplemental competitions for institutions serving Hispanic and Native American students. The Institutional Aid Programs, authorized by Title III of the HEA, include the Strengthening, Special Needs and Challenge Grant Programs.

The Strengthening Program is authorized by Sections 311–313 and 341–347 of Title III of the HEA, 20 U.S.C. 1057–1059 and 1066–1069c. The Special Needs Program is authorized by sections 321–324 and 341–347 of the HEA, 20 U.S.C. 1060–1063 and 1066–1069c. The Strengthening Program and Special Needs Program fiscal year 1982 supplemental competitions for institutions serving Hispanic and Native American students are authorized by the Fiscal Year 1982 Supplemental Appropriation Act, Pub. L. 97–257.

The Strengthening Program assists eligible institutions of higher educatiuon to become self-sufficient by providing funds to improve their academic quality and strengthen their planning, management, and fiscal capabilities. To this end, the Secretary awards planning grants and renewable and non-renewable development grants to eligible two and four year, public and private institutions of higher education. The purpose of the planning grants is to assist institutions in developing institutional long-range plans and/or applications for development grants. The purpose of the development grants is to assist institutions in implementing portions of their long-range, plans, thereby enabling them to move toward or achieve self-sufficiency.

The Special Needs Program assists eligible institutions of higher education to become self-sufficient by providing funds to improve their academic quality and strengthen their planning, management, and fiscal capabilities. To this end, the Secretary awards planning grants and non-renewable development grants to eligible two and four year, public and private institutions of higher education. The purpose of the planning grants is to assist institutions in developing their long-range plans. The purpose of the development grants is to assist institutions in implementing portions of their long-range plans, thereby becoming self-sufficient.

Waiver of Rulemaking

Awards under these fiscal year 1982 supplemental competitions are scheduled to be made in March of 1983. The closing date for applications under these competitions is January 5, 1983. Accordingly, in view of the limited time available for making awards, the Secretary finds that publication of a proposed rule regarding the funding priority would be impracticable and contrary to the public interest within the meaning of 5 U.S.C. 553(b).

Effective Date

Unless the Congress takes certain adjournments, this priority will take effect 45 days after publication in the Federal Register. If you want to know the effective date of the priority, call or write the Department of Education contact person.

Closing Date for Transmittal of Applications: An application for a planning or development grant under either program must be mailed or hand delivered by January 5, 1983.

Applications Delivered by Mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.031A, for an application for a Strengthening Program grant; and 84.031B, for an application for a Special Needs Program grant, Washington, D.C. 20202–3561.

An applicant must show proof of mailing consisting of one of the following:

1. A legibly dated U.S. Postal Service Postmark.

2. A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

3. A dated shipping label, invoice, or receipt from a commercial carrier.

4. Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand: An application that is hand-delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Eastern Time) daily, except Saturdays, Sundays, and Federal holidays.

Program Information

A. General Eligibility

The Fiscal Year 1982 Supplemental Appropriation Act, 97–257, appropriated $5 million for a supplemental competition for grants under the Institutional Aid Programs authorized by Title III of the Higher Education Act of 1965. However, it limited the competition to eligible institutions that (1) were "not eligible to receive Title III funds under section 347(e) of the (Higher Education) Act in fiscal year 1982" and

(2) had "an enrollment of Hispanic and Native American students, as reported on the latest available Education Department Higher Education General Information Survey, * * * (of) at least 45 per centum."

The first clause, which refers to section 347(e) of the Higher Education Act, removed from this competition those institutions that have historically served substantial numbers of black students and are listed in the 1978 publication of the National Center for Education Statistics entitled "Traditionally Black Institutions of Higher Education: Their Identification and Selected Characteristics." These institutions, for purposes of this notice, will be referred to as "historically black institutions."

The second clause includes as Native American students, students who are residents of the Pacific basin.

B. Strengthening Institutions Program

1. *Eligible Institutions.* An institution may compete for a grant under the Strengthening Program fiscal year 1982 supplemental competition for institutions serving Hispanic and Native American students if it—

(a) Has an enrollment of at least 45 percent Hispanic and Native American students as reported on the latest available Higher Education General Information Survey (HEGIS);

(b) Is not an historically black institution;

(c) Has not already been awarded a grant under the Strengthening or the Special Needs Program; and

(d) Has been designated by the Secretary as an eligible institution under § 625.2 of the Strengthening Program regulations, 34 CFR 625.2.

Note.—A separate closing date notice for applications for designation as an elilgible institution under the Strenthening Program, and for designation as an institution having an enrollment of at least 45 percent Hispanic and native American students as reported on the latest HEGIS, is published separately in today's **Federal Register.**

2. *Grant Information, Planning grants.*—A. The Secretary will not accept an application for a planning grant solely to develop an application for a development grant unless the applicant submits, as part of its application, its long-range plan containing all the elements required in § 624.22 of the Institutional Aid Programs General Provisions Regulations, 34 CFR 624.22, published in the **Federal Register** of January 5, 1982, 47 FR 540, 543–544.

b. The Secretary will not accept an application for a planning grant to develop a long-range plan from institutions applying in a cooperative arrangement unless the purpose of the grant is to develop a separate long-range plan for each participating institution.

c. Approval of a planning grant does not commit the Secretary to fund a subsequent application for a development grant.

Development grants.—An institution may not apply for both a renewable and non-renewable development grant under this competition either individually or as part of a cooperative arrangement.

C. Special Needs Program

1. *Eligible Institutions.* An institution may compete for a grant under the Special Needs Program fiscal year 1982 supplemental competition for institutions serving Hispanic and Native American if it—

(a) Has an enrollement of at least 45 percent Hispanic and Native American students as reported on the latest available Higher Education General Information Survey (HEGIS);

(b) Is not an historically black institution;

(c) Has not already been awarded a grant under the Strengthening or the Special Needs Program; and

(d) Has been designated by the Secretary as an eligible institution under § 626.2 of the Special Needs Program regulations, 34 CFR 626.2.

Note.—A separate closing date notice for applications for designation as an eligible institution under the Special Needs Program, and as an institution having an enrollment of at least 45 percent Hispanic and Native American students as reported on the latest HEGIS, is published separately in today's **Federal Register.**

2. *Grant Information. Planning Grants.*—a. The Secretary will not accept an application for a planning grant from institutions applying in a cooperative arrangement unless the purpose of the grant is to develop a separate long-range plan for each participating institution.

b. Approval of a planning grant does not commit the Secretary to fund a subsequent application for a development grant.

D. Duration and Maximum Grants

Under both the Strengthening and Special Needs Programs, planning grants will be awarded, up to a maximum of $37,500 per institution, for a twelve month period. Under both prgrams, non-renewable development grants will be awarded, up to a maximum of $1,200,000, for an initial budget period that will run into September, 1984. Subsequent budget periods will be 12 months and the maximum grant will be $800,000. Under the Strengthening Program, renewable development grants will be awarded up to a maximum of $300,000 for an initial budget period which wil run into September, 1984. Subsequent budget periods will be 12 months and the maximum grant will be $200,000.

E. Awarding of Grants and Allocation of Funds Between Programs

The $5 million appropriated for these supplemental competitions is not governed by section 347 of the HEA. Therefore the Secretary is not required to set-aside or divide the $5 million in any particular way. The Secretary has decided to award this money under the Strengthening and Special Needs Programs.

The Secretary will set-aside a minimum of $500,000 for planning grants and will award planning grants on the basis of a single competition among applicants for planning grants under the Strengthening and Special Needs Programs. If the the Secretary does not receive enough qualifying applications for these funds, he will use the remainder of the money for development grants.

The Secretary will award the remaining funds on the basis of a single competition among applicants for renewable and non-renewable development grants under the Strengthening Program and non-renewable development grants under the Special Needs Program.

Application Forms: Applications may be obtained by writing to the Institutional Aid Programs, U.S. Department of Education, L'Enfant Plaza Station, Post Office Box 23868, Washington, D.C. 20024.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Secretary strongly urges that (1) the individual parts of the application not exceed the page limitations identified in the application materials, and (2) applicants not submit information that is not requested.

The program information is intended to aid applicants in applying for assistance under this competition. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those specifically imposed under the statute and regulations governing the competition.

Applicable regulations: Applicable regulations include:

(a) The regulations in 34 CFR Part 624, which apply to both the Strengthening and Special Needs Program;

(b) The regulations in 34 CFR Part 625, which apply to the Strengthening Program;

(c) The regulations in 34 CFR Part 626, which apply to the Special Needs Program, and

(d) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75, 77, and 78, except that 34 CFR 75.128(a)(2) and 34 CFR 75.129(a) do not apply to cooperative arrangements.

Parts 624, 625 and 626 of Title 34 of the Code of Federal Regulations were published in the **Federal Registered** of January 5, 1982, 47 FR 540 *et seq.*

Establishment of Funding Priority

In awarding planning grants under the Strengthening Program and the Special Needs Program fiscal year 1982 suplemental competitions for institutions serving Hispanic and Native American students, the Secretary will give priority to applications submitted by eligible institutions located on Guam, American Samoa, the Northern Mariana Islands and the Trust Territory of the Pacific Islands.

The Secretary is authorized to established this priority by section 1204 of the Higher Education Act of 1965, which provides in pertinent part that "The Secretary is authorized to provide such modifications of any programs under this Act as the Secretary deems necessary in order to adapt such programs to the needs of Guam, * * * American Samoa, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands."

Further Information: For further information contact: Dr. William A. Butts, Director, Division of Institutional Development, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202–3311. Telephone: (202) 245–2715, 9091 or 9585. (20 U.S.C. 1057–1059, and 1066–1069c)

(Catalog of Federal Domestic Assistance No. 84.031A—Strengthening Program, 84.031B—Special Needs Program)

Dated: November 18, 1982.

T. H. Bell,

Secretary of Education.

[FR Doc. 82-32111 Filed 11-19-82; 10:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Compliance With the National Environmental Policy Act (NEPA); Amendments to the DOE NEPA Guidelines

AGENCY: Department of Energy.

ACTION: Notice of proposed amendments to the Department of Energy's NEPA Guidelines.

SUMMARY: The Department of Energy proposes to amend Section D of its NEPA guidelines by adding eight (8) new categorical exclusions to the list of typical classes of action. Public comment is invited on this proposal. Pending final adoption of the proposed amendments, the Department of Energy will use the new categorical exclusions on an interim basis.

COMMENTS BY: December 22, 1982.

FOR FURTHER INFORMATION CONTACT:

Raymond P. Berube, Director, Compliance Policy Division, Office of Environmental Compliance, EP–361, U.S. Department of Energy 1000 Independence Ave., S.W., Rm. 4G–064, Washington, D.C. 20585, (202) 252–4600.

Henry Garson, Esq., Assistant General Counsel for Environment, GC–34, U.S. Department of Energy, 1000 Independence Ave., S.W., Rm. 6D–033, Washington, D.C. 20585, (202) 252–6947.

SUPPLEMENTARY INFORMATION:

A. Background

On March 28, 1980, The Department of Energy (DOE) published in the **Federal Register** (45 FR 20694) final guidelines for compliance with the National Environmental Policy Act (NEPA), as required by the Council on Environmental Policy Act (NEPA), as required by the Council on Environmental Quality (CEQ) regulations (40 CFR 1500–1508). In accordance with 40 CFR 1507.3(b)(2), Section D of the guidelines lists typical classes of agency action: (1) which normally do require environmental impact statements; (2) which normally do not require either an environmental impact statement or an environmental assessment (categorical exclusions), and (3) which normally require environmental assessment but not necessarily environmental impact statements.

Under Paragraph A.3(d) of the guidelines, the Department may amend Section D based on experience gained during implementation of the CEQ regulations and the DOE guidelines. The last amendments to Section D were published in the **Federal Register** on February 23, 1982, (47 FR 7976), at which time the Department also republished Section D in its entirety.

B. Proposed Amendments

The Department proposes to further amend Section D of the guidelines adding eight (8) typical classes of actions, applicable to the Power Marketing Administrations within the Department, to the list of categorical exclusions in Section D. Categorical exclusions are typical classes of action that do not individually or cumulatively have a significant effect on the human environment and for which, therefore, neither an environmental assessment nor an environmental impact statement is normally required.

The eight (8) categorical exclusions are:

1. Actions undertaken in order to bring an existing DOE transmission facility into compliance with changes in applicable Federal, State, or local environmental standards or to mitigate adverse environmental effects, where such actions do not impact environmentally sensitive areas such as archeological sites, critical habitats, floodplains, wetlands, etc. Such actions include, for example, noise abatement measures, and the acquisition of additional rights-of-way to establish buffer areas.

2. Execution of contract for the short-term (less than one-year) or seasonal acquisition of excess power from existing power resources which can be transmitted over existing transmission systems with no changes in the operations of the power resources.

3. Temporary adjustments to river operations to accommodate day-to-day river fluctuations, power demand changes, fish and wildlife conservation program requirements, and other external events where the adjustments result in only minor changes in reservoir levels and streamflows.

4. Contract interpretations, amendments, and modifications, including replacement, which are clarifying or administrative in nature, and which do not extend the term or otherwise substantially change the contracts being amended.

5. Leasing of existing transmission facilities where the leases do not involve any change in operation.

6. Acquisition or minor relocation of existing access roads serving existing transmission facilities where the relocation does not impact environmentally sensitive areas such as archeological sites, critical habitats, floodplain/wetlands, etc.

7. Replacing conductors on existing transmission lines where the replacement conductors carry the same nominal voltage as the existing conductors and where the replacement work does not involve new support structures, new substations, or other new facilities.

8. Research, inventory, and information collection activities which are directly related to the conservation of fish and wildlife resources and which involve only negligible animal mortality or habitat destruction, and no introduction of either contaminants or exotic organisms.

Comments concerning the proposed amendments to Section D of the Department's NEPA guidelines should be submitted to Mr. Berube at the above listed address.

Pending final adoption, the Department of Energy will use the new categorical exclusions on an interim basis.

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

William A. Vaughan,

Assistant Secretary, Environmental Protection, Safety, and Emergency Preparedness.

[FR Doc. 82-31839 Filed 11-19-82; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. G-2640-000, et al.]

Natural Gas Companies; Phillips Petroleum Company, et al.; Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates[1]

November 16, 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 protes with reference to said applications should on or before December 3, 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 385.211, .214). 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-2640-000, D; 11/3/82	Phillips Petroleum Company, 336 HS&L Building, Bartlesville, Oklahoma 74004.	United Gas Pipe Line Company, Ball No. 1 lease, Carthage Field, Panola County, Texas.	(1)	
G-5035-001, D; 10/22/82	Shell Oil Company, One Shell Plaza, P.O. Box 2463, Houston, Texas 77001.	Texas Gas Transmission Corporation, Chalkley Field, Cameron Parish, Louisiana.	(2)	
G-6588-000; 10/27/82	Conoco Inc., P.O. Box 2197, Houston, Texas 77252	Tennessee Gas Pipeline Co., Carthage Field, Panola County, Texas.	(3)	14.73
G-6591-001, D; 10/27/82	Conoco Inc., P.O. Box 2197, Houston, Texas 77252	Tennessee Gas Pipeline Company, Rincon Field, Starr County, Texas.	(4)	
G-11742-005, D; 11/1/82	Mobile Oil Corporation, Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Cities Service Gas Company, Hugoton Field, Grant County, Kansas.	(5)	
CI61-482-000, D; 10/25/82	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	Natural Gas Pipeline Company of America, N.E. Thompsonville and Taquachie Creek Fields, Webb and Jim Hogg Counties, Texas.	(6)	
CI61-1024-005, D; 10/25/82	Mobile Oil Corporation, Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Natural Gas Pipeline Company of America, North Custer City Field, Custer County, Oklahoma.	(7)	
CI64-1267-000; 11/1/82	Conoco Inc., P.O. Box 2197, Houston, Texas 77252	Tennessee Gas Pipeline Co., San Ramon Field, Hidalgo County, Texas.	(3)	14.73
CI63-201-000, C; 10/27/82	Conoco Inc., P.O. Box 2197, Houston, Texas 77252	Panhandle Eastern Pipeline Co., Elk City Hoxbar Conglomerate Unit, Beckham County, Oklahoma.	(8)	14.73
CI68-1071-000, F; 10/25/82 [10]	Union Oil Company of California (Succ. In Interest to Sun Oil Company) Union Oil Center, Room 904, P. O. Box 7600, Los Angeles, California 90051.	Michigan Wisconsin Pipe Line Company, Creole Field, Cameron Parish, Louisiana.	(11)	15.025
CI73-324-000, D; 11/1/82	Tenneco Oil Company, Operator & Agent for Tema Oil Company P.O. Box 2511, Houston, Texas 77001.	El Paso Natural Gas Company, Mocane-Laverne Field, Beaver County, Oklahoma.	(12)	
CI75-51-001, D; 10/28/82	American Petrofina Company of Texas, P.O. Box 2159, Dallas, Texas 75221.	Tennessee Gas Pipeline Company, a Division of Tenneco Inc., Young Gas Unit, Donna Field, Hidalgo County, Texas.	(13)	
CI75-747-001, C; 10/4/82	Tenneco Oil Company, P.O. Box 2511, Houston, Texas 77001.	Tennessee Gas Pipeline Company, Eugene Island Blocks 342 and 343, Offshore Louisiana.	(14)	15.025
CI79-4-001, C; 10/8/82	Chevron U.S.A. Inc., P.O. Box 7309, San Francisco, California 94120.	Transcontinental Gas Pipe Line Corporation, High Island Block 140 Field, Offshore Texas.	(15)	14.65
CI80-278-005, C; 8/19/82	The Superior Oil Company, P.O. Box 1521, Houston, Texas 77001.	Natural Gas Pipeline Company of America, Sabine Pass Area, Block 9, Offshore Louisiana.	(16)	15.025
CI83-27-000, A; 10/20/82	Exxon Corporation, P.O. Box 2180, Houston, Texas 77001	Columbia Gas Transmission Corporation, Grand Isle Block 18, Offshore Louisiana.	(17)	14.73
CI83-28-000, A; 10/21/82	Texaco Inc., P.O. Box 60252, New Orleans, Louisiana 70160	Tennessee Gas Pipeline Company, South Timbalier Blocks 29 and 38, Offshore Louisiana.	(18)	15.025
CI83-29-000, A; 10/22/82	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	MIGC, Inc., Gillette Gas Plant, Campbell County, Wyoming	(19)	15.025

Docket no. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI83-30-000, B; 10/22/82	Flagstone Petroleum Corporation, 1014 C & K Building, Midland, Texas 79701.	Northern Natural Gas Company, Section 197, Block 3, T&P RR Survey, Northeast Oates Field, Pecos County, Texas.	([20])	
CI83-31-000, A; 10/22/82 [2]	NT Corporation, 1990 Post Oak Blvd., Suite 1400, Houston, Texas 77056.	Transcontinental Gas Pipe Line Corporation, Vermilion Block 36, Offshore Louisiana, Gulf of Mexico.	([21])	15.025
CI83-32-000, A; 10/22/82 [2]	NT Corporation, 1990 Post Oak Blvd., Suite 1400, Houston, Texas 77056.	Transcontinental Gas Pipe Line Corporation, Block 25 Field, Vermilion Area, Offshore Louisiana, Gulf of Mexico.	([21])	15.025
CI83-33-000, A; 10/22/87 [2]	NT Corporation, 1990 Post Oak Blvd., Suite 1400, Houston, Texas 77056.	Transcontinental Gas Pipe Line Corporation, Block 310 Field, Vermilion Area, Offshore Louisiana, Gulf of Mexico.	([21])	15.025
CI83-34-000, A; 10/22/87 [2]	NT Corporation, 1990 Post Oak Blvd., Suite 1400, Houston, Texas 77056.	Transcontinental Gas Pipe Line Corporation, Block 58 Field, Vermilion Area, Offshore Louisiana, Gulf of Mexico.	([21])	15.025
CI83-35-000, D; 10/27/82	Oleum Incorporated, et al., P.O. Box 631, Amarillo, Texas 79173.	Transwestern Pipeline Company, Sec. 860, Block 43, H&TC Ry. Co. Survey, Lipscomb County, Texas.	([22])	
CI83-36-000, A; 10/28/82	The Superior Oil Company, P.O. Box 1521, Houston, Texas 77001.	Texas Eastern Transmission Corporation, West Cameron Block 71 and 149 Fields, Offshore Louisiana.	([21])	15.025
CI83-37-000, A; 11/1/82	Sun Exploration and Production Company, P.O. Box 20, Dallas, Texas 75221.	Texas Eastern Transmission Corporation, Ship Shoal Block 295, Offshore Louisiana.	([23])	15.025
CI83-38-000, D; 10/29/82	Gulf Oil Corporation, P.O. Box 2100, Houston, Texas 77252	Texaco Inc., P. Walker, et al., Lease, Ward County, Texas	([24])	
CI83-39-000, A; 10/28/82	McMoRan-Freeport Oil Company, P.O. Box 6800, Metairie, Louisiana 70009.	Tennessee Gas Pipeline Company, Vermilion Blocks 217, 218, 225, and 226, Offshore Louisiana.	([25])	15.025
CI83-40-000, (CI60-310), B; 11/1/82	Mobile Oil Exploration & Producing Southeast Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Tennessee Gas Transmission Company, High Island Field, Cameron Parish, Louisiana.	([26])	
CI83-41-000, (CI69-615), B; 11/1/82	Mobile Oil Exploration & Producing Southeast Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Southern Natural Gas Company, High Island Field, Cameron Parish, Louisiana.	([27])	
CI83-43-000, A; 11/3/82	McMoRan Offshore Exploration Co., P.O. Box 6800, Metairie; Lousisana 70009.	Tennessee Gas Pipeline Company, Vermilion Blocks 217, 218, 225, and 226, Offshore Louisiana.	([28])	15.025
CI83-44-000, A; 11/4/82	Texomo Production Company, P.O. Box 90996, Houston, Texas 77090.	Natural Gas Pipeline Company of America, West Cameron Block 538, Offshore Louisiana.	([29])	15.025
CI83-45-000, A; 11/4/82	Mesa Petroleum Co., P.O. Box 2009, Amarillo, Texas 79189	Transcontinental Gas Pipe Line Corporation, High Island Block 22-L State Tract, Offshore Texas.	([30])	14.65
CI65-1050-000, D; 11/1/82	Sohio Petroleum Company, P.O. Box 4587, Houston, Texas 77210.	Lone Star Gas Company, a Division of Enserch Corporation, E. Washington Field, McClain County, Oklahoma.	([31])	

[1] The Ball No. 1 lease is being used as a water injection well and reserves have been depleted.
[2] Shell Lease No. L-4132, dated October 19, 1935, located in Sec. 23, T-12-S, R-6-W is beyond its primary term. Due to demand by lessor, Shell released certain deep rights under said lease. The geological interpretation indicates there are no prospects for further development on said lease. There are no zones with production potential underlying said lease; therefore, renewal of the lease is not warranted.
[3] Applicant is filing under a Rollover Contract dated April 30, 1982.
[4] The last wells on Conoco Inc. lease Nos. 23620 and 26255 have been plugged and abandoned and the leases have reverted to the lessor(s) due to lack of production.
[5] To release gas for irrigation fuel.
[6] Deletion of acreage. Applicant no longer holds an interest in the properties.
[7] By Partial Assignment of Oil and Gas Lease, effective June 13, 1980, Mobil assigned to Gadsco, Inc., 50% of its right, title and interest in and to that certain producing acreage.
[8] Applicant requests and seeks by this application a limited term certificate of public convenience and necessity.
[9] Applicant is filing under Rollover Contract dated September 13, 1982.
[10] By an Assignment of Interest executed on August 16, 1976, to be effective March 1, 1976, between Sun Oil Company, as Assignor, and Union Oil Company of California, as Assignee, in which Sun transferred, conveyed and assigned a portion of its right, title and interest in the State of Louisiana Lease No. 2760.
[11] Applicant is filing under Gas Sales Contract dated November 9, 1967.
[12] Depletion of reserves from Otto No. 1-7 well.
[13] Tennessee released certain oil and gas leases and lands committed under the Gas Purchase and Sales Agreement dated June 29, 1982, being attributable to the Young No. 4 well.
[14] Applicant is filing under Gas Purchase Contract dated June 12, 1975, amended by Amendatory Agreement dated February 11, 1982.
[15] Applicant is willing to accept the rates prescribed by the NPGA of 1978.
[16] Applicant is filing under Gas Purchase Contract dated April 1, 1960, amended by Amendatory Agreement dated August 2, 1982.
[17] Applicant is filing under Gas Purchase and Sales Agreement dated June 10, 1982.
[18] Applicant is filing under Gas Purchase and Sales Agreement dated September 28, 1982.
[19] Applicant is filing under Gas Exchange Agreement dated October 11, 1982.
[20] Production was depleted. The Humble No. 1 Oates Gas Unit #2 Well was plugged and abandoned and lease expired.
[21] Applicant is willing to accept certification conditioned to rate equal to the applicable maximum lawful price prescribed in the NGPA and the Commission's regulations implementing the NGPA.
[22] Well was plugged on May 14, 1980. Seller's H. G. Schoenhals, *et ux*, lease covering E/2 Sec. 860, Block 43, H&TC Ry. Co. Survey, Lipscomb County, Texas has expired.
[23] Applicant is filing under Gas Purchase Contract dated September 27, 1982.
[24] Gulf and Texaco have executed a percentage-type contract dated August 27, 1981, which replaced the original percentage-type contract between Gulf and Texaco dated September 14, 1965, as amended, as the contract covering the sale and purchase of natural gas from Gulf's interest in the P. Welker, et al. Lease in Ward County, Texas. The original contract was canceled pursuant to its terms at the end of the 10 year primary term.
[25] Applicant is filing under a July 28, 1982 Ratification and Amendment of a Contract dated March 1, 1972.
[26] The Miami Corporation Well No. 1 was plugged and abandoned. The Miami Corporation Well #2 ceased production in July, 1977, and lease L-10905 was released in January, 1978.
[27] The last well was plugged and abandoned in July, 1977, and the lease surrendered in January, 1978.
[28] Applicant is filing a July 28, 1982 Ratification and Amendment of a Contract dated March 1, 1972.
[29] Applicant is filing under Gas Sales Contract dated September 15, 1982.
[30] Applicant is filing under Gas Purchase Contract dated March 5, 1974.
[31] Uneconomical.
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. 82-31962 Filed 11-19-82; 8:45 am]
BILLING CODE 6717-01-M

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Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: November 16, 1982.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
OHIO DEPARTMENT OF NATURAL RESOURCES									
-A & R COMPANY				RECEIVED: 10/18/83		JA: OH			
8303342		3416726120		107-DV		CHAS D FOGLE TRUST #1 OH-40-3401	LAWRENCE	7.0	COLUMBIA GAS TRAN
-BOOBE OIL & GAS CORPORATION				RECEIVED: 10/18/82		JA: OH			
8303347		3416320720		103	107-TF	CHURCH FOUNDATION #23-1	CLINTON	22.0	COLUMBIA GAS TRAN
8303345		3416320717		103	107-TF	DANIEL E LEWIS #3	CLINTON	22.0	COLUMBIA GAS TRAN
8303346		3416320719		103	107-TF	DANIEL E LEWIS #5	CLINTON	22.0	COLUMBIA GAS TRAN
8303343		3416320715		103	107-TF	JAY MAR #14-1	CLINTON	22.0	COLUMBIA GAS TRAN
8303348		3416320744		103	107-TF	JAY MAR #14-2	CLINTON	22.0	COLUMBIA GAS TRAN
8303344		3416320716		103	107-TF	JAY MAR #15-1	CLINTON	22.0	COLUMBIA GAS TRAN
-ALTHEIRS OIL INC				RECEIVED: 10/18/82		JA: OH			
8303349		3405320473		103	107-TF	SHAVER #2	CHESHIRE TOWNSHIP	4.5	COLUMBIA GAS TRAN
-AMAC INC				RECEIVED: 10/18/82		JA: OH			
8303350		3416726911		107-DV		MARIE SCHWENDEMAN #1	MARIETTA	12.0	GAS TRANSPORT INC
-ATWOOD RESOURCES INC				RECEIVED: 10/18/82		JA: OH			
8303351		3415723699		103	107-TF	STEIN BICHSEL #1	YORK	30.0	EAST OHIO GAS CO
-BKK PROSPECTING LTD				RECEIVED: 10/18/82		JA: OH			
8303353		3412122517		107-DV		HARRY SMITH #3	ELK	30.0	COLUMBIA GAS TRAN
8303352		3412122509		107-DV		RALPH & RUTH BETTINGER #5	ELK	30.0	COLUMBIA GAS TRAN
8303354		3412122529		107-DV		RALPH & RUTH BETTINGER #6	ELK	30.0	COLUMBIA GAS TRAN
-BLAUSER WELL SERVICE INC				RECEIVED: 10/18/82		JA: OH			
8303356		3410522162		107-DV		ARTHUR D HEINEY #1-35	OLIVE	8.8	COLUMBIA GAS TRAN
8303355		3410522161		107-DV		ROBERT FORTNEY #1	OLIVE	11.5	COLUMBIA GAS TRAN
-BUCKEYE OIL PRODUCING CO				RECEIVED: 10/18/82		JA: OH			
8303357		3411122912		107-DV		BURKHART JR 82 #2	LEWISVILLE	12.0	COLUMBIA GAS TRAN
8303359		3416923149		103	107-TF	D GERBER #1	WILMONT	12.0	COLUMBIA GAS TRAN
8303358		3411122932		107-DV		HARPER #1	MALGA	12.0	RIVER GAS CO
8303360		3416923243		103	107-TF	SCHLABACH #1	SUGAR CREEK	12.0	COLUMBIA GAS TRAN
-BUCKHORN OIL COMPANY INC				RECEIVED: 10/18/82		JA: OH			
8303361		3407523517		107-TF		FRANK BRUMME #8	KILLBUCK	14.0	COLUMBIA GAS TRAN
-CLARENCE SHERMAN				RECEIVED: 10/18/82		JA: OH			
8303430		3407521707		103	107-RT	TROYER #18	CLARK	9.1	
-COLLINS-MCGREGOR OPERATING COMPANY				RECEIVED: 10/18/82		JA: OH			
8303362		3416725775		107-DV		LARRY DANFORD #1	LUDLOW	5.5	COLUMBIA GAS TRAN
-DEER CREEK INC				RECEIVED: 10/18/82		JA: OH			
8303364		3411926264		103		M MATHEWS #1	OTSEGO	15.0	
-DORFMAN PRODUCTION CO				RECEIVED: 10/18/82		JA: OH			
8303367		3409921454		103	107-TF	BEHRINGER "A" UNIT #2	DAMASCUS	12.0	COLUMBIA GAS TRAN
8303365		3409921438		103	107-TF	GRIFFITH UNIT #2	DAMASCUS	12.0	COLUMBIA GAS TRAN
8303368		3409921479		103	107-TF	HAWKINS "B" UNIT #1	DAMASCUS	12.0	COLUMBIA GAS TRAN
8303366		3409921443		103	107-TF	STANLEY UNIT #2	DAMASCUS	12.0	COLUMBIA GAS TRAN
-EARTH RESOURCES EXPL DEV CORP				RECEIVED: 10/18/82		JA: OH			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8303370		3413322902		103	107-TF	CALLEN UNIT #3	WINDHAM	15.0	
8303371		3413322919		103	107-TF	LEJSEK #2	FREEDOM	15.0	
8303369		3413322686		103	107-TF	SCHWAN-SFERO #2	WINDHAM	25.0	
-ENTERPRISE ENERGY CORP				RECEIVED:	10/18/82	JA: OH			
8303372		3411522811		103	107-TF	RODEBACK #1	MANCHESTER	36.5	TEXAS EASTERN TRA
-FOLTZ ENTERPRISES				RECEIVED:	10/18/82	JA: OH			
8303373		3415123696		103		FOLTZ - MARHOVER #1	EAST CANTON	2.5	TRANS-GAS CO
8303374		3415123702		103		J KIKO #1	EAST CANTON	2.1	TRANSGAS CO
-GASEARCH INC				RECEIVED:	10/18/82	JA: OH			
8303375		3409921166	D	107-RT		BOY SCOUTS OF AMERICA #1-78-1	CANFIELD	100.0	COLUMBIA GAS OF O
-HOPEWELL OIL AND GAS DEVELOPMENT CO				RECEIVED:	10/18/82	JA: OH			
8303379		3411122740		107-DV		BERNARD & BEVERLY SMITH #2	WAYNE	10.0	RIVER GAS CO
8303377		3411122727		107-DV		EDWARD & ELEANOR CONNOR #1	SUMMIT	0.0	RIVER GAS CO
8303380		3411122915		107-DV		STELLA STIMPERT #1	SUMMIT	5.0	RIVER GAS CO
8303378		3411122728		107-DV		VERNON & GERALDINE FOEHRENBACH #2	CENTER	10.0	RIVER GAS CO
-IRVIN PRODUCING COMPANY				RECEIVED:	10/18/82	JA: OH			
8303381		3412723674		103		DAINE MAXWELL B-10	MONROE	8.0	COLUMBIA GAS TRAN
-JOHN C MASON				RECEIVED:	10/18/82	JA: OH			
8303385		3408323153		103		RUTH HIPP #1	JEFFERSON	12.0	COLUMBIA GAS TRAN
-JOSEPH COSGRIFF				RECEIVED:	10/18/82	JA: OH			
8303363		3412122802		103		COSGRIFF #4	JACKSON	0.0	
-MAJ				RECEIVED:	10/18/82	JA: OH			
8303382		3414520295		107-DV		ALBERT & LOUELLA LYKINS #2	MADISON	0.5	
8303383		3414520302		107-DV		DAVID & RUTH CONKEY #1	MADISON	0.8	
-MARIETTA ROYALTY CO INC				RECEIVED:	10/18/82	JA: OH			
8303384		3416725619		107-DV		STANDEN #1	BELMONT	9.0	COLUMBIA GAS TRAN
-MINNESOTA-OHIO OIL CORP				RECEIVED:	10/18/82	JA: OH			
8303390		3416727168		103		GEORGE LYONS #1	LUDLOW	0.0	RIVER GAS CO
-MORGAN-PENNINGTON INC				RECEIVED:	10/18/82	JA: OH			
8303391		3407523829		103		ALLISON 1-A	MONROE	6.6	COLUMBIA GAS TRAN
8303393		3407523875		103		HAAS #1	RICHLAND	7.8	COLUMBIA GAS TRAN
8303392		3407523830		103		PALMER #1	KNOX	6.6	COLUMBIA GAS TRAN
-NEVA PETROLEUM CORP				RECEIVED:	10/18/82	JA: OH			
8303400		3411122480		107-DV		DIXON #1	WASHINGTON	11.0	
8303401		3416725680		107-DV		GORDON HARMON #1	LAWRENCE	9.0	
8303399		3411122040		107-DV		PHENA J PIATT #1	WASHINGTON	9.0	
8303398		3411122017		107-DV		ULLMAN #1	WASHINGTON	12.0	
-NEW FRONTIER EXPLORATION INC				RECEIVED:	10/18/82	JA: OH			
8303402		3405923233		103	107-TF	BERNICE TEDRICK #2	CAMBRIDGE	20.0	COLUMBIA GAS TRAN
-OMEGA OIL CORP				RECEIVED:	10/18/82	JA: OH			
8303405		3412122577		107-DV		ANDREW ZALENAK #1	ELK	0.0	
8303404		3412122460	D	107-DV		LOVE #1	ELK	0.0	
-OXFORD OIL CO				RECEIVED:	10/18/82	JA: OH			
8303406		3407523718		103		A A DETE #2	GLENMONT	10.0	
-PAUL J OBERMILLER				RECEIVED:	10/18/82	JA: OH			
8303403		3410321802		103	107-RT	CALVIN A MCCOY #1	GUILFORD	3.0	COLUMBIA GAS TRAN
-PETRONICS OIL & GAS CORP				RECEIVED:	10/18/82	JA: OH			
8303407		3416727185		107-DV		FRANKLIN C & JOHN E GRIER #1	GRANDVIEW	15.0	
8303408		3416727207		107-DV		ROBERT SHAPLEY #2	GRANDVIEW	10.0	
-POI ENERGY INC				RECEIVED:	10/18/82	JA: OH			
8303412		3413322886		103	107-TF	CITY OF AURORA #T-1	AURORA	40.0	
8303413		3413322887		103	107-TF	CITY OF AURORA #T-2	AURORA	36.0	
8303411		3400722064		103	107-TF	D SIRRINE #T-2	ROME	27.0	EAST OHIO GAS CO

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8303409		3400721689		103	107-TF	MOTT #T-1	CHERRYVALLEY	26.0	
8303410		3400722058		103	107-TF	REVELLE #TA-2	WINDSOR	25.0	
-POMSTONE CORP				RECEIVED: 10/18/82 JA: OH					
8303414		3403124336		103		ADRIAN MATHIAS #2	KEENE	3.0	
-REPUBLIC STEEL CORP				RECEIVED: 10/18/82 JA: OH					
8303415		3411926251		103	107-TF	CONSOLIDATION COAL - CR #31	MADISON	12.0	TENNECO OIL CO
8303416		3411926322		103	107-TF	CONSOLIDATION COAL - CR #38	MADISON	9.0	TENNECO OIL CO
8303417		3411926329		103	107-TF	CONSOLIDATION COAL - CR #39	MADISON	8.0	TENNECO OIL CO
8303418		3411926333		103	107-TF	CONSOLIDATION COAL - CR #41	MADISON	10.0	TENNECO OIL CO
-RESERVE EXPLORATION CO				RECEIVED: 10/18/82 JA: OH					
8303419		3411122121		107-DV		GREER #1	FRANKLIN	18.2	COLUMBIA GAS TRAN
-ROVI RESOURCES CORP				RECEIVED: 10/18/82 JA: OH					
8303420		3411521809		107-RT		ALLEN #3	MORGAN	11.0	TENNESSEE GAS PIP
-SANDHILL ENERGY INC (OH)				RECEIVED: 10/18/82 JA: OH					
8303422		3411122807		107-DV		BUSCHE #2	BENTON	14.6	
8303423		3411122808		107-DV		BUSCHE #3	BENTON	10.9	
8303424		3411122917		107-DV		MERCKLE #1A	BENTON	29.2	
8303421		3411122750		107-DV		MERCKLE #3	BENTON	29.2	
8303427		3416727205		107-DV		MITCHELL #2	NEWPORT	7.3	
8303425		3416726983		107-DV		SHAPLEY/USA #1	GRANDVIEW	12.0	
8303426		3416726984		107-DV		SHAPLEY/USA #2	GRANDVIEW	12.0	
-SANTA FE DRILLING CO INC				RECEIVED: 10/18/82 JA: OH					
8303428		3416726312		107-DV		WILFORD/ROBERT BECKER #1	LIBERTY	50.0	
8303429		3416726313		107-DV		WILFORD/ROBERT BECKER #2	LIBERTY	50.0	
-SMITH SHAFER SMITH (A PARTNERSHIP)				RECEIVED: 10/18/82 JA: OH					
8303431		3415321163		103		CYO #2	BATH	7.5	EAST OHIO GAS CO
8303432		3415321203		103		CYO #3	BATH	7.5	EAST OHIO GAS CO
-STOCKER&SITLER INC				RECEIVED: 10/18/82 JA: OH					
8303433		3401920703		108		BUHECKER LEASE #3		0.8	MB OPERATING CO I
-THE MUTUAL OIL & GAS COMPANY				RECEIVED: 10/18/82 JA: OH					
8303396		3412122762		107-DV		CHRISTMAN #2N	MARION	6.0	COLUMBIA GAS TRAN
8303397		3412122763		107-DV		CHRISTMAN #3N	MARION	1.0	COLUMBIA GAS TRAN
8303395		3411122739		107-DV		D KINES #1M	SENECA	11.0	COLUMBIA GAS TRAN
8303394		3411122496		107-DV		M BAKER #5M	FRANKLIN	5.0	COLUMBIA GAS TRAN
-THOMAS R HALLORAN & ASSOC				RECEIVED: 10/18/82 JA: OH					
8303376		3416727096		107-DV		GRACE JOY #1	RAVEN ROCK	10.0	
-TIGER OIL INC				RECEIVED: 10/18/82 JA: OH					
8303434		3411122846		107-DV		BRADFIELD #1	NEW MATAMORAS	5.0	RIVER GAS CO
8303435		3412122845		107-DV		LARRY CRUM #1	ELK	1.0	COLUMBIA GAS TRAN
-VICTOR MCKENZIE				RECEIVED: 10/18/82 JA: OH					
8303386		3404520778		103		CARL HYDE #1	RICHLAND	0.0	
8303388		3412725677		103		CHARLES PERRY #1	HOPEWELL	0.0	NATIONAL OIL & GA
8303389		3412725678		103		LESTER WILSON #1	READING	0.0	
8303387		3404520783		103		VALINTINE GLOICH #1	RUSHCREEK	0.0	
-VIKING RESOURCES CORP				RECEIVED: 10/18/82 JA: OH					
8303436		3408520337		103	107-TF	BROWN #1	PERRY	30.0	
8303437		3408520370		103	107-TF	HICKS #4	PERRY	30.0	
-WHITACRE ENTERPRISES				RECEIVED: 10/18/82 JA: OH					
8303438		3411122888		107-DV		H MCDONALD #1	WASHINGTON	8.0	COLUMBIA GAS TRAN
-WITCO CHEMICAL CORP				RECEIVED: 10/18/82 JA: OH					
8303439		3401921486		103	107-TF	L FOSTER #1-A	BROWN	3.6	
8303441		3415123723		103	107-TF	P NEIDIG #2	PARIS	3.6	
8303440		3401921580		103	107-TF	W GEIGER #2	BROWN	3.6	

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
						TEXAS RAILROAD COMMISSION			
-AMARILLO OIL COMPANY				RECEIVED:	10/20/82	JA: TX			
8303442	F-10-022942	4217900000		108-SA		ZUEB #4 (26626)	PANHANDLE EAST	16.2	PIONEER NATURAL G
-AMOCO PRODUCTION CO				RECEIVED:	10/20/82	JA: TX			
8303484	F-06-052546	4220330532		103		DEUTSCH GAS UNIT #2	BETHANY (TRAVIS PEAK)	200.0	EAST TEXAS INDUST
8303493	F-10-053255	4239330889		103		LIPS RANCH B #26	HANSFORD - L MORROW	330.0	INTER NORTH INC
8303492	F-10-053236	4239330785		103		W B MCINTIRE A #2	HANSFORD - L MORROW	180.0	TRANSWESTERN PIPE
-ARKLA EXPLORATION COMPANY				RECEIVED:	10/20/82	JA: TX			
8303509	F-06-054773	4236531321		103	107-TF	GHOLSTON #1	CARTHAGE	550.0	ARKANSAS LOUISIAN
-ATAPCO				RECEIVED:	10/20/82	JA: TX			
8303472	F-09-051720	4249732066		103		EAST UNIT #6-3 #16204	ALVORD SOUTH (CADDO C	5.1	MITCHELL ENERGY C
-BASAL CORP				RECEIVED:	10/20/82	JA: TX			
8303643	F-7B-058098	4236331037		108		ALVIN MANN #2 RRC #067893	GRAFORD (BEND CONGLOM	7.0	LONE STAR GAS CO
-BILL HEROD				RECEIVED:	10/20/82	JA: TX			
8303752	F-7B-058418	4213332583		102-4		HANNA #2-A (18351)	MANGUM NORTH (3200)	15.0	SOUTHWESTERN GAS
-BISON PETROLEUM CORP				RECEIVED:	10/20/82	JA: TX			
8303639	F-10-058085	4242130199		108		HIRSH #1 075149	TEXAS HUGOTON (BROWN	0.0	DIAMOND SHAMROCK
-BRENT EXPLORATION INC				RECEIVED:	10/20/82	JA: TX			
8303485	F-03-052612	4228700000		102-2		BRENT DAMIANI #1	GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
-BRIGHT & COMPANY				RECEIVED:	10/20/82	JA: TX			
8303530	F-04-056131	4221431251		102-4	107-TF	HAMMAN "A"-3	MONTE CHRISTO (VICKSB	1000.0	VALERO TRANSMISSI
-BRITTON OPERATING INC				RECEIVED:	10/20/82	JA: TX			
8303536	F-09-055663	4250334690		102-4	103	BRAZEEL-KING #1 (21852)	BRAZEEL-KING (MISS)	10.0	TEXAS UTILITIES F
-BROCK PETROLEUM CORP				RECEIVED:	10/20/82	JA: TX			
8303576	F-01-057497	4217731270		102-2		PLOEGER-GONZALES UNIT #2	PEACH CREEK (AUSTIN C	90.0	VALERO TRANSMISSI
-BRYAN EXPLORATION CO				RECEIVED:	10/20/82	JA: TX			
8303554	F-10-057224	4206531161		103		HERBER #1	PANHANDLE WEST	365.0	GETTY OIL CO
-C F LAWRENCE & ASSOC INC				RECEIVED:	10/20/82	JA: TX			
8303481	F-7C-052277	4210500000		102-4		TODD "P" #2	TODD W (SAN ANDRES)	0.0	APACHE GAS CORP
-CALIX CORP				RECEIVED:	10/20/82	JA: TX			
8303691	F-01-058169	4217731189		102-4		SLOAN #2 ID 08135	PEACH CREEK (AUSTIN C	36.0	VALERO TRANSMISSI
-CASHCO OIL CO				RECEIVED:	10/20/82	JA: TX			
8303528	F-03-056026	4218530234		102-4		SCAMARDO UNIT #1	IOLA (BUDA)	0.0	LONE STAR GAS CO
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	10/20/82	JA: TX			
8303479	F-06-052149	4236500000		103	107-TF	CARTHAGE GAS UNIT 22 #3	CARTHAGE (COTTON VALL	0.0	TENNESSEE GAS PIP
8303533	F-08-056395	4217300000		102-2		P L CRAVENS #2	CONGER SW (PENN)	0.0	INTERNORTH INC
-CLAYTON W WILLIAMS JR				RECEIVED:	10/20/82	JA: TX			
8303488	F-03-052802	4204100000		102-2		LEONARD MOISE #1	KURTEN (WOODBINE)	0.0	VALERO TRANSMISSI
-CLOVER ENERGY CORP				RECEIVED:	10/20/82	JA: TX			
8303460	F-03-049628	4203931729		102-4		RALPH S O CONNOR TR #1	CHENANGO NORTH (FRIO	1600.0	TEXAS EASTERN TRA
-COATES ENERGY TRUST				RECEIVED:	10/20/82	JA: TX			
8303542	F-01-056851	4212732380		102-4		THELMA SCHILLING UNIT #1	BLAKEWAY (DIXON SAND)	20.0	VALERO TRANSMISSI
-COBRA OIL AND GAS CORPORATION				RECEIVED:	10/20/82	JA: TX			
8303534	F-09-056437	4207700000		103		JOE MAYO UNIT #2 - WELL #2	JOY NW (MARBLE FALLS)	26.0	SANFORD P FAGADAU
-COCKRELL OIL CORP				RECEIVED:	10/20/82	JA: TX			
8303451	F-03-044538	4216730774		103		LOWELL LEMM #1	NORTHEAST HITCHCOCK	750.0	
-COLOGNE PRODUCTION CO				RECEIVED:	10/20/82	JA: TX			
8303701	F-02-058212	4246931923		102-4		CLAUDE REEVES #4	COLOGNE (FRIO 4550' E	100.0	HOUSTON PIPELINE
-CONOCO INC				RECEIVED:	10/20/82	JA: TX			
8303529	F-04-056065	4221531128		107-TF		A A MCALLEN #75	MCALLEN RANCH (VICKSB	250.0	CHANNEL INDUSTRIE
8303629	F-8A-058065	4207900000		108		CONOCO DEAN UNIT #19 ID #60106	SLAUGHTER	1.1	AMOCO PRODUCTION

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8303628	F-08-058065	4238900000		108		G E RAMSEY JR -8- #17 ID #21020	GERALDINE FORD	1.0	EL PASO NATURAL G
8303625	F-78-058062	4243300000		108		GUEST/CANYON SAND/UNIT #20 ID 10855	GUEST	1.1	CITIES SERVICE CO
8303627	F-7C-058004	4210500000		108		J M SHANNON -A- #3 ID #00435	ELKHORN/ELLENBURGER/	0.9	PERMIAN CORP
8303633	F-7B-058073	4215100000		108		ROUND TOP PALO PINTO U #14 ID 11416	ROUND TOP /PALO PINTO	0.9	LONE STAR GAS CO
8303632	F-7C-058072	4210500000		108		TODD CRINDIDAL UNIT #1 ID #02014	TODD/DEEP CRINOIDAL/	1.0	PERMIAN CORP
8303483	F-04-052497	4247933190		102-2	107-TF	VAQUILLAS RANCH "A" #17	VAQUILLAS RANCH (POZO	456.0	E I DUPONT DE NEM
8303619	F-08-058054	4200300000		108		W T FORD #15	FUHRMAN MASCHO	0.8	PHILLIPS PETROLEU
8303626	F-7B-058063	4243300000		108		WEST FLOWERS UNIT #3 ID #11787	FLOWERS WEST/CANYON S	0.8	CITIES SERVICE CO
8303631	F-08-058070	4200300000		108		WEST FUHRMAN MASCHO U #72 ID 21220	FUHRMAN-MASCHO	1.0	PHILLIPS PETROLEU
8303630	F-08-058069	4200300000		108		WEST FUHRMAN MASCHO U #92 ID 21220	FUHRMAN-MASCHO	1.0	PHILLIPS PETROLEU
-CORPUS CHRISTI OIL AND GAS CO				RECEIVED:	10/20/82	JA: TX			
8303715	F-03-058261	4270430188		102-4		STATE TRACT 374-L WELL #2	COWTRAP SOUTH (6800')	0.0	DOW CHEMICAL CO
-COTTON PETROLEUM CORPORATION				RECEIVED:	10/20/82	JA: TX			
8303446	F-10-040261	4229500000		108		HAMKER #2	BRADFORD SE/CLEVELAND	0.0	DIAMOND SHAMROCK
8303445	F-10-040260	4229530192		108-SA		WILEY #1	BRADFORD (CLEVELAND)	18.0	DIAMOND SHAMROCK
-CRB OIL & GAS INC				RECEIVED:	10/20/82	JA: TX			
8303471	F-01-051450	4250731588		102-4		LEE RANCH #G-131-C	LEE RANCH (OLMOS) FIE	73.0	INTER NORTH INC
-CRUX LTD				RECEIVED:	10/20/82	JA: TX			
8303541	F-04-056779	4242700000		102-4		SLICK ESTATE #1-L	FLORES RINCON B	275.0	INTRASTATE GATHER
8303540	F-04-056778	4242700000		103		SLICK ESTATE #1-U	FLORES 5600	365.0	INTRASTATE GATHER
-DAMCO ENERGY CORP				RECEIVED:	10/20/82	JA: TX			
8303831	F-08-056138	4237100000		107-DP		MCINTYRE-STATE #1	ROJO CABALLOS SOUTH (	1095.0	LONE STAR GAS CO
-DIAMOND SHAMROCK CORPORATION				RECEIVED:	10/20/82	JA: TX			
8303407	F-10-040809	4239330795		103		C P KILLEBREW #3	MORRISON RANCH	140.0	
-DINERO OIL CO				RECEIVED:	10/20/82	JA: TX			
8303320	F-02-055363	4239100000		108		W J FOX #1	REFUGIO - FOX (5000)	13.0	UNITED GAS PIPE L
-DORCHESTER GAS PRODUCING CO				RECEIVED:	10/20/82	JA: TX			
8303444	F-10-039846	4217900000		108-SA		W BENEDICT #2 (24331)	PANHANDLE WEST	18.0	INTER NORTH INC
-EDWIN S NICHOLS EXPLORATIONS LTD				RECEIVED:	10/20/82	JA: TX			
8303573	F-7B-057455	4236332835		102-4		ANGELINA RIEBE #1A RRCID #100642	RIEBE (ATOKAN CONGL)	180.0	LONE STAR GAS CO
-EL PASO NATURAL GAS COMPANY				RECEIVED:	10/20/82	JA: TX			
8303789	F-10-058235	4248330778		108		AYCOCK #2	PANHANDLE - EAST	22.5	EL PASO NATURAL G
8303507	F-10-054499	4217923711		108		HANNER X #1	PANHANDLE - WEST	21.1	EL PASO NATURAL G
8303489	F-10-052827	4217923735		108		MAGEE #1	PANHANDLE WEST	26.0	EL PASO NATURAL G
8303710	F-10-058237	4217923763		108		YOES A #1	PANHANDLE - WEST	61.0	EL PASO NATURAL G
-ENERGETICS INC				RECEIVED:	10/20/82	JA: TX			
8303728	F-10-058295	4237530874		103		MASTERSON #G-21 (03839)	PANHANDLE (RED CAVE)	50.0	COLORADO INTERSTA
-ENSERCH EXPLORATION INC				RECEIVED:	10/20/82	JA: TX			
8303463	F-09-050844	4236732187		103		C H HOLBROOK "A" #2	BOONSVILLE	85.0	LONE STAR GAS CO
8303502	F-01-053933	4201300000		103		H A SCHUMANN "A" UNIT 1 #3-U	FASHING	712.0	NATURAL GAS PIPEL
8303497	F-05-053510	4228900000		107-PE		JAMES DONAHOE #1	RED OAK	339.0	LONE STAR GAS CO
-ESENJAY PETROLEUM CORP				RECEIVED:	10/20/82	JA: TX			
8303323	F-02-055427	4202531194		103		JOYCE NOLEN #1-C	BLANCONIA (4250)	365.0	UNITED GAS PIPE L
8303505	F-02-054008	4223931750		102-4	103	M T SIMONS #1	EDNA E (5650 SD)	244.0	HOUSTON PIPE LINE
-EXXON CORPORATION				RECEIVED:	10/20/82	JA: TX			
8303644	F-03-058100	4207131047		103		DOUBLE BAYOU CONS GAS UNIT 1 #6	DOUBLE BAYOU (FRIO 87	80.5	ARMCO STEEL CORP
8303514	F-08-054968	4200333177		103		FULLERTON CLEARFORK UNIT #2711	FULLETON	15.0	PHILLIPS PETROLEU
8303645	F-03-058101	4248132335		103		H C COCKBURN #117	MAGNET WITHERS	22.4	ARMCO STEEL CORP
8303584	F-04-057696	4227331278		103		K R ALAZAN 315-F (100543)	ALAZAN NORTH (H-53)	330.0	ARMCO STEEL CORP
8303585	F-04-057697	4227331557		103		K R ALAZAN 366 (100540)	ALAZAN NORTH (I-SERIE	712.0	ARMCO STEEL CORP
8303721	F-04-058280	4227331388		102-4		K R CANELO 40-F (100201)	CANELO (G-63)	484.0	ARMCO STEEL CORP
8303508	F-08-054652	4200332788		103		MEANS/SAN ANDRES/UNIT #1350	MEANS	15.0	PHILLIPS PETROLEU
8303582	F-04-057646	4226100000		108		MRS ALICE K EAST STATE 7-F (070016)	SAN ROMAN (8-D SAND)	7.0	TENNESSEE GAS PIP

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8303596	F-04-057798	4213100000		108		PAUL E WHITE "B" 39 (01700)	LUNDELL (PETTUS)	1.0	TENNESSEE GAS PIP
8303694	F-8A-058175	4216532351		103		ROBERTSON CLEARFORK UNIT 4501	ROBERTSON N (CLEARFOR	15.0	PHILLIPS PETROLEU
8303722	F-04-058281	4204730614		102-4		SANTA FE RANCH 38-F (100935)	SANTA FE (C-35)	365.0	ARMCO STEEL CORP
8303720	F-04-058278	4204730608		103		VFGU #1 Q-86-D (100937)	VIBORAS (ZONE 1)	140.0	ARMCO STEEL CORP
-FAGIN PRODUCTION CORP				RECEIVED:	10/20/82	JA: TX			
8303634	F-04-058074	4242731500		102-4		J M DEGARZA #2 - 098444	KELSEY SOUTH (VICKSBU	0.0	
8303468	F-7C-051305	4243532594		103	107-TF	STEWART G W #1 - 098958	SAWYER (CANYON)	0.0	
-FARGO ENERGY CORP				RECEIVED:	10/20/82	JA: TX			
8303491	F-03-053094	4205132169		102-2		BURLESON FEDERAL #2	GIDDINGS (AUSTIN CHAL	365.0	PHILLIPS PETROLEU
-FIRST UNITED OIL & GAS CORP				RECEIVED:	10/20/82	JA: TX			
8303537	F-03-056666	4229131519		103		MARY LOU GREAK #1	LIBERTY SOUTH	180.0	UNITED TEXAS TRAN
-FLORIDA GAS EXPLORATION COMPANY				RECEIVED:	10/20/82	JA: TX			
8303486	F-7C-052694	4241331222		103	107-TF	FLORENCE	PHYLLIS SONORA	0.0	INTRATEX GAS CO
-FORTUNE PRODUCTION CO				RECEIVED:	10/20/82	JA: TX			
8303578	F-7C-057556	4245131001		103		PROBANDT #1	PROBANDT (CANYON)	87.1	CRA INC
-FRANK CASS				RECEIVED:	10/20/82	JA: TX			
8303511	F-7C-054859	4243532713		103	107-TF	ALLISON-MIERS 8003	SAWYER (CANYON)	150.0	EL PASO NATURAL G
-GEOFOCUS INC				RECEIVED:	10/20/82	JA: TX			
8303539	F-01-056742	4217731318		102-4		AMERICAN EAGLE #1	CHRISTIAN (6800)	328.0	VALERO TRANSMISSI
-GETTY OIL COMPANY				RECEIVED:	10/20/82	JA: TX			
8303719	F-06-058274	4236500000		108		BATES-POWELL #2 RRC ID NO 93009	CARTHAGE (TRAVIS PEAK	14.0	TEXAS GAS TRANSMI
8303524		4237133539		107-DP		E O REED #1-A	GOMEZ (ELLENBURGER)	350.0	INTRATEX GAS CO
8303470	F-03-051444	4205100000		102-2		G A SEBESTA #1	GIDDINGS (AUSTIN CHAL	0.0	FERGUSON CROSSING
8303490	F-08-053051	4230130336		107-DP		GLENN BRUNSON 9-26 #1	BRUNSON RANCH (PENN L	1679.0	INTRATEX GAS CO
8303543	F-08-056882	4237133302		102-4		P T HUDGINS #1-U	OATES SW (DEVONIAN)	1460.0	INTRATEX GAS CO
8303718	F-06-058271	4236500000		108		WERNER-STEVENS #1 RRC NO 15826	CARTHAGE (PALUXY)	9.0	TEXAS GAS TRANSMI
8303717	F-06-058270	4236500000		108		WERNER-THOMPSON #1 ID NO 30218	CARTHAGE (LOWER PETTI	16.0	TEXAS GAS TRANSMI
-GHR ENERGY CORP				RECEIVED:	10/20/82	JA: TX			
8303599	F-04-057935	4250531465		102-4	107-TF	LA PERLA #A-2	LA PERLA RANCH (9100)	300.0	VALERO TRANSMISSI
-GIBSON DRILLING CO				RECEIVED:	10/20/82	JA: TX			
8303750	F-06-058408	4220330922		103		TAYLOR #1	WASKOM N (TRAVIS PEAK	180.0	UNITED GAS PIPELI
-GLENCO OIL & GAS CO				RECEIVED:	10/20/82	JA: TX			
8303743	F-01-058374	4216332032		102-2		AYALA (07426) #1	PEARSALL (AUSTIN-CHAL	91.3	ESPERANZA TRANSMI
8303742	F-01-058373	4216332057		102-2		GOOD (07762) #1	PEARSALL (AUSTIN CHAL	73.0	ESPERANZA TRANSMI
8303740	F-01-058369	4216332078		102-2		GOOD A-HERRING (07836) #1	PEARSALL (AUSTIN-CHAL	36.5	ESPERANZA TRANSMI
8303745	F-01-058376	4216332056		102-2		HARPER (07558) #1	PEARSALL (AUSTIN-CHAL	36.5	ESPERANZA TRANSMI
8303744	F-01-058375	4216332048		102-2		HARPER "A" (07539) #1	PEARSALL (AUSTIN-CHAL	36.5	ESPERANZA TRANSMI
8303741	F-01-058371	4216332063		102-2		HARPER "B" (07941) #1	PEARSALL (AUSTIN-CHAL	18.3	ESPERANZA TRANSMI
-GOLDEN RESOURCES CORP				RECEIVED:	10/20/82	JA: TX			
8303563	F-7B-057289	4244700000		102-4		MATTHEWS #70-1	JUDY (CADDO)	329.5	WARREN PETROLEUM
-GREAT WEST OPERATING CO INC				RECEIVED:	10/20/82	JA: TX			
8303747	F-09-058390	4223734248		102-4		DAWKINS #4	DAWKINS (CONGL)	145.0	CITIES SERVICE CO
-GULF OIL CORPORATION				RECEIVED:	10/20/82	JA: TX			
8303731	F-08-058353	4247532632		103		HUTCHINGS STOCK ASSN #1084	WARD-ESTES NORTH	26.0	CABOT CORP
8303478	F-08-052026	4247532451		103		HUTCHINGS STOCK ASSN #1145	WARD-ESTES NORTH	0.0	CABOT CORP
8303730	F-08-058352	4247532459		103		HUTCHINGS STOCK ASSN #1150	WARD-ESTES NORTH	45.0	CABOT CORP
8303735	F-08-058358	4247532630		103		HUTCHINGS STOCK ASSN #1166	WARD-ESTES NORTH	65.0	CABOT CORP
8303737	F-08-058360	4247532618		103		HUTCHINGS STOCK ASSN #1169	WARD-ESTES NORTH	75.0	CABOT CORP
8303738	F-08-058361	4247532635		103		HUTCHINGS STOCK ASSN #1174	WARD-ESTES NORTH	54.0	CABOT CORP
8303734	F-08-058357	4247532598		103		HUTCHINGS STOCK ASSN #1190	WARD-ESTES NORTH	6.0	CABOT CORP
8303736	F-08-058359	4247532646		103		HUTCHINGS STOCK ASSN #1193	WARD-ESTES NORTH	4.0	CABOT CORP
8303732	F-08-058354	4237133830		103		IVY B WEATHERBY #5	ROJO CABALLOS (DELAWA	52.0	EL PASO NATURAL G
8303733	F-7C-058355	4210533944		103		STATE "YX" #1	PERNER RANCH	357.0	SOUTHWESTERN GAS

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8303522	F-08-055409	4247532555		103		UNIVERSITY 18-29 #6	QUITO EAST (CHERRY CA	0.8	TEXACO INC
8303670	F-08-058145	4210330038		108		W N WADDELL #1006	DUNE	0.3	
8303669	F-08-058144	4210330107		108		W N WADDELL #1010	DUNE	0.4	
8303668	F-08-058143	4210330073		108		W N WADDELL #1012	DUNE	0.4	
8303667	F-08-058140	4210330076		108		W N WADDELL #1019	DUNE	0.5	
8303666	F-08-058139	4210330108		108		W N WADDELL #1024	DUNE	0.3	
8303665	F-08-058138	4210330111		108		W N WADDELL #1026	DUNE	0.4	
8303664	F-08-058137	4210330129		108		W N WADDELL #1037	DUNE	2.1	
8303663	F-08-058136	4210330130		108		W N WADDELL #1039	DUNE	0.5	
8303662	F-08-058135	4210330152		108		W N WADDELL #1040	DUNE	0.1	
8303661	F-08-058134	4210330189		108		W N WADDELL #1054	DUNE	0.4	
8303660	F-08-058133	4210330247		108		W N WADDELL #1070	DUNE	0.6	
8303658	F-08-058131	4210330265		108		W N WADDELL #1077	DUNE	0.3	
8303657	F-08-058130	4210330266		108		W N WADDELL #1078	DUNE	0.3	
8303656	F-08-058129	4210330273		108		W N WADDELL #1080	DUNE	0.5	
8303659	F-08-058132	4210330329		108		W N WADDELL #1087	DUNE	0.6	
8303689	F-08-058164	4210301422		108		W N WADDELL #590	DUNE	0.2	
8303688	F-08-058163	4210301427		108		W N WADDELL #595	DUNE	8.4	
8303687	F-08-058162	4210301428		108		W N WADDELL #596	DUNE	0.6	
8303686	F-08-058161	4210301474		108		W N WADDELL #642	DUNE	0.2	
8303685	F-08-058160	4210301479		108		W N WADDELL #647	DUNE	0.3	
8303684	F-08-058159	4210301541		108		W N WADDELL #685	WADDELL	4.7	
8303683	F-08-058158	4210301558		108		W N WADDELL #703	WADDELL	1.1	
8303680	F-08-058155	4210301577		108		W N WADDELL #726	DUNE	0.9	
8303678	F-08-058153	4210301587		108		W N WADDELL #733	WADDELL	2.0	
8303679	F-08-058154	4210301593		108		W N WADDELL #739	DUNE	0.1	
8303681	F-08-058156	4210301656		108		W N WADDELL #765	WADDELL	0.5	
8303682	F-08-058157	4210301636		108		W N WADDELL #785	DUNE	1.8	
8303649	F-08-058116	4210310171		108		W N WADDELL #822	WADDELL	0.3	
8303650	F-08-058118	4210310365		108		W N WADDELL #848	WADDELL	0.8	
8303651	F-08-058120	4210310398		108		W N WADDELL #883	WADDELL	1.1	
8303677	F-08-058152	4210310839		108		W N WADDELL #921	WADDELL	1.0	
8303676	F-08-058151	4210311167		108		W N WADDELL #932	DUNE	1.1	
8303675	F-08-058150	4210311179		108		W N WADDELL #944	WADDELL	2.1	
8303674	F-08-058149	4210311183		108		W N WADDELL #947	WADDELL	1.0	
8303673	F-08-058148	4210311297		108		W N WADDELL #977	UNIVERSITY WADDELL (D	2.7	
8303672	F-08-058147	4210330105		108		W N WADDELL #991	DUNE	1.8	
8303671	F-08-058146	4210330106		108		W N WADDELL #997	DUNE	0.5	
-HARKINS & COMPANY				RECEIVED:		10/20/82 JA: TX			
8303453	F-02-045054	4229732708		102-4	103	W H PERKINS #1	MIKESKA N (SLICK)	620.0	VALLEY GAS TRANSM
-HARRY L COUCH				RECEIVED:		10/20/82 JA: TX			
8303586	F-08-057739	4238900000		102-4		ROBERT K HILL #1 (100663)	COLLIE (DELAWARE)	57.0	INTRATEX GAS CO
-HCW EXPLORATION INC				RECEIVED:		10/20/82 JA: TX			
8303513	F-08-054935	4217331265		102-2	103	CURRIE #2	CONGER (PENN)	54.6	PHILLIPS PETROLEU
8303746	F-08-058384	4217331269		102-2		CURRIE #3	CONGER (PENN)	30.0	PHILLIPS PETROLEU
-HOME PETROLEUM CORPORATION				RECEIVED:		10/20/82 JA: TX			
8303464	F-03-056893	4203900000		102-4		HAROLD MILLER #1	SOUTH OLIVER (9620)	0.0	TEXAS UTILITIES F
8303538	F-03-056720	4220131552		102-4	103	LODGE LUMBER CO #1	CLINTON	0.0	HOUSTON PIPELINE
-HUFO PRODUCTION CORP				RECEIVED:		10/20/82 JA: TX			
8303473	F-10-051837	4234130633		103		BRENT 66-1	PANHANDLE (MOORE COUN	105.6	PANHANDLE EASTERN
-HUGGS INCORPORATED				RECEIVED:		10/20/82 JA: TX			
8303690	F-06-058166	4220330785		102-4		FURRH UNIT #3	BETHANY (TRAVIS PEAK	365.0	UNITED GAS PIPE L
8303696	F-06-058183	4220330813		102-4		GRIFFIN UNIT #2	BETHANY (TRAVIS PEAK	183.0	UNITED GAS PIPE L

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-HUGHES & HUGHES				RECEIVED:	10/20/82	JA: TX			
8303567	F-02-057353	4202531147		102-4		JUDITH M HEALEY #1	HEALEY (4720)	14.0	FERGUSON CROSSING
8303566	F-02-057352	4202531268		102-4		JUDITH M HEALEY #3	HEALEY (5450)	18.0	FERGUSON CROSSING
-IKE LOVELADY INC				RECEIVED:	10/20/82	JA: TX			
8303726	F-7C-058290	4241330809		103		UNIVERSITY "22" #1 #07956	UNIVERSITY "101" (ELL	18.2	PRODUCERS GAS CO
8303725	F-7C-058289	4241330906		103		UNIVERSITY "22" #3 #07956	UNIVERSITY "101" (ELL	29.2	PRODUCERS GAS CO
8303724	F-7C-058288	4241330809		103		UNIVERSITY "22" #4 $07956	UNIVERSITY "101" (ELL	36.5	PRODUCERS GAS CO
-IMC EXPLORATION COMPANY				RECEIVED:	10/20/82	JA: TX			
8303521	F-8A-055403	4211531673		102-4		J M MICHIE #1	DEROEN (MISSISSIPPIAN	0.0	TEXACO INC
-INDIAN WELLS OIL CO				RECEIVED:	10/20/82	JA: TX			
8303698	F-7C-058191	4223531933		103		TANKERSLEY #3	IRION W (CANYON)	0.0	INTERNORTH INC
8303697	F-7C-058189	4241331028		103		UNIVERSITY 17-1	PAGE WEST (WOLFCAMP)	0.0	CRA INC
-J A WILBURN				RECEIVED:	10/20/82	JA: TX			
8303476	F-7B-051971	4215131378		103		FOMBY #1	CLAYTONVILLE (CANYON	15.0	TIPPERARY CORP
-J M HUBER CORPORATION				RECEIVED:	10/20/82	JA: TX			
8303749	F-10-058400	4206500000		108		BURNETT "M" #2	WEST PANHANDLE	18.0	INTERNORTH INC
-JACKSON EXPLORATION INC				RECEIVED:	10/20/82	JA: TX			
8303503	F-08-053948	4231732507		103		CAVE #2	SULPHUR DRAW (8790' D	14.0	ADOBE OIL & GAS C
8303501	F-08-053755	4211531680		103		KOGER #1	SULPHUR DRAW (8790' D	14.0	ADOBE OIL & GAS C
-JAMES E HOLDEN				RECEIVED:	10/20/82	JA: TX			
8303516	F-02-055298	4246800000		102-4		PRITCHETT #1	HOLDEN (FRIO 4900)	150.0	FLORIDA GAS TRANS
-JAMES K ANDERSON INC				RECEIVED:	10/20/82	JA: TX			
8303571	F-7C-057405	4241331086		107-TF		MCGREGOR #2	FT MCKAVITT W (CANYON	110.0	ARCO OIL & GAS CO
-JOHN L COX				RECEIVED:	10/20/82	JA: TX			
8303454	F-08-046136	4231700000		103		I T GRAVES "B" #1 RRC #NA	SPRABERRY (TREND AREA	10.0	PHILLIPS PETROLEU
8303569	F-08-057372	4231732555		103		J N WOODY #1-X RRC #21637	SPRABERRY (TREND AREA	10.0	NORTHERN GAS PROD
8303467	F-08-051038	4231700000		103		ORSON #1-X RRC #22025	SPRABERRY (TREND AREA	10.0	ALPINE OIL CO
8303465	F-7C-050988	4238300000		103		ROCKER B "C" #7-X RRC #04476	SPRABERRY (TREND AREA	5.0	EL PASO NATURAL G
8303466	F-7C-050990	4238300000		103		ROCKER B "E" #8-X RRC #04544	SPRABERRY (TREND AREA	5.0	EL PASO NATURAL G
8303480	F-7C-052181	4238332220		103		UNIVERSITY "AA" #1 RRC #NA	TEXON W (SPRABERRY)	10.0	UNION TEXAS PETRO
8303455	F-7C-046142	4246131857		103		UNIVERSITY "E" #1	BENERUM (FUSSELMAN)	10.0	PHILLIPS PETROLEU
-KLH OIL & GAS INC				RECEIVED:	10/20/82	JA: TX			
8303568	F-7B-057356	4204933168		102-4		H C WILLIAMS #4 (18836)	WILLIAMS (CADDO MIDDL	48.0	ODESSA NATURAL CO
-L & M OIL CO				RECEIVED:	10/20/82	JA: TX			
8303544	F-7B-056935	4213333478		102-4		BEGGS #1	REX (CONGL)	20.0	LONE STAR GAS CO
8303597	F-09-057844	4223700000		108		H C LAIR #1 (068811)	BOONESVILLE (BEND CON	0.1	LONE STAR GAS CO
-L TEXAS PETROLEUM INC				RECEIVED:	10/20/82	JA: TX			
8303457	F-04-047895	4204730985		102-4 103		MESTENA BROOKS #1	SCOTT & HOPPER (FRIO	0.0	VALERO INTERSTATE
-LA JOLLA OIL & MINERALS INC				RECEIVED:	10/20/82	JA: TX			
8303583	F-01-057653	4217731039		102-2		B M W LIMITED #1-A (07453)	GIDDINGS (AUSTIN CHAL	100.0	CLAJON GAS CO
-LENTEX PETROLEUM INDUSTRIES INC				RECEIVED:	10/20/82	JA: TX			
8303545	F-7B-056453	4239932401		103		WEST HANCOCK #2	GOLDSBORO (GARDNER)	57.0	UNION TEXAS PETRO
-M BRAD BENNETT INC & RKH LTD				RECEIVED:	10/20/82	JA: TX			
8303727	F-08-058294	4238931288		102-4		COLLIE "B" #4	COLLIE (DELAWARE)	73.0	INTRATEX GAS CO
-MAY PETROLEUM INC				RECEIVED:	10/20/82	JA: TX			
8303600	F-7C-057998	4238332207		103		ROCKER "B" 32 #1	SPRABERRY (TREND AREA	36.5	INTER NORTH INC
-MAYNARD OIL COMPANY				RECEIVED:	10/20/82	JA: TX			
8303587	F-09-057741	4246931897		103		P P DIEMER #1	MEYSER (6200)	105.0	
-MCCANN CORP				RECEIVED:	10/20/82	JA: TX			
8303695	F-8A-058181	4211531695		103		M L SNELL #1	ACKERLY NORTH (CANYON	48.6	TEXACO INC
-MCCORD EXPLORATION				RECEIVED:	10/20/82	JA: TX			
8303504	F-02-053950	4223900000		102-4		MCCORD #1 PRICE GAS UNIT	FRANCITAS FIELD	185.0	HOUSTON PIPELINE
-MCMILLAN OPERATING CO				RECEIVED:	10/20/82	JA: TX			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8303562	F-7B-057282	4208332997		102-4		R O MATTHEWS #1-C (100957)	MATHEWS (BRENEKE)	144.0	ODESSA NATURAL CO
-MEG PETROLEUM CORP				RECEIVED:	10/20/82	JA: TX			
8303577	F-7C-057498	4223531926		103		SPRING CREEK #1	CAL (CANYON)	745.0	INTER NORTH INC
-MITCHELL ENERGY CORPORATION				RECEIVED:	10/20/82	JA: TX			
8303452	F-03-044863	4214900000		108		A JOOST UNIT A #1 13987	GIDDINGS (BUDA)	5.0	SOUTH CEN-TEX GAS
-MOBIL PRDG TEXAS & NEW MEXICO INC				RECEIVED:	10/20/82	JA: TX			
8303602	F-04-058036	4213100000		108		DUVAL RANCH SEC 201 #51	HAGIST RANCH/1100 FT	21.6	TENNESSEE GAS PIP
8303616	F-10-058051	4217900000		108		FEE LAND #227 #100	PANHANDLE GRAY COUNTY	1.3	CITIES SERVICE CO
8303618	F-10-058053	4217900000		108		FEE LAND #227 #119	PANHANDLE GRAY COUNTY	0.5	CITIES SERVICE CO
8303601	F-10-058035	4217900000		108		FEE LAND #227 #19	PANHANDLE GRAY COUNTY	0.9	CITIES SERVICES C
8303604	F-10-058039	4217900000		108		FEE LAND #227 #21	PANHANDLE GRAY COUNTY	0.8	CITIES SERVICES C
8303603	F-10-058038	4217900000		108		FEE LAND #227 #23	PANHANDLE GRAY COUNTY	0.7	CITIES SERVICES C
8303605	F-10-058040	4217900000		108		FEE LAND #227 #25	PANHANDLE GRAY COUNTY	0.9	CITIES SERVICES C
8303606	F-10-058041	4217900000		108		FEE LAND #227 #26	PANHANDLE GRAY COUNTY	1.0	CITIES SERVICES C
8303607	F-10-05842	4217900000		108		FEE LAND #227 #34	PANHANDLE GRAY COUNTY	1.1	CITIES SERVICES C
8303608	F-10-058043	4217900000		108		FEE LAND #227 #39	PANHANDLE GRAY COUNTY	0.8	CITIES SERVICES C
8303609	F-10-058044	4217900000		108		FEE LAND #227 #40	PANHANDLE GRAY COUNTY	0.9	CITIES SERVICE CO
8303610	F-10-058045	4217900000		108		FEE LAND #227 #64	PANHANDLE GRAY COUNTY	1.3	CITIES SERVICES C
8303611	F-10-058046	4217900000		108		FEE LAND #227 #65	PANHANDLE GRAY COUNTY	0.7	CITIES SERVICES C
8303612	F-10-058047	4217900000		108		FEE LAND #227 #74	PANHANDLE GRAY COUNTY	0.4	CITIES SERVICES C
8303613	F-10-058048	4217900000		108		FEE LAND #227 #75	PANHANDLE GRAY COUNTY	0.4	CITIES SERVICES C
8303614	F-10-058049	4217900000		108		FEE LAND #227 #76	PANHANDLE GRAY COUNTY	0.8	CITIES SERVICES C
8303615	F-10-058050	4217900000		108		FEE LAND #227 #96	PANHANDLE GRAY COUNTY	0.8	CITIES SERVICES C
8303617	F-10-058052	4217900000		108		FEE LAND #227 117	PANHANDLE GRAY COUNTY	0.4	CITIES SERVICE CO
8303712	F-8A-058253	4207931567		103		NORTH CENTRAL LEVELLAND UNIT #356	LEVELLAND	18.3	AMOCO PRODUCTION
8303713	F-8A-058254	4221933548		103		NORTH CENTRAL LEVELLAND UNIT #364	LEVELLAND	5.1	AMOCO PRODUCTION
-MONSANTO COMPANY				RECEIVED:	10/20/82	JA: TX			
8303580	F-08-057573	4247532649		103		HALL #1	RHODA WALKER (CANYON	128.0	INTER NORTH INC
8303581	F-08-057574	4200333001		103		UNIVERSITY 6-32 #1	BLOCK 6 NE (SPRAYBERR	1.0	
-MORAN EXPLORATION INC				RECEIVED:	10/20/82	JA: TX			
8303561	F-7C-057249	4238330266		108		ROCKER B "D" #2	SPRABERRY (TREND AREA	7.2	INTER NORTH INC
8303560	F-7C-057248	4238330262		108		ROCKER B "D" #3	SPRABERRY (TREND AREA	6.5	INTERNORTH INC
8303559	F-7C-057247	4238330269		108		ROCKER B "D" #5	SPRABERRY (TREND AREA	11.6	INTER NORTH INC
8303558	F-7C-057246	4238330265		108		ROCKER B "D" #6	SPRABERRY (TREND AREA	7.6	INTER NORTH INC
8303557	F-7C-057245	4238330263		108		ROCKER B "D" #7	SPRABERRY (TREND AREA	9.3	INTER NORTH INC
8303556	F-7C-057244	4238330264		108		ROCKER B "D" #8	SPRABERRY (TREND AREA	8.0	INTER NORTH INC
-MORROW RESOURCES INC				RECEIVED:	10/20/82	JA: TX			
8303549	F-7C-056964	4245130977		102-2	103	BROWN B #1	K W B (STRAWN)	41.8	LONE STAR GAS CO
-MTS LIMITED PARTNERSHIP				RECEIVED:	10/20/82	JA: TX			
8303450	F-04-043484	4247933075		102-4	107-TF	R T SALDIVAR ESTATE #5	LA ROSITA	750.0	UNITED TEXAS TRAN
-NATURA ENERGY CORP				RECEIVED:	10/20/82	JA: TX			
8303500	F-03-053685	4214931268		102-2		STATE OF TEXAS #1	GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
-NEWHALL LAND & FARMING CO				RECEIVED:	10/20/82	JA: TX			
8303640	F-7C-058088	4241331183		102-4	103	MERTZ "A" #1	ANNIE B (STRAWN)	365.0	ADOBE GAS CO
-NOEL PAUTSKY DRILLING CO				RECEIVED:	10/20/82	JA: TX			
8303756	F-7B-058432	4244700000		102-4		GENTRY HEIRS "D" #1	GENTRY (MISS)	11.0	HST GAS GATHERING
8303757	F-7B-058433	4244700000		102-4		GENTRY HEIRS "D" #2	GENTRY (MISS)	4.0	HST GAS GATHERING
8303758	F-7B-058434	4244700000		102-4		GENTRY HEIRS "D" #3	GENTRY (MISS)	3.2	HST GAS GATHERING
8303759	F-7B-058435	4244700000		102-4		GENTRY HEIRS "D" #5	GENTRY (MISS)	5.8	HST GAS GATHERING
8303761	F-7B-058437	4244700000		102-4		RICHARDS "H" #12	RICHARDS RANCH (CADDO	8.3	HST GAS GATHERING
8303760	F-7B-058436	4244700000		102-4		RICHARDS "H" #7	RICHARDS RANCH (CADDO	1.6	HST GAS GATHERING
-P & R OIL INC				RECEIVED:	10/20/82	JA: TX			
8303535	F-7B-056512	4242933233		102-4		MCCONNELL #2-A	VEAL CREEK (STRAWN)	517.0	SUN GAS TRANSMISS

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
-PADRE ENERGY INC				RECEIVED:	10/20/82	JA: TX
8303499	F-04-053683	4234431947		103		F I GANDY #1
-PAM OIL PARTNERSHIP				RECEIVED:	10/20/82	JA: TX
8303532	F-01-056187	4216331973		102-4		BACKBURNER #2
-PANTHER OIL CO				RECEIVED:	10/20/82	JA: TX
8303655	F-8A-058126	4221933516		103		PANTHER "L" #1
8303654	F-8A-058125	4221933517		103		PANTHER "L" #2
8303653	F-8A-058124	4221933518		103		PANTHER "L" #3
8303652	F-8A-058123	4221933519		103		PANTHER "L" #4
-PEERLESS DRILLING CO				RECEIVED:	10/20/82	JA: TX
8303494	F-7B-053291	4236732208		102-2		GILL #1 ID APPLIED FOR
-PENINSULA RESOURCES CORPORATION				RECEIVED:	10/20/82	JA: TX
8303512	F-04-054866	4227331550		102-4		LEO KAUFER #1-C
-PENNZOIL PRODUCING COMPANY				RECEIVED:	10/20/82	JA: TX
8303482	F-06-052468	4236531402		103	107-TF	COLLINS UNIT #3
-PERCO				RECEIVED:	10/20/82	JA: TX
8303699	F-09-058204	4223734380		102-4		JACKSON "A" #1
-PERRYMAN OIL & GAS INC				RECEIVED:	10/20/82	JA: TX
8303646	F-02-058109	4217531646		102-4	103	B J RILEY #1
-PETROLEUM CORP OF DELAWARE				RECEIVED:	10/20/82	JA: TX
8303729	F-02-058300	4246931865		103		TRAYLOR #1
-PETROLEUM TECHNICAL SERVICES CO				RECEIVED:	10/20/82	JA: TX
8303751	F-09-058411	4223733320		103		BRYSON "A" #1
-PHIL T SCOGGS				RECEIVED:	10/20/82	JA: TX
8303461	F-7B-050591	4208332432		102-4		ROGER T SCAGGS #1
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	10/20/82	JA: TX
8303477	F-10-052019	4242100000		108		BIVENS G #1
8303462	F-10-050743	4234100000		108		DAUGHT #1
8303506	F-06-054055	4236531194		102-2	107-TF	MAUDE 2 #3
-POLK & PATTON INC				RECEIVED:	10/20/82	JA: TX
8303475	F-03-051903	4205100000		102-2		CORTEZ UNIT #1
-PROBE INC				RECEIVED:	10/20/82	JA: TX
8303723	F-7C-058286	4238331726		103		F A BIRD ESTATE "D" #2 #08694
-PRODECO EXPLORATIONINC				RECEIVED:	10/20/82	JA: TX
8303564	F-03-057308	4204130786		102-2		BEULAH YEAGER UNIT 11 #1
8303565	F-03-057309	4204130760		102-2		WHEELER UNIT VI #15752
-REITA OIL CO				RECEIVED:	10/20/82	JA: TX
8303692	F-7B-058172	4236731734		108		CLEMENS #1
8303693	F-7B-058173	4236731862		108		CLEMENS #2
-RETAMCO INC				RECEIVED:	10/20/82	JA: TX
8303570	F-01-057381	4250731652		103		ELLA CAPPS #8
-RK PETROLEUM CORP				RECEIVED:	10/20/82	JA: TX
8303550	F-08-057133	4231732552		103		HOLLOWAY-HALL #3 #22015
-ROBERTS & HAMMACK INC				RECEIVED:	10/20/82	JA: TX
8303525	F-05-055661	4228930330		108		C L CADENHEAD #2
-ROIL RESOURCES INC				RECEIVED:	10/20/82	JA: TX
8303579	F-09-057569	4249732328		103		T M SMITH #1
-RYDER SCOTT OIL CO				RECEIVED:	10/20/82	JA: TX
8303700	F-7B-058205	4244730833		102-4		DAVIS "D" #1 RRC #078439
-S K ROGERS OIL CO				RECEIVED:	10/20/82	JA: TX
8303555	F-8A-057227	4221933251		103		NEAL #1
8303553	F-8A-057176	4221933268		103		NEAL #2
8303551	F-8A-057174	4221933270		103		REEVES #4

FIELD NAME	PROD	PURCHASER
GANDY (5500)	73.3	HOUSTON PIPE LINE
PEARSALL	0.0	DART ENERGY INC
LEVELLAND (SAN ANDRES	8.5	AMOCO PRODUCTION
LEVELLAND (SAN ANDRES	8.0	AMOCO PRODUCTION
LEVELLAND (SAN ANDRES	11.6	AMOCO PRODUCTION
LEVELLAND (SAN ANDRES	10.2	AMOCO PRODUCTION
H & R (BEND CONGL)	400.0	SOUTHWESTERN GAS
MAY SOUTH (7360) PROP	0.0	TEXAS EASTERN TRA
CARTHAGE (COTTON VALL	475.0	UNITED GAS PIPE L
MAXVILL -23- (MARBLE	36.0	SOUTHWESTERN GAS
FRIO (3580)	110.0	DELHI GAS PIPELIN
HEYSER (6100 FRIO 1-A	36.5	
CUSTARD (CONGL 4650)	492.8	LONE STAR GAS CO
COLEMAN S (BRENEKE)	17.7	EL PASO HYDROCARB
TEXAS HUGOTON	0.0	MICHIGAN WISCONSI
WEST PANHANDLE	0.0	EL PASO NATURAL G
CARTHAGE COTTON VALLE	400.0	UNITED GAS PIPELI
GIDDINGS (AUSTIN CHAL	0.0	CLAJON GAS CO
CALVIN (DEAN)	17.5	EL PASO NATURAL G
KURTEN (BUDA)	73.9	FERGUSON CROSSING
KURTEN (WOODBINE)	28.2	PRODUCERS GAS CO
ALEDO SOUTH (MARBLE F	9.0	SOUTHWESTERN GAS
WHISKEY FLAT (L ATOKA	5.0	SOUTHWESTERN GAS
BEAR SALT (OLMOS)	35.6	INTER NORTH INC
SPRABERRY/TREND AREA	0.0	INTER NORTH INC
RED OAK (SUB-CLARKSVI	21.1	LONE STAR GAS CO
BOONESVILLE (BEND CON	333.0	LONE STAR GAS CO
THROCKMORTON SW (CONG	428.0	HST GATHERING SYS
LEVELLAND	4.0	AMOCO PRODUCTION
LEVELLAND	4.0	AMOCO PRODUCTION
LEVELLAND	1.0	AMOCO PRODUCTION

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8303552	F-8A-057175	4221933263		103		REEVES #5	LEVELLAND	8.0	AMOCO PRODUCTION
-SAGE ENERGY CO				RECEIVED: 10/20/82 JA: TX					
8303739	F-7C-058362	4238332268		103		UNIVERSITY 4 #4 RRC #07706	FARMER (SAN ANDRES)	0.7	INTERNORTH INC
-SAGE OIL CO				RECEIVED: 10/20/82 JA: TX					
8303487	F-03-052722	4214930891		102-2		WHITLEY #1 RRC #15877	GIDDINGS (AUSTIN CHAL	1.8	PHILLIPS PETROLEU
-SAXON OIL COMPANY				RECEIVED: 10/20/82 JA: TX					
8303449	F-7C-042437	4238331918		103		UNIVERSITY "28-1" #1	TEXON W (SPRABERRY)	14.2	DORCHESTER GAS PR
-SESCO PRODUCTION CO				RECEIVED: 10/20/82 JA: TX					
8303456	F-06-047065	4218330495		103	107-TF	J T JETER ESTATE #1	GLADWATER (HAYNESVILL	0.0	DELHI GAS PIPELIN
-SHANE OIL CORP				RECEIVED: 10/20/82 JA: TX					
8303517	F-7B-055333	4242933098		102-2		COOK HEIRS #1 (ID NO APPLIED FOR)	FRANKEL S (STRAWN)	120.0	WARREN PETROLEUM
-SHELL OIL CO				RECEIVED: 10/20/82 JA: TX					
8303527	F-04-055709	4221531228		102-4	107-TF	BRIGHT & SCHIFF HAMMAN GAS UNIT #4	MONTE CHRISTO (VKSBG-	450.0	VALERO INTERSTATE
8303510	F-04-054796	4221531202		102-4		DAUGHERTY GAS UNIT #1	MCCOOK EAST (VICKSBUR	350.0	NATURAL GAS PIPEL
8303755	F-8A-058428	4250131917		103		OWNBY SAN ANDRES UNIT #63	OWNBY	4.6	AMOCO PRODUCTION
8303754	F-8A-058427	4250131922		103		OWNBY SAN ANDRES UNIT #68	OWNBY	28.5	AMOCO PRODUCTION
8303753	F-8A-058426	4250131924		103		OWNBY SAN ANDRES UNIT #71	OWNBY	1.8	AMOCO PRODUCTION
8303518	F-04-055339	4250531501		102-4		S G DEGARCIA "A" #1	EL GRULLO E (FREDERIC	400.0	UNITED TEXAS TRAN
-STALLWORTH OIL & GAS INC				RECEIVED: 10/20/82 JA: TX					
8303519	F-8A-055342	4250131746		103		OWNBY "8" #2 60325	OWNBY (CLRFK UPPER)	10.0	AMOCO PRODUCTION
-STRINGER OIL & GAS				RECEIVED: 10/20/82 JA: TX					
8303716	F-8A-058266	4231732528		103		CAVE #1	ACKERLY (DEAN SAND)	42.0	TEXACO INC
-SUN EXPLORATION & PRODUCTION CO				RECEIVED: 10/20/82 JA: TX					
8303638	F-7B-058078	4243331356		103		EAST FRANKIRK (CANYON SAND) U #55	FRANKIRK E (CANYON SA	4.0	CITIES SERVICE CO
8303637	F-7C-058077	4209500000		108		ELLIS C M & THELMA #1	SPECK S	10.0	LONE STAR GAS CO
8303636	F-03-058076	4207100000		108		F COLBY #2	WILLOW SLOUGH (FB-A F	15.0	UNITED TEXAS TRAN
8303707	F-02-058221	4223931429		102-4		G T BROOKING #40	SWAN LAKE	117.0	ALUMINUM CO OF AM
8303704	F-09-058218	4249700000		108		M MILLER UNIT #1	BOONSVILLE	8.0	NATURAL GAS PIPEL
8303703	F-08-058217	4200333077		103		NELLIE C MARTIN #14	MARTIN	48.0	PHILLIPS PETROLEU
8303705	F-08-058219	4213533955		103		NORTH LAWSON UNIT #13-2	LAWSON (SAN ANDRES)	31.0	PHILLIPS PETROLEU
8303708	F-7B-058223	4215131468		103		PEARCE HOLLAND #3	PARDUE (ELLENBURGER)	10.2	
8303706	F-7B-058220	4235331253		103		SANDERSON #1	SUGGS (ELLENBURGER)	16.1	
8303635	F-04-058075	4235500000		108		STATE TRACT 423 #7	RED FISH BAY (ZONE 8)	14.0	UNITED GAS PIPELI
-SUPERIOR OIL CO				RECEIVED: 10/20/82 JA: TX					
8303495	F-03-053295	4203931741		103		LOCKHARD BANK UNIT #2 WELL #4	ALVIN SOUTH (46 SAND)	0.0	FLORIDA GAS TRANS
-TAMARACK PETROLEUM CO INC				RECEIVED: 10/20/82 JA: TX					
8303714	F-08-058259	4232930894		103		PARKS "B" #1 (RRC #26040)	PARKS (SPRABERRY)	3.0	PHILLIPS PETROLEU
8303574	F-08-057461	4232930987		103		PARKS "18" #1 (RRC #27174)	PARKS (SPRABERRY)	3.0	PHILLIPS PETROLEU
-TENNECO OIL COMPANY				RECEIVED: 10/20/82 JA: TX					
8303498	F-04-053523	4242731611		103		T B SLICK ESTATE #78	HINDE	365.0	TENNESSEE GAS PIP
-TEXACO INC				RECEIVED: 10/20/82 JA: TX					
8303548	F-08-056960	4237133925		103		FT STOCKTON SOUTH UNIT #42-9	FT STOCKTON	0.0	NUECES CO
8303547	F-08-056959	4243131154		103		STERLING "G" FEE #4	CONGER (PENN)	245.3	VALERO TRANSMISSI
8303546	F-08-056956	4243131151		103		STERLING "Q" FEE #2	CONGER (PENN)	263.2	VALERO TRANSMISSI
-TEXAS CRUDE INC				RECEIVED: 10/20/82 JA: TX					
8303575	F-7C-057492	4217300000		103		DAVENPORT #1-3	CALVIN (DEAN)	4.3	UNITED TEXAS PETR
-TSPI INC				RECEIVED: 10/20/82 JA: TX					
8303458	F-10-048187	4223300000		103		DERRICK JOHN #1	PANHANDLE EAST LOWER	220.0	DIAMOND SHAMROCK
-TUMBLEWEED PRODUCTION CO				RECEIVED: 10/20/82 JA: TX					
8303702	F-10-058216	4206500000		103		LINDA #3	PANHANDLE	14.6	GETTY OIL CO
-TXO PRODUCTION CORP				RECEIVED: 10/20/82 JA: TX					
8303448	F-02-041836	421753135.		103		CUNNINGHAM B-1	RIVERDALE (1900*)	0.0	UNITED GAS PIPELI
8303572	F-06-057413	4242330523		102-4	107-TF	NEWSOME "A" #1	G A S (COTTON VALLEY	0.0	

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8303496	F-06-053344	4207330472		102-4		STARK SMITH "A" #1	LARISSA (RODESSA)	0.0	
-UNION TEXAS PETROLEUM				RECEIVED:	10/20/82	JA: TX			
8303515	F-7C-054994	4223531906		103		SUGG "20" #1	ANDREW A (CANYON)	0.0	CRA INC
-UNITED CO				RECEIVED:	10/20/82	JA: TX			
8303598	F-8A-057857	4207931063		103		WRIGHT ESTATE #1 097504	LEVELLAND (SAN ANDRES	23.7	EL PASO NATURAL G
-VENQUEST RESOURCES INC				RECEIVED:	10/20/82	JA: TX			
8303459	F-03-048780	4244700000		102-2		GAYHILL UNIT #1	GIDDINGS-AUSTIN CHALK	0.0	FERGUSON CROSSING
-VINSON EXPLORATION				RECEIVED:	10/20/82	JA: TX			
8303588	F-7C-057755	4210500000		102-4		UNIV "33-G" #1	INGHAM (QUEEN)	27.0	SOUTHWESTERN GAS
8303595	F-7C-057762	4210500000		102-4		UNIVERSITY "29-A" #1	INGHAM (QUEEN)	82.0	SOUTHWESTERN GAS
8303592	F-7C-057759	4210500000		102-4		UNIVERSITY "29-B" #1	INGHAM (QUEEN)	27.0	SOUTHWESTERN GAS
8303590	F-7C-057757	4210500000		102-4		UNIVERSITY "29-C" #1	INGHAM (QUEEN)	82.0	SOUTHWESTERN GAS
8303594	F-7C-057761	4210500000		102-4		UNIVERSITY "33-B" #1	INGHAM (QUEEN)	54.0	SOUTHWESTERN GAS
8303593	F-7C-057760	4210500000		102-4		UNIVERSITY "33-C" #1	INGHAM (QUEEN)	90.0	SOUTHWESTERN GAS
8303591	F-7C-057758	4210500000		102-4		UNIVERSITY "33-D" #1	INGHAM (QUEEN)	72.0	SOUTHWESTERN GAS
8303589	F-7C-057756	4210500000		102-4		UNIVERSITY "33-E" #1	INGHAM (QUEEN)	109.5	SOUTHWESTERN GAS
-WAGNER & BROWN				RECEIVED:	10/20/82	JA: TX			
8303642	F-08-058096	4243131148		103		GLASS "A" #5-13	CONGER (PENN)	140.8	VALERO TRANSMISSI
8303641	F-08-058095	4243131147		103		GLASS "A" #6-13	CONGER (PENN)	251.6	VALERO TRANSMISSI
-WATCO ENERGY INC				RECEIVED:	10/20/82	JA: TX			
8303711	F-7C-058251	4239932190		102-4	103	ROHMFELD #4	Q V (FRY LOWER)	15.0	ODESSA NATURAL CO
-WAYNE HARPER				RECEIVED:	10/20/82	JA: TX			
8303648	F-09-058113	4209732021		103		MARGARET MINOR #3	SIVELLS BEND FIELD	12.0	
8303647	F-09-058112	4209732018		103		WM HOWELL "B" #7	SIVELLS BEND	18.0	
-WESSELY ENERGY CORPORATION				RECEIVED:	10/20/82	JA: TX			
8303624	F-7B-058060	4225331706		103		W L MITCHELL #1 16936	NOODLEKIRK (ELLENBURG	7.0	TEXAS UTILITIES F
8303623	F-7B-058059	4225331132		103		W P SCOTT #1 14845	NOODLEKIRK (ELLENBURG	7.0	TEXAS UTILITIES F
8303622	F-7B-058058	4225331300		103		W P SCOTT #2 14845	NOODLEKIRK (ELLENBURG	7.0	TEXAS UTILITIES F
8303621	F-7B-058057	4225331488		103		W P SCOTT #3 14845	NOODLEKIRK (ELLENBURG	7.0	TEXAS UTILITIES F
8303620	F-7B-058056	4225331526		103		W P SCOTT A-1 16467	NOODLEKIRK (ELLENBURG	7.0	TEXAS UTILITIES F
-WESTROCK CO				RECEIVED:	10/20/82	JA: TX			
8303748	F-7B-058391	4213332325		103		J H MCCLESKEY #1	EASTLAND COUNTY REGUL	14.4	LONE STAR GAS CO
-WESTWOOD ENERGY INC				RECEIVED:	10/20/82	JA: TX			
8303526	F-7B-055673	4208332765		102-4		HEMPHILL 89 #5	LAKE COLEMAN (MORRIS)	135.1	CALLACOLE PIPELIN
-WILLIAM D JOHNSON				RECEIVED:	10/20/82	JA: TX			
8303469	F-7B-051377	4236732146		102-4		G B PARKS #1	CLAYTON (CONGLOMERATE	237.0	SOUTHWESTERN GAS
-WILLIAM PERLMAN				RECEIVED:	10/20/82	JA: TX			
8303443	F-7C-027764	4243500000		108		FIELDS 50-2 ID #082668	SAWYER (CANYON)	0.0	EL PASO NATURAL G
-WOODS PETROLEUM CORPORATION				RECEIVED:	10/20/82	JA: TX			
8303474	F-8A-051864	4207931488		102-4	103	SANTE FE #5	BONANZA (SAN ANDRES)	5.0	WARREN PETROLEUM

SOURCE DATA FOR THIS NOTICE IS AVAILABLE ON MAGNETIC TAPE FROM THE NATIONAL TECHNICAL INFORMATION SERVICE (NTIS). FOR INFORMATION, CONTACT STUART WEISMAN (NTIS) AT (703) 487-4808, 5285 PORT ROYAL RD, SPRINGFIELD, VA 22161, OR SANDRA SPEAR (FERC) (202) 357-8681.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-31977 Filed 11-19-82; 8:45 am]

BILLING CODE 6717-01-C

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: November 16, 1982.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION									
-ALADDIN PETROLEUM CORP				RECEIVED:	10/18/82	JA: KS			
8303787	K-82-0768	1503522865		102-3		LEMERT #6	WALNUT BEND	31.2	COLONIAL CORP
8303785	K-82-0772	1503522917		102-3		LEMERT #7	WALNUT BEND	27.6	COLONIAL CORP
8303786	K-82-0772	1503522917		102-3		LEMERT #7	WALNUT BEND	27.6	COLONIAL CORP
-AMERICAN ENERGIES CORP				RECEIVED:	10/18/82	JA: KS			
8303782	K-82-0998	1500721431		102-4		CHAIN #1	THREE MILE CREEK	182.5	PEOPLES NATURAL G
-AMOCO PRODUCTION CO				RECEIVED:	10/18/82	JA: KS			
8303842	K-82-0943	1508120166		103		H M DANIELS #2	LEMON N E	60.0	CITIES SERVICE GA
-ANADARKO PRODUCTION COMPANY				RECEIVED:	10/18/82	JA: KS			
8303975	K-82-0980	1518920606		103		BANE "F" #1	PANOMA COUNCIL GROVE	416.0	PANHANDLE EASTERN
8303831	K-82-0979	1518920605		103		GREGORY "C" #1	PANOMA	372.0	PANHANDLE EASTERN
8303795	K-82-0752	1517520613		102-4		KOCH A-4	SHUCK	65.0	CIMARRON-QUINQUE
-ARCO OIL AND GAS COMPANY				RECEIVED:	10/18/82	JA: KS			
8303783	K-82-0999	1518700000		108-ER		GULDNER UNIT WN #1	HUGOTON	22.6	EL PASO NATURAL G
-ASSOCIATED PETROLEUM CONSULTANTS IN				RECEIVED:	10/18/82	JA: KS			
8303884	K-82-0731	1515121101		103		DUDREY #1 15-151-21 101	BRANT (EXTENSION)	105.0	CENTRAL STATES GA
8303815	K-82-0732	1515121042		103		HAMILTON #1 15-151-21 042	BRANT (EXTENSION)	210.0	CENTRAL STATES GA
-ATTICA GAS VENTURE CORP				RECEIVED:	10/18/82	JA: KS			
8303963	K-82-0774	1507720803		103		ATTICA HOSPITAL #2	SULLIVAN	273.0	PEOPLES NATURAL G
-AURORA INC				RECEIVED:	10/18/82	JA: KS			
8303971	K-82-0978	1515520876		103		R L KREHBIEL #1	FISHBURN	36.5	PEOPLES NATURAL G
-BEARD OIL COMPANY				RECEIVED:	10/18/82	JA: KS			
8303922	K-82-0936	1509120428		102-4		ASTRAL #10	OLATHE NE	36.0	BEARD OIL CO
8303976	K 82-0937	1509120431		102-4		ASTRAL #13	OLATHE NE	36.0	BEARD OIL CO
8303776	K-82-0938	1509120432		102-4		ASTRAL #14	OLATHE NE	36.0	BEARD OIL CO
8303923	K-82-0935	1509120425		102-4		ASTRAL #7	OLATHE NE	36.0	BEARD OIL CO
-BENSON MINERAL GROUP				RECEIVED:	10/18/82	JA: KS			
8303932	K-81-0625	1512522703		108		COONS 3-20	JEFFERSON-SYCAMORE	3.7	UNION GAS SYSTEMS
8303930	K-81-0624	1512522704		108		COTNER 1-20	JEFFERSON-SYCAMORE	11.7	UNION GAS SYSTEMS
8303943	K-81-0627	1512522702		108		INGMIRE 2-32	JEFFERSON-SYCAMORE	7.3	UNION GAS SYSTEMS
8303941	K-81-0628	1512522715		108		KAUFMAN 4-31	JEFFERSON-SYCAMORE	4.8	UNION GAS SYSTEMS
8303942	K-81-0626	1512522864		108		KIMBREL 2-19	JEFFERSON-SYCAMORE	6.7	UNION GAS SYSTEMS
8303944	K-81-0449	1512522708		108		ROBERTS #2-31	JEFFERSON-SYCAMORE	12.8	UNION GAS SYSTEMS
8303774	K-82-0448	1512522709		108		ROBERTS #3-31	JEFFERSON-SYCAMORE	12.8	UNION GAS SYSTEMS
8303929	K-81-0879	1500922116		108		SCHROEDER A 1-15	OTIS ALBERT	19.7	NORTHERN NATURAL
8303927	K-81-0821	1500922101		108		UMMEN B 1-15	OTIS ALBERT	8.0	NORTHERN GAS PROD
8303816	K-81-0389	1512522711		108		WISE #3-5	JEFFERSON-SYCAMORE	11.3	UNION GAS SYSTEMS
8303945	K-81-0389	1512522711		108		WISE #3-5	JEFFERSON-SYCAMORE	11.3	UNION GAS SYSTEMS
8303775	K-81-0390	1512522712		108		WISE #4-5	JEFFERSON-SYCAMORE	11.3	UNION GAS SYSTEMS
8303931	K-81-0390	1512522712		108		WISE #4-5	JEFFERSON-SYCAMORE	11.3	UNION GAS SYSTEMS
-BEREN CORPORATION				RECEIVED:	10/18/82	JA: KS			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8303793	K-81-1075	1504720755		103		BEELER #1	GREENSBURG NORTH EXT	59.0	KANSAS NEBRASKA N
8303838	K-82-0766	1507720727		103		DUNCAN-MILLER #1	SPIVEY-GRABS	0.0	KANSAS GAS SUPPLY
8303926	K-82-0435	1509720849		102-4		HEALY #2	CARVER-ROBBINS WEST	100.0	PANHANDLE EASTERN
8303903	K-82-0823	1500721155		103		MCNALLY #1	HARDTNER	7.0	KANSAS GAS SUPPLY
-BOWERS DRILLING CO INC				RECEIVED:	10/18/82	JA: KS			
8303850	K-82-0906	1500721349		103		COLEMAN #1	ANTRIM	100.0	PEOPLES NATURAL G
-CABOT PETROLEUM CORP				RECEIVED:	10/18/82	JA: KS			
8303958	K-82-0852	1517530025		108		DAVIES #1	ARKALON	9.0	ANADARKO PRODUCTI
-CENTENNIAL ENERGY CO				RECEIVED:	10/18/82	JA: KS			
8303896	K-82-0817	1518120225		102-2		ARMSTRONG #1-12	GOODLANDS	15.0	KANSAS NEBRASKA N
8303902	K-82-0818	1518120226		102-2		ARMSTRONG #1-2	GOODLANDS	15.0	KANSAS NEBRASKA N
8303828	K-82-0816	1518120054		102-2		DETTER #1-4	GOODLANDS	15.0	KANSAS NEBRASKA N
8303827	K-82-0815	1518120199		102-2		DORN-COOK #2-11	GOODLANDS	15.0	KANSAS NEBRASKA N
8303763	K-82-0813	1518120073		102-2		KOKEN #1-32	GOODLANDS	15.0	KANSAS NEBRASKA N
8303764	K-82-0814	1518120102		102-2		RILEY #1-14	GOODLANDS	15.0	KANSAS NEBRASKA N
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	10/18/82	JA: KS			
8303818	K-82-0585	1500700000		108		DAVIS RANCH "R" #1	AETNA	13.0	CITIES SERVICE GA
-CITIES SERVICE COMPANY				RECEIVED:	10/18/82	JA: KS			
8303830	K-82-0977	1517520575		103		COOPER G #3	LEMERT	49.5	
8303832	K-82-0974	1512900000		108		ROLL C #1	GREENWOOD	13.8	COLORADO INTERSTA
-CLYDE PETROLEUM INC				RECEIVED:	10/18/82	JA: KS			
8303863	K-82-0801	1503520687		108		BECKER ISLAND #1	COPELAND	5.8	COGAS INC
8303878	K-82-0809	1503520737		108		BECKER PARRISH #1	COPELAND	5.4	COGAS INC
8303864	K-82-0802	1503520580		108		BECKER WILSON #2	COPELAND	1.6	COGAS INC
8303867	K-82-0787	1503500000		108		DAWSON MARKWELL #7	COPELAND	8.2	COGAS INC
8303877	K-82-0807	1503521157		108		DAWSON MARKWELL ATKINS #3	COPELAND	1.3	COGAS INC
8303868	K-82-0788	1503520409		108		DAWSON MARKWELL BOSSI #A-1	COPELAND	8.2	COGAS INC
8303866	K-82-0784	1503522209		108		DAWSON MARKWELL BOSSI #10	COPELAND	8.2	COGAS INC
8303857	K-82-0795	1503522645		108		DAWSON MARKWELL BOSSI #11	COPELAND	8.2	COGAS INC
8303936	K-82-0794	1503522766		108		DAWSON MARKWELL BOSSI #12	COPELAND	8.2	COGAS INC
8303869	K-82-0789	1503520408		108		DAWSON MARKWELL BOSSI #2	COPELAND	8.2	COGAS INC
8303870	K-82-0790	1505300000		108		DAWSON MARKWELL BOSSI #3	COPELAND	8.2	COGAS INC
8303933	K-82-0791	1503520505		108		DAWSON MARKWELL BOSSI #4	COPELAND	8.2	COGAS INC
8303934	K-82-0792	1503520516		108		DAWSON MARKWELL BOSSI #5	COPELAND	8.2	COGAS INC
8303935	K-82-0793	1503520705		108		DAWSON MARKWELL BOSSI #6	COPELAND	8.1	COGAS INC
8303964	K-82-0786	1503520736		108		DAWSON MARKWELL BOSSI #8	COPELAND	8.2	COGAS INC
8303962	K-82-0785	1503521046		108		DAWSON MARKWELL BOSSI #9	COPELAND	8.2	COGAS INC
8303895	K-82-0810	1503520679		108		DAWSON MARKWELL BUZZI #1	COPELAND	1.2	COGAS INC
8303860	K-82-0798	1503520735		108		DAWSON MARKWELL FRANK BOSSI #2	COPELAND	4.3	COGAS INC
8303859	K-82-0797	1503520831		108		DAWSON MARKWELL FRANK BOSSI #4	COPELAND	4.3	COGAS INC
8303865	K-82-0803	1503520645		108		DAWSON MARKWELL HASKINS #1	COPELAND	6.4	COGAS INC
8303875	K-82-0804	1503520534		108		DAWSON MARKWELL PUDDEN #1	COPELAND	3.8	COGAS INC
8303876	K-82-0806	1503520700		108		DAWSON-MARKWELL ATKINS #2	COPELAND	1.3	COGAS INC
8303858	K-82-0796	1503520639		108		DAWSON-MARKWELL FRANK BOSSI #1	COPELAND	4.3	COGAS INC
8303843	K-82-0805	1503521063		108		DAWSON-MARKWELL PUDDEN #3	COPELAND	3.8	COGAS INC
8303780	K-82-0994	1503520794		108		FRANK BOSSI #10	COPELAND	3.1	COGAS INC
8303813	K-82-0992	1503521029		108		FRANK BOSSI #11	COPELAND	3.1	COGAS INC
8303814	K-82-0993	1503522750		108		FRANK BOSSI #6	COPELAND	3.1	COGAS INC
8303901	K-82-0811	1503520490		108		MCCORD BOSSI 1-A	COPELAND	10.3	COGAS INC
8303762	K-82-0812	1503520572		108		MCCORD BOSSI 2-A	COPELAND	10.3	COGAS INC
8303862	K-82-0800	1503520502		108		WILSON #1	COPELAND	4.5	COGAS INC
8303861	K-82-0799	1503520644		108		WILSON #3	COPELAND	6.8	COGAS INC
-COMANCHE PRODUCTION, INC.				RECEIVED:	10/18/82	JA: KS			

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8303883	K-82-0750	1505320509		102-4		ALDEN #2	ELLSWORTH	83.0	INTER NORTH INC
8303839	K-82-0762	1505320528		102-4		HELWICK #2	ELLSWORTH	36.0	INTERNORTH INC
-DAWSON-MARKWELL EXPLORATION CO				RECEIVED:		10/18/82 JA: KS			
8303768	K-82-0527	1503521996		102-2		SEACAT #1	S E SEACAT	5.4	COLONIAL CORP
8303769	K-82-0528	1503522006		102-2		SEACAT #2	S E SEACAT	3.6	COLONIAL CORP
8303770	K-82-0529	1503522504		102-2		SEACAT #3	S E SEACAT	5.4	COLONIAL CORP
8303771	K-82-0530	1503522834		102-2		SEACAT #4	S E SEACAT	3.6	COLONIAL CORP
8303766	K-82-0531	1503522948		102-2		SEACAT #5	S E SEACAT	10.8	COLONIAL CORP
8303767	K-82-0532	1503522926		102-2		SEACAT #6	S E SEACAT	10.8	COLONIAL CORP
-DERNICK RESOURCES INC				RECEIVED:		10/18/82 JA: KS			
8303925	K-82-0915	1507520324		103		HOWELL #1	BRADSHAW	49.0	NATURAL GAS SALES
-DOME PETROLEUM CORP				RECEIVED:		10/18/82 JA: KS			
8303959	K-82-0846	1507520262		103		BURNETT-GRISSOM #1	BRADSHAW FIELD	11.7	SUNFLOWER ELECTRI
-DUNNE-GARDNER PETROLEUM INC				RECEIVED:		10/18/82 JA: KS			
8303889	K-82-0824	1509521161		103		DEWEY #1	BROADWAY EXTENSION	29.2	PEOPLES NATURAL G
-DYNAMAR ENERGY INC				RECEIVED:		10/18/82 JA: KS			
8303951	K-82-0876	1507211960		103		DEGEER #1	PALMER-ELSEA C E/2 NE	90.0	REPUBLIC NATURAL
8303952	K-82-0877	1500721317		103		NITTLER T #5	SKINNER	30.0	CENTRAL STATES GA
-E H WOOD JR				RECEIVED:		10/18/82 JA: KS			
8303918	K-82-0989	1507720384		108		BROCE #1	SPIVEY-GRABS	12.0	PEOPLES NATURAL G
8303919	K-82-0944	1507720512		108		MUIR "B" #1	SPIVEY-GRABS	14.0	NORTHERN GAS PROD
-EAGLE EXPLORATIONS INC				RECEIVED:		10/18/82 JA: KS			
8303947	K-82-0842	1509921773		103		BURTON A-17	BURTON	18.0	CITIES SERVICE GA
8303820	K-82-0841	1515120978		103		COULTER #1	WILDCAT STARK	182.5	PANHANDLE EASTERN
8303900	K-82-0692	1500721362		103		LONG #B-1	NIPPAWALLA	127.8	KANSAS POWER & LI
8303882	K-82-0693	1500721180		103		LONG #1	GROENDYKE	91.3	CITIES SERVICE GA
8303949	K-82-0867	1515121139		103		MCGUIRE #1	WILDCAT	90.0	CENTRAL STATES GA
8303960	K-82-0843	1515121073		103		NEWELL #1	STARK	18.3	PANHANDLE EASTERN
-ENERGY RESERVES GROUP INC				RECEIVED:		10/18/82 JA: KS			
8303953	K-82-0894	1509500000		108		GANS BROWN #2	SPIVEY GRABS	14.1	KANSAS POWER & LI
-F G HOLL				RECEIVED:		10/18/82 JA: KS			
8303907	K-82-0951	1504720613		108		BREITENBACH "B" #1-30	EMBRY	9.0	REPUBLIC NATURAL
8303950	K-82-0900	1504720131		108		COPPOC-RUDD #1	ENLOW	16.0	INTERNORTH INC
8303908	K-82-0950	1504720414		108		DERLEY #1-13	WILDCAT	13.0	REPUBLIC NATURAL
8303904	K-82-0820	1504720640		108		HAWES #1-2	WAYNE SOUTH	11.0	REPUBLIC NATURAL
8303906	K-82-0952	1504720533		108		LUNZ #1-20	EMBRY	11.0	REPUBLIC NATURAL
8303967	K-82-0826	1504700000		108		MEALS #1	MASSEY	5.0	REPUBLIC NATURAL
8303805	K-82-0947	1504720184		108		MEYER #1	EMBRY	16.0	KANSAS-NEBRASKA N
8303909	K-82-0949	1514520680		108		PENKA #1-35	CARPENTER	9.0	INTER NORTH INC
8303910	K-82-0948	1504720620		108		WEBER #1-29	EMBRY	12.0	REPUBLIC NATURAL
-FLYNN ENERGY CORP				RECEIVED:		10/18/82 JA: KS			
8303778	K-82-0873	1518920568		103		CULLISON "B" 2-1	CUTTER	18.0	PANHANDLE EASTERN
-FRONTIER OIL CO				RECEIVED:		10/18/82 JA: KS			
8303886	K-82-1000	1516520991		102-4		LIPPERT #3	REICHEL	325.0	KANSAS-NEBRASKA N
-GETTY OIL COMPANY				RECEIVED:		10/18/82 JA: KS			
8303792	K-82-0716	1511920559		103		D G TAYLOR #2	MCKINNEY	125.0	KANSAS POWER & LI
8303791	K-82-0717	1511920558		103		HENRY TAYLOR #2	MCKINNEY	90.0	KANSAS POWER & LI
8303808	K-82-0715	1511920562		103		MCKINNEY "A" #2	MCKINNEY	125.0	KANSAS POWER & LI
8303790	K-82-0718	1500730054		108		SUTTON "A" #1	AETNA	14.0	CITIES SERVICE GA
-GRAHAM-MICHAELIS CORP				RECEIVED:		10/18/82 JA: KS			
8303851	K-82-0694	1502500000		108		BROADIE #1-27	SITKA	16.0	INTER NORTH INC
-GRANT OIL INC.				RECEIVED:		10/18/82 JA: KS			
8303912	K-82-0902	1514520940		103		DION 1-24	SWEENEY	100.0	KANSAS NEBRASKA N

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8303914	K-82-0904	1504720996		103		GATTERMAN 1-35
8303913	K-82-0903	1504720995		103		KELLY 1-34
8303915	K-82-0925	1512523136		108		WARD #1-7
8303916	K-82-0927	1512524105		108		WHEELER-HADDAN 1-5
-GRAVES DRILLING CO INC				RECEIVED:	10/18/82	JA: KS
8303888	K-82-0827	1507720743		103		GOETZ #1
8303801	K-82-0921	1500721460		103		LONKER #3
8303799	K-82-0919	1500721393		103		SMITH #3
8303800	K-82-0920	1500721411		103		SMITH #3
-GRIGGS OIL INC				RECEIVED:	10/18/82	JA: KS
8303840	K-82-0761	1500721329		103		NAUGHTON 1-35
-GULF OIL CORPORATION				RECEIVED:	10/18/82	JA: KS
8303845	K-82-0257	1508100000		108		J C LEMON "D" #1
8303802	K-82-0939	1500700000		108		MAGNISON #1
8303957	K-82-0849	1505500000		108		OLTMAN UNIT #1
8303804	K-82-0945	1517520377		108		RICE DAVIES #2-1
-HAROLD J MILBURN				RECEIVED:	10/18/82	JA: KS
8303898	K-82-0832	1507900000		108		SIEMENS #1
-HAWKINS OIL & GAS INC				RECEIVED:	10/18/82	JA: KS
8303846	K-82-0744	1500721391		102-2		RATHGEBER #1-25
-HIBERNIAN CO				RECEIVED:	10/18/82	JA: KS
8303920	K-82-0930	1509120614		102-4		HIBERNIAN #25 ROSEDALE
8303924	K-82-0931	1509120615		102-4		HIBERNIAN #36 ROSEDALE
8303777	K-82-0929	1509120407		102-4		#6 ROSEDALE #6
-IMPERIAL OIL COMPANY				RECEIVED:	10/18/82	JA: KS
8303973	K-82-0986	1502520333		108		BRENSING #3-13
8303807	K-82-0745	1517520241		108		LIPPOLDT #1-29
8303841	K-82-0763	1509720853		102-2		PARMLEY #1-28
8303811	K-82-0987	1509720510		108		WOOLERY #1-18
8303812	K-82-0988	1509720531		108		WOOLERY #1-19
8303974	K-82-0985	1509720592		108		WOOLERY #2-19
8303819	K-82-0983	1509720599		108		WOOLERY #3-19
-INTERNORTH INC				RECEIVED:	10/18/82	JA: KS
8303968	K-82-0896	1503320553		102-2		PETRO 11 #4
-J M HUBER CORPORATION				RECEIVED:	10/18/82	JA: KS
8303956	K-82-0847	1509521027		103		SWINGLE #1-14
-J MARK RICHARDSON				RECEIVED:	10/18/82	JA: KS
8303849	K-82-0756	1509720733		103		CLARK #1
8303848	K-82-0755	1509720734		103		HARPER #2
8303823	K-82-0866	1505720227		102-2		RENICK #1
8303847	K-82-0754	1509720597		103		SODERLIND #1
-K & O OIL CORP				RECEIVED:	10/18/82	JA: KS
8303880	K-82-0868	1500721443		103		NORMA #3
-K R M PETROLEUM CORPORATION				RECEIVED:	10/18/82	JA: KS
8303844	K-82-0821	1503320546		102-4		CHRISTIAN #2-11
-KAISER-FRANCIS OIL COMPANY				RECEIVED:	10/18/82	JA: KS
8303965	K-82-0825A	1512920630		103		SIMPSON #1
8303966	K-82-0825	1512920630		102-2		SIMPSON #1
-L D DAVIS				RECEIVED:	10/18/82	JA: KS
8303972	K-82-0984	1518521614		103		KOELSCH #1
-L G STEPHENSON & CO				RECEIVED:	10/18/82	JA: KS
8303781	K-82-0997	1515920485		108		MANWARREN #31
-LADD PETROLEUM CORPORATION				RECEIVED:	10/18/82	JA: KS

FIELD NAME	PROD	PURCHASER
FELLSBURG	12.8	CENTRAL STATES GA
FELLSBURG	66.0	CENTRAL STATES GA
JEFFERSON-SYCAMORE	4.7	UNION GAS SYSTEMS
JEFFERSON-SYCAMORE	11.2	UNION GAS SYSTEMS
LITTLE SANDY CREEK EA	180.0	GETTY OIL CO
MEDICINE LODGE NORTH	18.0	KANSAS POWER & LI
BLOOM NORTH	14.4	KANSAS POWER & LI
BLOOM NORTH	21.0	KANSAS POWER & LI
SHARON	0.0	PANHANDLE EASTERN
HUGOTON	10.0	INTER NORTH INC
MEDICINE LODGE	7.0	ZENITH NATURAL GA
HUGOTON	18.0	INTERNORTH INC
ARKALON	9.0	ANADARKO PRODUCTI
BURRTON NORTH EAST	9.5	PEOPLES NATURAL G
S W HAZELTON	3.7	
OLATHE NE	36.5	BEARD OIL CO
OLATHE NE	36.5	BEARD OIL CO
OLATHE NE	36.5	BEARD OIL CO
EXCEL EXT	11.0	INTERNORTH INC
THIRTY-ONE	15.6	INTER NORTH INC
GREENSBURG EAST EXT (	730.0	PANHANDLE EASTERN
EXCEL EXT	11.0	INTER NORTH INC
EXCEL EXT	5.5	INTER NORTH INC
EXCEL EXT	5.5	INTERNORTH INC
EXCEL EXT	5.5	INTER NORTH INC
LEMON RANCH	4.0	INTERNORTH INC
SPIVEY-GRABBS-BASIL	51.1	CITIES SERVICE CO
FRUIT NE	109.0	PANHANDLE EASTERN
FRUIT NE	55.0	PANHANDLE EASTERN
WILLROADS NORTH	0.0	
FRUIT NE	55.0	PANHANDLE EASTERN
STRANATHAN	160.0	PANHANDLE EASTERN
COLLIER FLATS SOUTH	180.0	INTER NORTH INC
WINTER NORTH	210.0	PANHANDLE EASTERN
WINTER NORTH	210.0	PANHANDLE EASTERN
KOELSCH	90.0	CENTRAL STATES GA
KEPLEY EXT	0.0	PEOPLES NATURAL G

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8303911	K-82-0975	1502520600		102-2		CANNON #2-8	WILDCAT	2.4	KANSAS POWER & LI
8303779	K-82-0976	1502520594		102-2		PATTON #1	UNNAMED	739.1	
-LARIO OIL & GAS COMPANY				RECEIVED:	10/18/82	JA: KS			
8303970	K-82-0905	1507700000		103		BLACKWELL #5	SPIVEY GRABS	0.0	GETTY GAS GATHERI
-LEE BANKS				RECEIVED:	10/18/82	JA: KS			
8303836	K-82-0422	1512920621		102-4		B O C #1		250.0	COLORADO INTERSTA
8303835	K-82-0957	1503320267		108		BOOTH "A" #1	NORTH EAST COLDWATER	18.3	KANSAS GAS SUPPLY
8303834	K-82-0958	1503320244		108		HERRINGTON #1	WILMORE EXT	13.6	KANSAS GAS SUPPLY
-LEO RIEKE				RECEIVED:	10/18/82	JA: KS			
8303821	K-82-0933	1509120421		102-4		RIEKE #1	OLATHE NE	50.0	BEARD OIL CO
8303822	K-82-0934	1509120754		102-4		RIEKE #2	OLATHE NE	50.0	BEARD OIL CO
-LONGHORN ENERGY RESOURCES INC				RECEIVED:	10/18/82	JA: KS			
8303885	K-82-0765	1500721404		102-4		BRASS #1	WILDCAT	182.0	KANSAS GAS SUPPLY
-MCCOY PETROLEUM CORP				RECEIVED:	10/18/82	JA: KS			
8303825	K-82-0865	1509521241		103		LATTIMORE "A" #2	SPIVEY-GRABS	25.0	PEOPLES NATURAL G
-MCKELVY OPERATING CORP				RECEIVED:	10/18/82	JA: KS			
8303946	K-82-0544	1505520436		103		DECHANT #28	HUGOTON	30.0	INTERNORTH INC
8303796	K-82-0542	1505520501		103		MERRILL #22	HOGOTON	25.0	INTER NORTH INC
-MIDCO EXPLORATION INC				RECEIVED:	10/18/82	JA: KS			
8303797	K-82-0748	1502520528		102-4		WYATT #1	SITKA	250.0	INTER NORTH INC
-MOBIL OIL CORP				RECEIVED:	10/18/82	JA: KS			
8303890	K-82-0845	1500701089		108		RAYMOND DONOVAN #1	BOGG S W	3.0	CITIES SERVICES G
-MONSANTO COMPANY				RECEIVED:	10/18/82	JA: KS			
8303798	K-82-0673	1511900000		108		FINCH #1	FINCHAM	18.0	INTER NORTH INC
8303874	K-82-0568	1509521149		103		SOWERS #1	STARBUCK	300.0	KANSAS GAS SUPPLY
-MESA PETROLEUM CO				RECEIVED:	10/18/82	JA: KS			
8303948	K-82-0872	1508120226		103		LEATHERS LAND CO #2-10	PANOMA COUNCIL GROVE	30.0	CITIES SERVICE GA
8303879	K-82-0870	1508120214		103		ROY 8-29	PANOMA COUNCIL GROVE	32.0	CITIES SERVICE GA
8303881	K-82-0869	1508120242		103		SCHNELLBACHER #1-4	PANOMA COUNCIL GROVE	32.0	CITIES SERVICE GA
-MULL DRILLING CO INC				RECEIVED:	10/18/82	JA: KS			
8303897	K-82-0834	1515100000		108		TATLOCK "A-#1"	WILPOOL	14.0	PANHANDLE EASTERN
-OIL PROPERTIES CO INC				RECEIVED:	10/18/82	JA: KS			
8303921	K-82-0836	1504720673		103		T L WILSON #2	WIL	3.7	PANHANDLE EASTERN
-OLYMPIC PETROLEUM COMPANY				RECEIVED:	10/18/82	JA: KS			
8303887	K-82-0579	1503520852		108		ROLAND L LEWIS #1-A	EAST MANSUR	0.0	CITIES SERVICE GA
-OSWEGO OIL & GAS CO INC				RECEIVED:	10/18/82	JA: KS			
8303938	K-82-0891	1509920773		102-2		ABSHIER #2	LAKE CREEK EAST	4.0	CITIES SERVICE GA
8303939	K-82-0890	1509920918		102-2		FILSON #11	LAKE CREEK EAST	4.0	CITIES SERVICE GA
8303940	K-82-0889	1509920832		102-2		GOLDSMITH #1	LAKE CREEK EAST	4.0	CITIES SERVICE GA
8303789	K-82-0887	1509920774		102-2		JACK FOLEY #1	LAKE CREEK EAST	4.0	CITIES SERVICE GA
8303788	K-82-0888	1509921183		102-2		TUNGET #5	LAKE CREEK EAST	4.0	CITIES SERVICE GA
-PAN EASTERN EXPLORATION COMPANY				RECEIVED:	10/18/82	JA: KS			
8303853	K-82-0773	1512920622		103		WEBSTER "C" #4-5	GREENWOOD	40.0	PANHANDLE EASTERN
-PETROLEUM INC				RECEIVED:	10/18/82	JA: KS			
8303833	K-82-0971	1509720841		103		NICHOLS "D" #1	NICHOLS	18.0	MICHIGAN-WISCONSI
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	10/18/82	JA: KS			
8303928	K-82-0396	1511900000		108		HERMAN A #1	STEVENS MORROW	19.2	PANHANDLE EASTERN
-RAYMOND OIL COMPANY INC				RECEIVED:	10/18/82	JA: KS			
8303810	K-82-0972	1509521252		103		KATZER 1 "A"	NASHVILLE WEST	100.0	KANSAS POWER & LI
-REACH PETROLEUM CORP				RECEIVED:	10/18/82	JA: KS			
8303829	K-82-0946	1500721302		103		STERNBERGER #1	AETNA	90.0	KANSAS GAS SUPPLY
8303765	K-82-0990	1502220814		102-2		TRUBY #1-A	WILDCAT	80.0	GUIVIRA GAS CO
-RESOURCE VENTURES CORP				RECEIVED:	10/18/82	JA: KS			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8303784	K-82-0778	1507720796		103		ETHEL N DOLL #1	WILDCAT	360.0	PEOPLES NATURAL G
-ROBERT F WHITE				RECEIVED:	10/18/82	JA: KS			
8303905	K-82-0956	1511520890		103		PLETT-CARLSON UNIT #1	EAST ANTELOPE	35.0	CITIES SERVICE GA
-RODNEY L TRIMBLE				RECEIVED:	10/18/82	JA: KS			
8303855	K-82-0776	1509900000		102-2		KINSER #2	NONE	36.5	CITIES SERVICE GA
-RTC PETROLEUM CO				RECEIVED:	10/18/82	JA: KS			
8303854	K-82-0775	1509921780		102-2		KINSER #1	WC	36.5	H E WACKERLE CO
-STERLING DRILLING & PROD CO INC				RECEIVED:	10/18/82	JA: KS			
8303837	K-82-0767	1514520958		102-2		GREENE #3	CARPENTER	90.0	KANSAS NEBRASKA N
8303826	K-82-0855	1504720826		103		JOHN MAYHEW "B" #2-33	WIL	63.0	CENTRAL STATES GA
8303891	K-82-0838	1504700000		108		M H CROSS #1-22	WAYNE	6.0	REPUBLIC NATURAL
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	10/18/82	JA: KS			
8303873	K-82-0502	1504720941		103		B N MONTGOMERY #1	EMBRY	184.0	INTER NORTH INC
8303872	K-82-0503	1504720942		103		BELVA N MONTGOMERY #2	EMBRY	5.0	INTER NORTH INC
8303871	K-82-0504	1504700000		103		BELVA N MONTGOMERY #3	EMBRY	7.0	INTER NORTH INC
8303894	K-82-0505	1504720982		103		BELVA N MONTGOMERY #4	EMBRY	184.0	INTER NORTH INC
8303893	K-82-0506	1504720929		103		H EMBRY UNIT #2	EMBRY	58.0	INTER NORTH INC
8303806	K-82-0507	1504720966		103		H EMBRY UNIT #3	EMBRY	58.0	INTER NORTH INC
-TEXAS ENERGIES INC				RECEIVED:	10/18/82	JA: KS			
8303899	K-82-0751	1500721289		102-4		HOAGLAND 1-22	WILDCAT	250.0	REPUBLIC NATURAL
-THEODORE I LEBEN				RECEIVED:	10/18/82	JA: KS			
8303803	K-82-0942	1515121169		102-2		SWAFFORD #1	WC	109.0	PANHANDLE EASTERN
-TOMLINSON OIL CO INC				RECEIVED:	10/18/82	JA: KS			
8303892	K-82-0573	1508120054		108		LEMON #1-25	EUBANK	5.5	COLORADO INTERSTA
-TXO PRODUCTION CORP				RECEIVED:	10/18/82	JA: KS			
8303969	K-82-0899	1509720324		102-2		CROMER #1	BETZER	75.0	
8303955	K-82-0850	1509720877		102-2		GROSSMAN "A" #1	WELLSFORD	100.0	PANHANDLE EASTERN
8303824	K-82-0851	1515121136		102-4		ROTTERING #1	BRANT	120.0	CENTRAL STATES GA
-VINCENT OIL CORP				RECEIVED:	10/18/82	JA: KS			
8303961	K-82-0759	1504720911		103		DRESIE #1	FATZER EXT	43.8	PANHANDLE EASTERN
8303856	K-82-0758	1507920542		103		FROESE #1	BURRTON NORTHEAST	29.0	PEOPLES NATURAL G
-W B OSBORN JR (OPERATOR)				RECEIVED:	10/18/82	JA: KS			
8303794	K-82-0739	1509320760		102-2		DAVID #1-H	HUGOTON	50.0	PANHANDLE EASTERN
8303817	K-82-0738	1509320763		102-2		JOE GOERING #1-H	HUGOTON	50.0	PANHANDLE EASTERN
-WAYNE E WALCHER				RECEIVED:	10/18/82	JA: KS			
8303937	K-82-0897	1509500000		102-4		HENNING #1	CARLISCH SW	60.0	KANSAS GAS SUPPLY
-WELLS-BATTELSTEIN OIL & GAS INC				RECEIVED:	10/18/82	JA: KS			
8303809	K-82-0488	1501922651		103		PEARCE (#0345) #17	FRAZIER	5.1	COOKSON HILLS GAS
8303772	K-82-0487	1501922657		103		PEARCE (#0345) #24	FRAZIER	4.4	COOKSON HILLS GAS
8303773	K-82-0489	1501922711		103		PEARCE (#0345) #50	FRAZIER	3.7	COOKSON HILLS GAS
-WOOLSEY PETROLEUM CORP				RECEIVED:	10/18/82	JA: KS			
8303852	K-82-0782	1500721211		103		ALLEN #1	AETNA	125.0	KANSAS GAS SUPPLY
8303954	K-82-0893	1515120968		103		LEHRLING DAUGHTERS TWIN #1	WILDCAT	90.0	CENTRAL STATES GA
-WTA ENERGY INC				RECEIVED:	10/18/82	JA: KS			
8303917	K-82-0917	1504700000		103		SMITH-HON #1	WILL	72.0	PANHANDLE EASTERN

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MICHIGAN DEPARTMENT OF NATURAL RESOURCES

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-GRACE PETROLEUM CORPORATION				RECEIVED:	10/18/82	JA: MI			
8303989		2112532579		102-4		DEWEY MORRIS JR 4-12	ADDISON 12	0.0	MICHIGAN CONSOLID
8303988		2112532168		102-4		MELVIN F LANPHAR 1-12	ADDISON 12	0.0	MICHIGAN CONSOLID

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NORTH DAKOTA INDUSTRIAL COMMISSION

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-ADOBE OIL & GAS CORPORATION RECEIVED: 10/19/82 JA: ND

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8304023	580	3300700833		102-2		LUPTAK #23-31-X	WILDCAT	200.0	NORTHERN GAS PROD
-AMOCO PRODUCTION CO				RECEIVED:	10/19/82	JA: ND			
8304026	576	3302500265		102-2		CARUS AMOCO "B" #1	LONE BUTTE	308.0	KOCH HYDROCARBON
8304027	575	3302500293		102-2		KUKLA AMOCO UNIT "A" #1	WILDCAT-MISSION CANYO	40.5	
-BWAB INC				RECEIVED:	10/18/82	JA: ND			
8303977	564	3305300802		102-2		BN #11-31	MONDAK	10.0	MONTANA DAKOTA UT
-CONSOLIDATED OIL & GAS INC				RECEIVED:	10/19/82	JA: ND			
8304021	581	3305301422		102-2		HEGGEN #1	RAWSON	14.0	PHILLIPS PETROLEU
-EXETER EXPLORATION COMPANY				RECEIVED:	10/19/82	JA: ND			
8304028	574	3305301503		102-2		CHARLES AASEN #7-30	RAGGED BUTTE	150.0	MONTANA-DAKOTA UT
-FLYING J EXPLORATION & PRODUCTION				RECEIVED:	10/18/82	JA: ND			
8303986	573	3305301396		102-2		STATE #13-26	NORTH FORK	55.0	AMINOIL USA
-GETTY OIL COMPANY				RECEIVED:	10/18/82	JA: ND			
8303980	567	3302500289		102-2		BOB CREEK #7-13	LONE BUTTE	65.0	KOCH HYDROCARBON
-GETTY OIL COMPANY				RECEIVED:	10/19/82	JA: ND			
8304022	579	3305301441		102-2		BOB CREEK #36-8	LONE BUTTE	375.0	KOCH HYDROCARBON
-MOSBACHER PRODUCTION CO				RECEIVED:	10/18/82	JA: ND			
8303978	565	3310500911		102-2		JAMES F MARTIN #22-1	TRENTON	358.0	
-PETROLEUM INC				RECEIVED:	10/19/82	JA: ND			
8304019	583	3305301353		102-2		BERGE "C" #1	RAWSON	70.0	PHILLIPS PETROLEU
8304020	582	3305301136		102-2		NYGAARD STATE #1	RAWSON	70.0	PHILLIPS PETROLEU
-PUMA PETROLEUM CORP				RECEIVED:	10/18/82	JA: ND			
8303984	571	3305301390		102-2		AMERADA STATE #1-16	UNNAMED	35.0	SHELL OIL CO
8303983	570	3305310443		102-2		PASCHKE #2-18	UNNAMED	200.0	SHELL OIL CO
-SAMEDAN OIL CORPORATION				RECEIVED:	10/18/82	JA: ND			
8303982	569	3310500930		102-2		DONAHUE #1-23	AVOCA	21.0	PHILLIPS PETROLEU
-SOUTHLAND ROYALTY CO				RECEIVED:	10/19/82	JA: ND			
8304025	577	3300700341		102-2		STATE OF NO DAK #1-16	TREE TOP	60.0	WESTERN GAS PROCE
8304024	578	3300700562		102-2		STATE OF NO DAK #2-16	TREE TOP	15.0	WESTERN GAS PROCE
-SUPERIOR OIL CO				RECEIVED:	10/18/82	JA: ND			
8303979	566	3305301502		102-2		BARROWS #2	ELK	0.0	
-TOM BROWN INC				RECEIVED:	10/18/82	JA: ND			
8303981	568	3305301438		102-2		NYGAARD #14-33	RAWSON	0.4	PHILLIPS PETROLEU
-WILLIAM HERBERT HUNT TRUST ESTATE				RECEIVED:	10/18/82	JA: ND			
8303985	572	3300700822		102-2		A OSADCHUK C #1	TREETOP	16.0	KOCH HYDROCARBON

NEW MEXICO DEPARTMENT OF ENERGY & MINERALS

-ALPHA TWENTY-ONE PRODUCTION CO				RECEIVED:	10/20/82	JA: NM			
8304036		3002527400		103		LEA #1	TEAGUE BLINEBRY	30.0	EL PASO NATURAL G
8304037		3002527682		103		LEA #2.	TEAGUE TUBB	27.0	EL PASO NATURAL G
-AMOCO PRODUCTION CO				RECEIVED:	10/18/82	JA: NM			
8304011		3004507915		108		SANCHEZ GAS COM #1 (2ND)	AZTEC - PICTURED CLIF	18.0	EL PASO NATURAL G
8304018		3002527622		103		STATE H #2	YATES	4.0	PHILLIPS PETROLEU
-AMOCO PRODUCTION CO				RECEIVED:	10/20/82	JA: NM			
8304030		3002527766		102-4		ELKAN #1	SCHARB (BONE SPRINGS)	143.0	WARREN PETROLEUM
-BOBBY F ABERNATHY				RECEIVED:	10/20/82	JA: NM			
8304035		3002527822		102-4		CASWELL FARMS #1	WILDCAT - CISCO	119.0	WARREN PETROLEUM
-DOYLE HARTMAN OIL OPERATOR				RECEIVED:	10/18/82	JA: NM			
8304017		3002527781		103		MUNN-HARRISON "B" #1	JALMAT (GAS)	70.0	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY				RECEIVED:	10/18/82	JA: NM			
8304012		3004510770		108		BROOKHAVEN COM G #9	BASIN - DAKOTA	23.0	EL PASO NATURAL G
-GULF OIL CORPORATION				RECEIVED:	10/18/82	JA: NM			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8304013		3002511524		108		STUART LANGLIE MATTIX UNIT #118
-HNG OIL COMPANY				RECEIVED:	10/18/82	JA: NM
8304016		3002527657		103		SAN SIMON "19" #1
-M R SCHALK				RECEIVED:	10/20/82	JA: NM
8304032		3004525352		103		STATE GAS COM "BA" #1E
-MARALO INC				RECEIVED:	10/20/82	JA: NM
8304041		3000560346		102-4		BUTLER SPRINGS UNIT #1
-MCCLELLAN OIL CORPORATION				RECEIVED:	10/20/82	JA: NM
8304034		3000561406		102-4	107-TF	FINCH FEE #2
8304031		3000561551		102-4	107-TF	TOLMAC STATE #2 #L-2464
-PERRY R BASS				RECEIVED:	10/20/82	JA: NM
8304042		3001524060		102-4		BIG EDDY UNIT #93
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	10/18/82	JA: NM
8304014		3002521384		108		EV GB/SA UN 3440 #012
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	10/20/82	JA: NM
8304040		3002527746		102-2		SAN SIMON 32-B STATE COM #1
-READ & STEVENS INC				RECEIVED:	10/20/82	JA: NM
8304029		3001523945		102-4		CARRASCO #1
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	10/18/82	JA: NM
8304010		3002500000		108		STATE A A/C-2 #15
8304015		3004100000		108		STATE DE #1
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	10/20/82	JA: NM
8304039		3002500000		108		STATE "A" A/C-1 #95
8304038		3002500000		108		STATE A A/C-2 #41
-TENNECO OIL COMPANY				RECEIVED:	10/20/82	JA: NM
8304033		3002527597		102-4		STATE LF 20-1

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NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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-BEREA OIL AND GAS CORPORATION				RECEIVED:	10/15/82	JA: NY
8303999	3922	3101316935		103		G JONES UNIT #2
8303998	3923	3101316937		103		G STEBBINS #1
8303994	3935	3101316384		103		H PERSONS #2
8303993	3937	3101316388		103		REED UNIT #5
-EMPIRE ENERGIES				RECEIVED:	10/15/82	JA: NY
8303997	3927	3102917791		103		MAMMOSER #1
-ENVIROGAS INC				RECEIVED:	10/15/82	JA: NY
8304008	2917	3101317027		107-TF		T NORDLAND #1-A
-KEYSTONE ENERGY OIL & GAS PRODUCTIO				RECEIVED:	10/15/82	JA: NY
8303996	3932	3100916416		103		LARIMER/NORTON #1
8304002	3910	3100916994		103		LARIMER/NORTON #3
8303995	3934	3100916995		103		LARIMER/NORTON #4
-LENAPE RESOURCES CORP				RECEIVED:	10/15/82	JA: NY
8304000	3917	3105117319		103		J CARNEY #2 LRC #139
8304001	3917	3105117319		103		J CARNEY #2 LRC #139
8304006	2783	3105116145		102-2		S J MACY #1 LRC #75
8304007	2784	3105116146		102-2		S J MACY UNIT #1 LRC #77
-NRM PETROLEUM CORPORATION				RECEIVED:	10/15/82	JA: NY
8304004	3239	3100916335		102-2		PARKER #1
-SCG GAS QUEST INC				RECEIVED:	10/15/82	JA: NY
8304003	2233	3112113277		102-2		DAWSON-TANNER #1
-UNIVERSAL RESOURCES HOLDINGS INC				RECEIVED:	10/15/82	JA: NY
8304005	2645	3101316841		102-2		W LIND #1

FIELD NAME	PROD	PURCHASER
LANGLIE MATTIX	1.3	EL PASO NATURAL G
UNDESIGNATED WOLFCAMP	200.8	UNITED GAS PIPELI
BASIN DAKOTA	0.0	EL PASO NATURAL G
WILDCAT (MORROW)	38.8	PHILLIPS PETROLEU
UND E BITTER LAKE (AB	127.8	TRANSWESTERN PIPE
UNDES PENJACK (ABO)	182.5	TRANSWESTERN PIPE
INDIAN FLATS MORROW	500.0	NATURAL GAS PIPEL
VACUUM GB/SA	1.0	EL PASO NATURAL G
EAST GRAMA RIDGE MORR	829.0	EL PASO NATURAL G
UND NORTH LOVING MORR	155.0	EL PASO NATURAL G
EUNICE SOUTH	19.3	GETTY OIL CO
CHAVEROO	1.3	CITIES SERVICE CO
LANGLIE-MATTIX	14.5	PHILLIPS PETROLEU
JAL MAT	2.0	EL PASO NATURAL G
KEMNITZ DEEP	0.0	TRANSWESTERN PIPE
STEBBINS CORNERS	12.0	COLUMBIA GAS TRAN
STEBBINS CORNERS	10.0	COLUMBIA GAS TRAN
RIPLEY MINA	12.0	COLUMBIA GAS TRAN
RIPLEY-MINA	14.0	COLUMBIA GAS TRAN
LAKE SHORE	12.0	NATIONAL FUEL GAS
WILDCAT	18.0	NATIONAL FUEL GAS
SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
UHLY CORNERS	20.0	NEW JERSEY NATURA
UHLY CORNERS	20.0	NEW JERSEY NATURA
CALEDONIA	20.0	NEW JERSEY NATURA
CALEDONIA	20.0	NEW JERSEY NATURA
RANDOLPH	0.0	COLUMBIA GAS TRAN
ARCADE - MEDINA	10.9	COLUMBIA GAS TRAN
GERRY	20.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-US ENERGY DEVELOPMENT CORP				RECEIVED: 10/15/82		JA: NY			
8303992	3945	3101317688		103		MEAD #1	GERRY	20.0	COLUMBIA GAS TRAN
8303991	3943	3101317689		103		MEAD #2	GERRY	20.0	COLUMBIA GAS TRAN
8303990	3941	3101317690		103		MEAD #3	GERRY	20.0	COLUMBIA GAS TRAN
UTAH DIVISION OF OIL,GAS, & MINING									
-THOMAS D HARRISON				RECEIVED: 10/21/82		JA: UT			
8303987	K-139-1	4301930791		103		PIONEER NO 1	GREATER CISCO AREA	75.0	NORTHWEST PIPELIN
VIRGINIA DEPARTMENT OF LABOR & INDUSTRY									
-BOW VALLEY PETROLEUM INC				RECEIVED: 10/19/82		JA: VA			
8304089		4502720450		103		A B JEWEL #1	GRUNDY DISTRICT	0.0	CONSOLIDATED GAS
WEST VIRGINIA DEPARTMENT OF MINES									
-ALLEGHENY & WESTERN ENERGY CORP				RECEIVED: 10/12/82		JA: WV			
8304089		4703903808		103		B STARK #1	UNION DISTRICT	36.0	ROARING FORK GAS
8304088		4708703546		103		H LAWSON #1	WALTON DISTRICT	36.0	ROARING FORK GAS
8304084		4703903806		107-DV		L M MCCOWN #2	UNION DISTRICT	36.0	ROARING FORK GAS
8304090		4703903807		103		M MCOWN #1	UNION DISTRICT	36.0	ROARING FORK GAS
8304087		4708703547		103		T OAKS #1	WALTON DISTRICT	36.0	COLUMBIA GAS TRAN
-ALLEGHENY LAND & MINERAL COMPANY				RECEIVED: 10/12/82		JA: WV			
8304069		4708300557		103		A - 1035	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8304072		4708300548		103		A - 1062	ROARING CREEK DISTRIC	0.0	COLUMBIA GAS TRAN
8304070		4708300556		103		A - 1071	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8304074		4709702349		103		A - 1073	WASHINGTON DISTRICT	0.0	CONSOLIDATED GAS
8304071		4708300554		103		A - 1081	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8304073		4708300546		103		A - 1095	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8304075		4709702350		103		A - 1110	UNION DISTRICT	0.0	CONSOLIDATED GAS
8304081		4708300583		103		A - 1115	ROARING CREEK DISTRIC	0.0	COLUMBIA GAS TRAN
8304080		4708300592		103		A - 1126	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8304079		4708300598		103		A - 1146	ROARING CREEK DISTRIC	0.0	COLUMBIA GAS TRAN
8304078		4710100076		103		A - 1156	GLADE DISTRICT	0.0	
8304076		4706100638		103		A - 837	CLINTON DISTRICT	0.0	CONSOLIDATED GAS
8304077		4704103029		103		A - 960	FREEMANS CREEK DISTRI	0.0	CONSOLIDATED GAS
8304068		4708300582		103		A-1114	ROARING CREEK DISTRIC	0.0	COLUMBIA GAS TRAN
-BEREA OIL AND GAS CORPORATION				RECEIVED: 10/12/82		JA: WV			
8304091		4700121213		108		BILLAR #1	VALLEY	14.0	CONSOLIDATED GAS
8304092		4700121344		108		PROUDFOOT #2	VALLEY	18.0	CONSOLIDATED GAS
-BOW VALLEY PETROLEUM INC				RECEIVED: 10/12/82		JA: WV			
8304085		4710500939		103		LEDSOME #960	BURNINGS SPRINGS DIST	0.0	COLUMBIA GAS TRAN
8304086		4710500930		103		WELCH #949	CLAY DISTRICT	0.0	COLUMBIA GAS TRAN
-DELTA DRILLING CO				RECEIVED: 10/12/82		JA: WV			
8304093		4708703481		103		COFFEE-VINEYARD UNIT #1	WALTON	0.0	COLUMBIA GAS TRAN
8304094		4708703481		107-DV		COFFEE-VINEYARD UNIT #1	WALTON	0.0	COLUMBIA GAS TRAN
-ELAMS GAS CO				RECEIVED: 10/12/82		JA: WV			
8304067		4709901701		103		GLENHAYES #2	LINCOLN	0.0	COLUMBIA GAS TRAN
8304066		4709901725		103		GLENHAYES #3	LINCOLN	0.0	COLUMBIA GAS TRAN
-FOX DRILLING CO INC				RECEIVED: 10/12/82		JA: WV			
8304082		4700101588		107-DV		AB COLLEGE #3	BELINGTON	15.0	COLUMBIA GAS TRAN
8304083		4700101604		107-DV		BOLYARD #1	BELINGTON	10.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-FRANKLIN ADKINS				RECEIVED:	10/12/82	JA: WV			
8304101		4709921756		107-DV		FERGUSON #2	LINCOLN	0.0	COLUMBIA GAS TRAN
-H E ACKER				RECEIVED:	10/12/82	JA: WV			
8304053		4704100000		108		B H DROPPLEMAN #1B	BROWN FORK	8.0	CONSOLIDATED GAS
8304050		4704101793		108		BURNSIDE FREEMAN #1	BROWN FORK	5.0	CONSOLIDATED GAS
8304049		4704101900		108		BURNSIDE FREMAN #2	BROWN FORK	8.0	CONSOLIDATED GAS
8304052		4704101487		108		KEELEY HEIRS #2	BROWN FORK	8.0	CONSOLIDATED GAS
8304051		4704101520		108		KEELEY HEIRS 1A	BROWN FORK	8.0	CONSOLIDATED GAS
8304054		4704101341		108		KEELY HEIRS #1	BROWN FORK	8.0	CONSOLIDATED GAS
-JAMES F SCOTT				RECEIVED:	10/12/82	JA: WV			
8304043		4703302674		102-4		ANNA WILLIAMS S-388	UNION	40.0	CONSOLIDATED GAS
8304044		4703302675		102-4		LYNN REED S-389	UNION	25.0	CONSOLIDATED GAS
-KAISER ENERGY INC				RECEIVED:	10/12/82	JA: WV			
8304046		4708505181		103		ANDREW FOUTTY KEM #102	ELK	29.2	CONSOLIDATED GAS
8304045		4708505179		103		BERT FOUTTY KEM #103	ELK	15.0	CONSOLIDATED GAS
8304047		4703501620		107-DV		JAMES K SEXTON KEM #137	ELK/POCA	3.7	ROARING FORK GAS
8304048		4703501558		107-DV		THOMAS LONG KEM #79	ELK/POCA	18.0	COLUMBIA GAS TRAN
-KEY OIL COMPANY				RECEIVED:	10/12/82	JA: WV			
8304096		4708703484		107-DV		EARL GANDEE #1	WALTON	0.3	ROARING FORK GAS
-KIOWA PETROLEUM CORP				RECEIVED:	10/12/82	JA: WV			
8304098		4707301384		107-DV		R B VARNER #1	MCKIM DISTRICT	40.8	COLUMBIA GAS TRAN
-KLONDIKE DEVELOPMENT CORP				RECEIVED:	10/12/82	JA: WV			
8304097		4707301408		107-DV		GARY SNIVELY #1	BROAD RUN	16.0	COLUMBIA GAS TRAN
-MAJESTIC RESOURCES CORP				RECEIVED:	10/12/82	JA: WV			
8304100		4704700867		107-DV		C O DAVIS #1	SANDY RIVER DISTRICT	0.0	COLUMBIA GAS TRAN
-MILLS DRILLING CO INC				RECEIVED:	10/12/82	JA: WV			
8304107		4705900991		107-DV		CLOSTERMAN HEIRS #M-5	LINCOLN	10.0	COLUMBIA GAS TRAN
8304106		4709901718		107-DV		CLOSTERMAN HEIRS M-4	LINCOLN	5.5	COLUMBIA GAS TRAN
-PEAKE OPERATING COMPANY				RECEIVED:	10/12/82	JA: WV			
8304062		4710900871		103		WELCHLANDS #9-AW	(SLAB FORK DISTRICT)	5.0	CONSOLIDATED GAS
-PETRO-LEWIS CORPORATION				RECEIVED:	10/12/82	JA: WV			
8304055		4701500844		108		ELK RIVER #2	BUFFALO	0.9	EQUITABLE GAS CO
-PETROLEUM DEVELOPMENT CORP				RECEIVED:	10/12/82	JA: WV			
8304063		4709500780		103		JAMES DOAN #1A	LINCOLN	75.0	CONSOLIDATED GAS
8304064		4703302249		103		JOHN MORRIS #1	LINCOLN	11.0	CONSOLIDATED GAS
8304065		4703302044		103		MARY LAWSON #1	LINCOLN	54.0	CONSOLIDATED GAS
-QUAKER STATE OIL REFINING CORP				RECEIVED:	10/12/82	JA: WV			
8304061		4710321227		103		J MILLS JR #157	GRANT DISTRICT	5.5	CONSOLIDATED GAS
-R & B PETROLEUM INC				RECEIVED:	10/12/82	JA: WV			
8304060		4708300371		107-DV		KEELEY #2	ROARING CREEK	25.0	COLUMBIA GAS TRAN
-RESERVE EXPLORATION CO				RECEIVED:	10/12/82	JA: WV			
8304057		4708505413		103		HECK #32	GRANT	15.0	CONSOLIDATED GAS
8304056		4708505289		103		LAYFIELD/PUTNAM # 1	GRANT	0.0	CONSOLIDATED GAS
-RIDGEWOOD RESOURCES INC				RECEIVED:	10/12/82	JA: WV			
8304105		4707321017		107-DV		PHILLIP SPARKS #1	WASHINGTON	10.0	COLUMBIA GAS TRAN
-ROYAL OIL & GAS CORPORATION				RECEIVED:	10/12/82	JA: WV			
8304059		4702101866		103		DONALD SINGLETON #1	CEDARVILLE	75.0	COLUMBIA GAS TRAN
8304058		4702103544		108		WALTER MOORE "B" #1	NORMANTOWN	4.0	CONSOLIDATED GAS
-TECHNOLOGY DEVELOPMENT INC (TDI)				RECEIVED:	10/12/82	JA: WV			
8304102		4708703540		107-DV		J COX #4	HARPER DISTRICT	20.0	ROARING FORK GAS
-UNITED PETRO LTD				RECEIVED:	10/12/82	JA: WV			
8304095		4701303333		103		DENVER CHENOWETH #1	MINNORA GAS	12.0	CONSOLIDATED GAS
-WACO OIL AND GAS CO INC				RECEIVED:	10/12/82	JA: WV			

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8304104		4702102750		107-DV		STEINBECK #1A	MUD LICK	10.0	COLUMBIA GAS TRAN
-WINDFALL PETROLEUM CORP				RECEIVED:	10/12/82	JA: WV			
8304099		4704302538		107-DV		MARTIN #1 47-043-2538	MUD RIVER	7.3	COLUMBIA GAS TRAN
-ZION GAS CO				RECEIVED:	10/12/82	JA: WV			
8304103		4704322533		107-DV		SADIE DINGESS #1	UNION DISTRICT	0.0	COLUMBIA GAS TRAN

SOURCE DATA FOR THIS NOTICE IS AVAILABLE ON MAGNETIC TAPE FROM THE NATIONAL TECHNICAL INFORMATION SERVICE (NTIS). FOR INFORMATION, CONTACT STUART WEISMAN (NTIS) AT (703) 487-4808, 5285 PORT ROYAL RD, SPRINGFIELD, VA 22161, OR SANDRA SPEAR (FERC) (202) 357-8681.

BILLING CODE 6717-01-C

The above notices of determinations 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 273.206, 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 within fifteen days after publication of notice in the **Federal Register.**

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 (100 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old bcs lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seame
107–DV: Devonian shale
107–PS: 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. 82-31978 Filed 11-19-82. 8:45 am]

BILLING CODE 6717-01-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: November 16, 1982.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
OKLAHOMA CORPORATION COMMISSION									
-AMAREX INC				RECEIVED:	10/14/82	JA: OK			
8304113	21267	3512920720		107-DP		OLSON #1-21	SOUTH CHEYENNE	694.0	
-AMOCO PRODUCTION CO				RECEIVED:	10/18/82	JA: OK			
8304246	16715	3500722168		103		COLDWATER GAS UNIT #2	MOCANE-LAVERNE GAS AR	50.0	PANHANDLE EASTERN
-AN-SON CORPORATION				RECEIVED:	10/14/82	JA: OK			
8304149	21179	3514920279		107-DP		KLEMME #1-23	NORTH WEST BOGGY CREE	522.0	
-AN-SON CORPORATION				RECEIVED:	10/18/82	JA: OK			
8304247	16719	3508720707		103		SHARP #1-8	S E COLE	100.0	
-ANADARKO PRODUCTION COMPANY				RECEIVED:	10/18/82	JA: OK			
8304269	7156	3513900000		108-ER		HENSLEY #1		0.0	PANHANDLE EASTERN
-ANDOVER OIL COMPANY				RECEIVED:	10/18/82	JA: OK			
8304295	18376	3503920522		102-4		PENNER #1-1		0.0	DELHI GAS PIPELIN
-APACHE CORPORATION				RECEIVED:	10/14/82	JA: OK			
8304171	18393	3510920428		102-2		SIMMONS #1-30		63.8	MICHIGAN WISCONSI
-ARCO OIL AND GAS COMPANY				RECEIVED:	10/14/82	JA: OK			
8304133	16590	3513722781		103		EAST VELMA WEST BLK SIMS SU #428	SHO-VEL-TUM	7.3	GETTY OIL CO
-ASPEN OIL COMPANY				RECEIVED:	10/14/82	JA: OK			
8304132	16589	3504722770		103		GEORGE #1	SOONER TREND	54.0	EXXON CO U S A
-B R POLK INC				RECEIVED:	10/18/82	JA: OK			
8304341	16663	3504921683		103		FREEMAN #2	NORTH ANTIOCH	50.0	WARREN PETROLEUM
-BIG FOUR PETROLEUM CO				RECEIVED:	10/18/82	JA: OK			
8304322	16622	3511921635		103		GLADDEN #1	N CUSHING	91.3	COLORADO GAS COMP
-BOB PERKINS PRODUCTION				RECEIVED:	10/18/82	JA: OK			
8304287	14522	3501922137		103		MCCRORY #1-A	NE TATUMS	0.0	MOBIL OIL CORP
-BONRAY ENERGY CORP				RECEIVED:	10/18/82	JA: OK			
8304334	16640	3510321590		103		RENA 10-1	S MULHALL	73.0	AMINOIL USA INC
8304331	16636	3508321907		103		WHITE 15-1	S MULHALL	82.1	AMINOIL USA INC
8304333	16639	3508321907		103		WORTMAN 15-1	S MULHALL	82.1	AMINOIL USA INC
-BURKHART PETROLEUM CORP				RECEIVED:	10/18/82	JA: OK			
8304245	16711	3502720627		103		FONTENIER #2-12	S E NOBLE	30.0	MUSTANG FUEL CORP
8304244	16710	3508720662		103		GARLAND 1-21	WASHINGTON	40.0	SUN EXPLORATION &
-BYERS & MATTHEWS ASSOCIATES INC				RECEIVED:	10/14/82	JA: OK			
8304129	16584	3514321650		103		HUDSON #1	WILDCAT	32.0	PHILLIPS PETROLEU
8304130	16585	3514321740		103		HUDSON #2	WILDCAT	70.0	PHILLIPS PETROLEU
-C J CASSELMAN				RECEIVED:	10/18/82	JA: OK			
8304235	16647	3511123683		103		BELISLE (S) 2-B	MORRIS	18.3	PHILLIPS PETROLEU
8304234	1664	3511123682		103		BELISLE (SOUTH) 1B	MORRIS	18.3	PHILLIPS PETROLEU
8304232	16650	3511123684		103		MONDAY 1-B	MORRIS	18.3	PHILLIPS PETROLEU
8304233	16649	3511123685		103		MONDAY 2-B	MORRIS	18.3	PHILLIPS PETROLEU
-CANADIAN EXPLORATION CORP				RECEIVED:	10/14/82	JA: OK			
8304152	16524	3501722160		103		M P I #35-1	SOUTH YUKON	54.0	DELHI GAS PIPELIN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-CHAMPION SALES & MFG CO INC				RECEIVED:	10/18/82	JA: OK			
8304344	17298	3510500000		108		STEVENS #1	STEVENS PLD (S 34 T 2	12.0	CITIES SERVICE GA
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	10/18/82	JA: OK			
8304252	16789	3500300000		103		RALPH SOLF #2	E CHANEY DELL	0.0	CHAMPLIN PETROLEU
-CIMARRON PETROLEUM CORPORATION				RECEIVED:	10/14/82	JA: OK			
8304159	16554	3505320790		103		JONES CPC - 182		164.3	
-CLARK RESOURCES INC				RECEIVED:	10/14/82	JA: OK			
8304122	16557	3507323470		103		BOLLENBACH 2-1	SOONER TREND	50.0	CONOCO INC
8304115	16605	3507323427		103		STOTTS 1-1	SOONER TREND	50.0	CONOCO INC
-CLARK RESOURCES INC				RECEIVED:	10/18/82	JA: OK			
8304342	16671	3507323342		103		CHRISTIE 21-1	SOONER TREND	50.0	CITIES SERVICE GA
-CLIFFORD RESOURCES INC				RECEIVED:	10/18/82	JA: OK			
8304304	16498	3510900000		103		HOWETH #1-12	WILDCAT	1.8	CHAMPLIN PETROLEU
-COLLINS PETROLEUM INC				RECEIVED:	10/14/82	JA: OK			
8304140	16530	3514721565		103		FRANK WINKLER 2C	NORTH CANARY	3.0	KANOKLA ENERGY CO
8304139	15869	3514722814		102-2		SULLIVAN #2A	WILDCAT	22.5	COTTON VALLEY GAS
-COLLINS PETROLEUM INC				RECEIVED:	10/18/82	JA: OK			
8304262	15868	3514781500		102-2		ZIEGENFUSS #3A	WILDCAT	22.5	COTTON VALLEY GAS
-COLOMA PETROLEUM INC				RECEIVED:	10/18/82	JA: OK			
8304238	16652	3504722742		103		CUPPS #2	SOONER TREND	225.0	EXXON CO U S A
-COMBINED RESOURCES CORP				RECEIVED:	10/18/82	JA: OK			
8304280	16616	3504722099		103		PHILLIPS UNIVERSITY #2	SOUTHEAST ENID	50.0	CHAMPLIN PETROLEU
8304281	16617	3504722444		103		REGIER #1-6	SOUTHEAST ENID	18.3	CHAMPLIN PETROLEU
-CONTINENTAL RESOURCES CORP				RECEIVED:	10/14/82	JA: OK			
8304111	21180	3501521347		107-DP		PATTERSON #148		0.0	PANHANDLE EASTERN
-CONTINENTAL RESOURCES CORP				RECEIVED:	10/18/82	JA: OK			
8304306	18329	3504300000		102-2		DROKE #1	EAST PUTNAM	0.0	HYDROCARBON SERVI
8304307	18330	3504300000		102-2		DROKE #2	EAST PUTNAM	0.0	HYDROCARBON SERVI
8304308	18331	3504300000		102-2		HERRING #22-1	EAST PUTNAM	0.0	HYDROCARBON SERVI
-CYNI OIL INC				RECEIVED:	10/18/82	JA: OK			
8304273	16276	3504722763		102-2	103	MURPHY NO 1	NE MARSHALL	36.0	EASON OIL CO
-DALCO PETROLEUM INC				RECEIVED:	10/18/82	JA: OK			
8304268	16408	3507323487		103		POPE #1	SOONER TREND	91.3	PHILLIPS PETROLEU
8304226	16406	3507323327		103		WEBER #1	SOONER TREND	91.3	PHILLIPS PETROLEU
-DEMINEX US OIL COMPANY				RECEIVED:	10/18/82	JA: OK			
8304340	16660	3507323369		103		FORMAN #5	NORTH REEDING	36.0	CONOCO INC
-DEVON CORPORATION				RECEIVED:	10/14/82	JA: OK			
8304124	16611	3508720654		103		HEWITT #2-34	WEST STORY	0.0	SUN GAS CO
-DEVON CORPORATION				RECEIVED:	10/18/82	JA: OK			
8304310	16432	3508720687		103		BAKER #2-27	PAYNE	0.0	SUN GAS CO
-DUNNE EQUITIES INC				RECEIVED:	10/14/82	JA: OK			
8304121	16546	3511123369		103		BRADFORD #4	NUYAKA	91.0	PHILLIPS PETROLEU
8304138	16545	3511137000		103		BRADFORD #5	NUYAKA	250.0	PHILLIPS PETROLEU
-EL PASO NATURAL GAS COMPANY				RECEIVED:	10/18/82	JA: OK			
8304347	21277	3500920462		107-DP		KENT #4	BERLIN E ATOKA	178.0	EL PASO NATURAL G
-ESTORIL PRODUCING CORP				RECEIVED:	10/14/82	JA: OK			
8304165	18365	3512521183		102-2		FARRIS #1	NE TECUMSEH	1.8	BETHEL GAS CO
8304166	18366	3512521377		102-2	103	GUNTER #2	NE TECUMSEH	18.2	BETHEL GAS CO
8304167	18367	3512521300		102-2	103	HANKS #1	NE TECUMSEH	320.0	BETHEL GAS CO
8304169	18369	3512521309		102-2	103	HANKS A #1	NE TECUMSEH	365.0	BETHEL GAS CO
8304168	18368	3512521250		102-2	103	HENSON #2	NE TECUMSEH	1.8	BETHEL GAS CO
-EXXON CORPORATION				RECEIVED:	10/14/82	JA: OK			
8304137	16469	3500722234		103		CAMRICK UNIT #2177	CAMRICK	50.0	PHILLIPS PETROLEU

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-EXXON CORPORATION				RECEIVED:	10/18/82	JA: OK			
8304290	16499	3500722174		103		FAY FICKEL #2	MOCANE-LAVERNE	315.0	COLORADO INTERSTA
-F C D OIL CORP				RECEIVED:	10/14/82	JA: OK			
8304158	16523	3505320785		103		GASTON 1-34	EAST LAMONT	36.5	CRA INC
8304151	16522	3505320787		103		LAWLESS 1-20	S POND CREEK	36.5	CRA INC
-F C D OIL CORP				RECEIVED:	10/18/82	JA: OK			
8304283	16813	3507323352		103		DUKE 1-2	SOONER TREND	103.7	CONOCO INC
-F M BUXTON				RECEIVED:	10/14/82	JA: OK			
8304108	16654	3508321943		103		MOSIER #1	SOONER TREND	46.0	CONOCO INC
-FIRST NATIONAL OIL CO				RECEIVED:	10/18/82	JA: OK			
8304318	16834	3500721388		108		ADAMS #1-24	MORROW	0.0	COLORADO INTERSTA
-FITKIN PETROLEUM CORP				RECEIVED:	10/18/82	JA: OK			
8304315	16508	3504321307		103		SALISBURY #1-21	NE TRAIL	130.0	PANHANDLE EASTERN
-FOSSIL OIL & GAS INC				RECEIVED:	10/18/82	JA: OK			
8304255	14228	3504722409		103		NELSON #3-12	S W HUNTER	0.0	CRA INC
-GETTY OIL COMPANY				RECEIVED:	10/14/82	JA: OK			
8304131	16588	3513722808		103		DOMA SPEARS #16	SHO-VEL-TUM	5.0	OKLAHOMA NATURAL
8304114	16651	3500722026		103		THOMAS WILSON #2 OTC #007-19397	CAMRICK	73.0	INTERNORTH INC
8304127	16579	3507720237		103		WHITE "N" 2	WHITE "N"	73.0	ARKANSAS LOUISIAN
-GETTY OIL COMPANY				RECEIVED:	10/18/82	JA: OK			
8304348	21293	3514920232		107-DP		DAVIS #28-1	N W COLONY	265.0	
8304291	16529	3513722775		103		DOMA SPEARS #15	SHO-VEL-TUM FIELD	3.0	OKLAHOMA NATURAL
8304349	21294	3500920460		107-DP		PURYEAR #20-1	STATELINE	242.0	MICHIGAN WISCONSI
-GIANT PETROLEUM CORPORATION				RECEIVED:	10/18/82	JA: OK			
8304251	16787	3507122332		103		MARLER-GRIMSLEY #1	DILWORTH	73.0	CORONADO TRANSMIS
-GRAHAM OIL & GAS LTD				RECEIVED:	10/18/82	JA: OK			
8304336	16643	3504321208		103		REESE #1		84.8	DELHI GAS PIPELIN
8304335	16642	3504321295		103		ROSS #1		219.0	DELHI GAS PIPELIN
-GULF OIL CORPORATION				RECEIVED:	10/18/82	JA: OK			
8304345	17630	3505930056		108		ROETKER #1	LOVEDALE NW	18.0	MICHIGAN WISCONSI
-GULFSTREAM PETROLEUM CORP				RECEIVED:	10/18/82	JA: OK			
8304284	16814	3509322162		103		COULTER #2-34	SW LAHOMA PROSPECT	77.0	PIONEER GAS PRODU
-HADSON PETROLEUM CORP				RECEIVED:	10/18/82	JA: OK			
8304323	16625	3508720364		103		RAY #1-33	LONE STAR	180.0	
-HARPER OIL COMPANY				RECEIVED:	10/14/82	JA: OK			
8304170	18388	3509322505		102-4		TUXHORN #1	N ORION	109.0	PHILLIPS PETROLEU
-HARPER OIL COMPANY				RECEIVED:	10/18/82	JA: OK			
8304326	16628	3507323468		103		IRVIN BOLLENBACH #2	SOONER TREND	40.0	PHILLIPS PETROLEU
8304324	16626	3504722986		103		OBLANDER #2	NORTH ENID	60.0	UNION TEXAS PETRO
8304325	16627	3507323270		103		SEDLAK #2	SOONER TREND	55.0	MUSTANG FUEL CORP
-HAWKINS OIL & GAS INC				RECEIVED:	10/14/82	JA: OK			
8304119	16593	3500722243		103		PLETT #1-4	E TURPIN	160.0	PHILLIPS PETROLEU
-HEARTLAND EXPLORATION INC				RECEIVED:	10/14/82	JA: OK			
8304154	16535	3504921774		103		CODY #1-12	EAST WHITEBEAD	91.0	BUCKEYE NATURAL G
8304155	16536	3510321535		103		KASPER #2-25	SOUTH TONKAWA	98.0	ARCO OIL & GAS CO
-HESTON OIL CO				RECEIVED:	10/18/82	JA: OK			
8304240	16677	3513721562		103		TONY QUINN #26-2		0.0	OKLAHOMA NATURAL
-HOFMANN OIL CO				RECEIVED:	10/18/82	JA: OK			
8304231	16646	3510522621		103		TEVEBAUGH #1	NONE	5.5	A-G SYSTEMS LTD
-INTERNORTH INC				RECEIVED:	10/14/82	JA: OK			
8304126	16576	3500720005		103		MCCLURG #1-1	SE LOGAN	7.0	INTERNORTH INC
-JAY PETROLEUM INC				RECEIVED:	10/18/82	JA: OK			
8304237	16676	3510952200		103		BREENE #1	WEST EDMOND	200.0	PHILLIPS PETROLEU

JD NO	JA DKT	API NO	O	SEC(1)	SEC(2)	WELL NAME		
-JEFFERSON-WILLIAMS ENERGY CORP				RECEIVED:	10/18/82	JA: OK		
8304305	16856	3510321235		108		ANDREW MEGENITY #2		
-JET OIL COMPANY				RECEIVED:	10/14/82	JA: OK		
8304144	16532	3508321741		103		BOWDEN #1		
-JET OIL COMPANY				RECEIVED:	10/18/82	JA: OK		
8304282	16818	3504722530		103		BENNETT "B" #1		
8304320	16619	3508321847		103		BOEDECKER #1		
8304276	16533	3508321766		103		BOWDEN "B" #1		
-JICO EXPLORATION INC				RECEIVED:	10/18/82	JA: OK		
8304317	16510	3507323108		103		JICO-RIGGAN #1		
-JIMMY W GRAY				RECEIVED:	10/14/82	JA: OK		
8304117	16598	3504921763		103		BAGWELL #2		
8304116	16599	3504921642		103		KIMBERLY #2		
-JOE A HUITT				RECEIVED:	10/14/82	JA: OK		
8304174	17504	3503721992		108		MILLER-FOWLER 17		
8304173	17505	3503721997		108		MILLER-FOWLER 19		
8304172	17506	3503722261		108		MILLER-FOWLER 20		
-JOE A HUITT				RECEIVED:	10/18/82	JA: OK		
8304258	17500	3503721251		108		MILLER-FOWLER WEST 12		
8304261	17507	3503722771		108		MILLER-FOWLER WEST 21		
8304260	17497	3503700000		108		MILLER-FOWLER 1-A		
8304259	17499	3503700000		108		MILLER-FOWLER 11A		
8304257	17501	3503721896		108		MILLER-FOWLER 13		
8304256	17502	3503721953		108		MILLER-FOWLER 14		
8304319	17503	3503721970		108		MILLER-FOWLER 16		
-JONES & PELLOW OIL CO				RECEIVED:	10/18/82	JA: OK		
8304327	16631	3501922373		103		HUNSUCKER 11-3		
-KAISER-FRANCIS OIL COMPANY				RECEIVED:	10/18/82	JA: OK		
8304229	16603	3505921003		103		CARLISLE #3-8		
8304296	21193	3505121213		107-DP		PENDLEY #1-8		
8304243	16709	3500320795		103		SCOTT #2-8		
-KENNEDY & MITCHELL INC				RECEIVED:	10/18/82	JA: OK		
8304309	16427	3505991500		103		MARTIN #27-435		
-L & N EXPLORATION INC				RECEIVED:	10/18/82	JA: OK		
8304332	16637	3508321613		103		ELLIOTT #2-19		
-L & T OIL & GAS INC				RECEIVED:	10/18/82	JA: OK		
8304227	16594	3507323513		103		POPE #1		
-L R FRENCH JR				RECEIVED:	10/14/82	JA: OK		
8304153	16524	3507300000		103		WILSON #2		
-LADD PETROLEUM CORPORATION				RECEIVED:	10/18/82	JA: OK		
8304267	16287	3507323261		103		VOGT #5		
-LRF CORP				RECEIVED:	10/14/82	JA: OK		
8304128	16583	3506100000		103		FLOYD #1		
-MAGIC CIRCLE ENERGY CORP				RECEIVED:	10/14/82	JA: OK		
8304146	16573	3507323377		103		BARNARD #1		
8304147	16574	3507323436		103		BARNARD #2		
-MAGIC CIRCLE ENERGY CORP				RECEIVED:	10/18/82	JA: OK		
8304286	17380	3504321359		102-2		ANTON #1		
8304328	16632	3515121218		103		OSHEL #1		
8304329	16633	3515121196		103		PRENTICE #1		
-MAHAN-ROWSEY INC.				RECEIVED:	10/18/82	JA: OK		
8304338	16655	3502720549		103		B-F #1		
-MEGA OIL & GAS CO INC				RECEIVED:	10/14/82	JA: OK		

FIELD NAME	PROD	PURCHASER
CERES SOUTH	9.0	ARCO OIL & GAS CO
MULHALL	60.0	EASON OIL CO
WILSON	192.0	EASON OIL CO
ORLANDO	7.0	EASON OIL CO
MULHALL	5.0	EASON OIL CO
SOONER TREND	273.8	PHILLIPS PETROLEU
ANTIOCH	1000.0	WARREN PETROLEUM
ANTIOCH	400.0	WARREN PETROLEUM
MANNFORD	1.3	ARCO OIL & GAS CO
MANNFORD	1.3	ARCO OIL & GAS CO
MANNFORD	1.3	ARCO OIL & GAS CO
MANNFORD	1.3	ARCO OIL & GAS CO
MANNFORD	1.3	ARCO OIL & GAS CO
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MANNFORD	1.3	ARCO OIL & GAS CO
MANNFORD	1.3	ARCO OIL & GAS CO
MANNFORD	1.3	ARCO OIL & GAS CO
TATUM	100.0	MOBIL OIL CORP
MOCANE LAVERNE	100.0	MICHIGAN WISCONSI
S RUSH SPRINGS	1131.0	
N RINGWOOD	50.0	UNION TEXAS PETRO
UNDESIGNATED C SW SEC	180.0	MICHIGAN WISCONSI
NABELL	219.0	
NORTH OKARCHE	18.0	PHILLIPS PETROLEU
	109.0	PHILLIPS PETROLEU
OKARCHE	68.4	
KINTA	273.4	ARKANSAS LOUISIAN
S E LOYAL	250.0	CITIES SERVICE CO
S E LOYAL	250.0	CITIES SERVICE CO
LENORA	147.0	MAGIC CIRCLE GAS
EAST WAYNOKA	186.0	MICHIGAN-WISCONSI
EAST WAYNOKA	25.0	MICHIGAN-WISCONSI
SOUTH MOORE	365.0	SUN GAS CO

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8304123	16560	3505320848		103		LAWRENCE #1	WEST WEBB	36.0	EL GRANDE PIPELIN
-MERIDIAN EXPLORATION INC				RECEIVED:	10/18/82	JA: OK			
8304242	16707	3505121044		103		MAHER #1	HARNESS	109.5	TRANSOK PIPE LINE
-MGF OIL CORP				RECEIVED:	10/18/82	JA: OK			
8304302	16425	3505120739		103		DRYDEN #6	CHICKASAH	86.4	PUBLIC SERVICE CO
8304300	16423	3505120754		103		DRYDEN #7	CHICKASHA	91.8	PUBLIC SERVICE CO
8304303	16426	3505120722		103		PETTIT #8	CHICKASHA	151.0	PUBLIC SERVICE CO
8304301	16424	3505120790		103		REID #4	CHICKASHA	59.4	PUBLIC SERVICE CO
-NATIONAL OIL COMPANY				RECEIVED:	10/18/82	JA: OK			
8304313	16561	3502720431		103		SOONER #1		35.0	SUN GAS CO
-OFS-TULSA CORP				RECEIVED:	10/18/82	JA: OK			
8304266	16243	3507323379		103		JONES #2-9 073-72962	SOONER TREND	80.0	CITIES SERVICE GA
8304289	16242	3507323253		103		JOYCE #1-23 073-72960	SOONER TREND	31.0	EASON OIL CO
8304265	16167	3507323254		103		MATTHEW #2-23 073-70827	SOONER TREND	36.0	EASON OIL CO
8304288	16241	3507323298		103		PEGGY #4-23 073-72961	SOONER TREND	31.0	EASON OIL CO
-OKLAHOMA DRILLING CORP				RECEIVED:	10/18/82	JA: OK			
8304228	16595	3508321650		103		VOGEL #1	NONE DESIGNATED	0.0	EASON OIL CO
-OLD DOMINION OIL CORP				RECEIVED:	10/18/82	JA: OK			
8304314	16507	3509322037		103		AL-KAR FARMS #1	N W OKEENE	1500.0	DELHI GAS PIPELIN
8304236	16661	3505121183		103		VIRGIL HENSON #1	GOLDEN TREND	150.0	TRANSOK PIPELINE
-P A MCGINLEY & J R MCGINLEY JR				RECEIVED:	10/18/82	JA: OK			
8304297	18344	3503723602		102-2	103	KIRKLAND #1	KELLYVILLE	70.0	
-P-T LTD 81				RECEIVED:	10/14/82	JA: OK			
8304136	16411	3504722746		103		EATON 35-2	SOONER TREND	35.0	WELLHEAD ENTERPRI
8304135	16410	3504741000		103		MCGEE 35-1	SOONER TREND	35.0	WELLHEAD ENTERPRI
8304134	16409	3504722825		103		TEFFT 13-3	SOONER TREND	35.0	PANHANDLE EASTERN
-PETRO-LEWIS CORPORATION				RECEIVED:	10/14/82	JA: OK			
8304148	16575	3509322454		103		ALVEN #18-2	S W ORIENTA	0.0	PHILLIPS PETROLEU
-PETRO-LEWIS CORPORATION				RECEIVED:	10/18/82	JA: OK			
8304270	14414	3509300000		103		HARVEY 7-2	SOONER TREND	90.5	CITIES SERVICE GA
-PETROLEUM RESERVE CORP				RECEIVED:	10/18/82	JA: OK			
8304312	16500	3510321564		103		CINNAMON 21-2	POLO	40.0	AMINOIL USA INC
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	10/18/82	JA: OK			
8304299	13205	3513921494		102-4		CRISMAN #2		0.0	MICHIGAN WISCONSI
-PUBLIC ENERGY CORP				RECEIVED:	10/18/82	JA: OK			
8304248	16726	3514722929		103		ROBINSON #5-B	EAST COPAN	189.0	WELLHEAD ENTERPRI
-RALPH E PLOTNER OIL & GAS INVEST IN				RECEIVED:	10/14/82	JA: OK			
8304145	16534	3501722111		103		RORY WINDELL #1	WEST PIEDMONT	9.0	PHILLIPS PETROLEU
-RED EAGLE OIL CO				RECEIVED:	10/18/82	JA: OK			
8304330	16635	3509322460		103		JUST #1	N W FAIRVIEW	50.0	PHILLIPS PETROLEU
-REDWIN CORP				RECEIVED:	10/18/82	JA: OK			
8304293	16555	3503120862		103		NORTON-STATE 031-72439	NORTON-STATE LEASE	0.0	MANN INDUSTRIES I
8304294	16556	3503120859		103		TELFORD #1 031-71919	TELFORD LEASE	0.0	MANN INDUSTRIES I
-RESERVE ENERGY CORP				RECEIVED:	10/18/82	JA: OK			
8304230	16606	3505320763		103		JONES #2	MEDFORD	0.0	CRA INC
-RIO PETROLEUM INC				RECEIVED:	10/18/82	JA: OK			
8304239	16662	3500722152		103		HALLEY #1	MOCANE-LAVERNE	75.0	PANHANDLE EASTERN
-ROBERT C ANDERSON				RECEIVED:	10/18/82	JA: OK			
8304275	16415	3508300000		103		CROMER #1	W MARSHALL	30.0	EASON OIL CO
-SAKET PETROLEUM CO				RECEIVED:	10/14/82	JA: OK			
8304157	16539	3511122687		103		NOBLE #1		0.0	PHILLIPS PETROLEU
8304156	16538	3511122916		103		NOBLE #2		0.0	PHILLIPS PETROLEU
-SAKET PETROLEUM CO				RECEIVED:	10/18/82	JA: OK			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8304277	16537	3511122692		103		JOBE #1		0.0	PHILLIPS PETROLEU
-SAMSON RESOURCES COMPANY				RECEIVED:		10/14/82 JA: OK			
8304142	16451	3504321351		102-2	103	CHESTER UNIT #1	EAST PUTNAM	63.9	HYDROCARBON SERVI
8304110	17246	3507300000		108		JOY STATES #1	SOONER TREND	13.8	EXXON CORP
8304120	16880	3504321389		102-2		LOUISE #1	EAST PUTNAM	46.3	HYDROCARBON SERVI
8304109	16881	3504321404		102-2		LOVE #2	EAST PUTNAM	54.8	HYDROCARBON SERVI
8304141	16450	3504321363		102-2	103	OLIVE UNIT #1	EAST PUTNAM	47.9	HYDROCARBON SERVI
-SEARCH DRILLING CO				RECEIVED:		10/18/82 JA: OK			
8304272	15755	3515321265		103		AMES #1-5			
8304285	16815	3500722134		103		MORRIS "B" #1-26	N E MOORELAND	460.0	DELHI GAS PIPELIN
-SENECA OIL CO				RECEIVED:		10/18/82 JA: OK	S BALKO	7.2	PHILLIPS PETROLEU
8304274	16354	3501722077		102-4	103	STOUT #2-36		76.7	PHILLIPS PETROLEU
-SENECA OIL COMPANY				RECEIVED:		10/18/82 JA: OK			
8304271	14800	3501722136		102-4	103	HOLLOWAY #1-2		29.2	PHILLIPS PETROLEU
-SHELL OIL CO				RECEIVED:		10/14/82 JA: OK			
8304112	21215	3501521278		107-DP		BRUER #1-29		73.0	TENNESSEE GAS PIP
-SOUTHFORK DRILLING CO				RECEIVED:		10/18/82 JA: OK			
8304254	16795	3514321753		103		GAZALSKI #5	WILDCAT	32.0	PHILLIPS PETROLEU
8304253	16794	3514322002		103		GAZALSKI #6	WILDCAT	32.0	PHILLIPS PETROLEU
-SOUTHLAND ROYALTY CO				RECEIVED:		10/14/82 JA: OK			
8304118	16597	3513921531		103		GIBBONS #1-26	NORTH HOOKER	500.0	INTERNORTH INC
-SOUTHLAND ROYALTY CO				RECEIVED:		10/18/82 JA: OK			
8304339	16659	3515321234		103		SMITH #1-31	FREEDOM	275.0	PANHANDLE EASTERN
-SOUTHWESTERN EXPLOR CONSULTANTS INC				RECEIVED:		10/18/82 JA: OK			
8304337	16645	3501721609		103		MOSIER #2		0.0	PHILLIPS PETROLEU
8304316	16509	3508321967		103		PAINTER #1	CRESCENT	0.0	EASON OIL CO
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:		10/14/82 JA: OK			
8304160	16567	3505121120		103		NORGE MARCHAND UNIT #38-2	CHICKASHA	73.0	PUBLIC SERVICE CO
8304161	16568	3505121134		103		NORGE MARCHAND UNIT #59-2	CHICKASHA	91.0	PUBLIC SERVICE CO
-TENNECO OIL COMPANY				RECEIVED:		10/14/82 JA: OK			
8304164	16571	3507720245		103		CECIL #1-19	BUZZARD	762.0	TENNESSEE GAS PIP
8304163	16570	3504321372		103		PERCY #1-8	N W NOBLETT	49.0	
8304125	16572	3509322419		103		SUTTER #2-30	CHEYENNE VL	0.0	
-TEXACO INC				RECEIVED:		10/14/82 JA: OK			
8304162	16569	3508520562		103		EDNA SADLER UNIT #2	ENVILLE S W POOL	325.8	CIMARRON TRANSMIS
-TEXACO INC				RECEIVED:		10/18/82 JA: OK			
8304249	16782	3508520469		103		SMITH-LITTLE UNIT #2	S W ENVILLE	65.2	CIMARRON TRANSMIS
-TEXOMA RESOURCES INC				RECEIVED:		10/14/82 JA: OK			
8304150	14712	3507323228		103		COOK #1-30	SOONER TREND	150.0	PHILLIPS PETROLEU
-TEXOMA RESOURCES INC				RECEIVED:		10/18/82 JA: OK			
8304264	14713	3507323284		103		LONIGAN #1-34	SOONER TREND	150.0	PHILLIPS PETROLEU
-TRIGG DRILLING COMPANY INC				RECEIVED:		10/18/82 JA: OK			
8304241	16706	3508720732		103		BILLY BROOKS #1	SOUTH BLANCHARD	75.0	SUN GAS CO
8304263	07527	3509920249		103		WALTERS #1-24	ELK CITY	0.0	PANHANDLE EASTERN
-TXO PRODUCTION CORP				RECEIVED:		10/18/82 JA: OK			
8304292	16551	3504521013		103		MILLSTEAD "A" #1	VICI	0.0	
8304250	16785	3500722295		103		TRETBAR "A" #1	GREENOUGH	526.0	
-UNION OIL COMPANY OF CALIF				RECEIVED:		10/18/82 JA: OK			
8304343	17202	3500700000		108		MARY COBB #1-8	CAMRICK	18.0	NATURAL GAS PIPEL
-UNIVERSAL RESOURCES CORPORATION				RECEIVED:		10/18/82 JA: OK			
8304278	16596	3501121675		103		IDEAL 1-23		0.0	DELHI GAS PIPELIN
-VIERSEN & COCHRAN				RECEIVED:		10/18/82 JA: OK			
8304321	16620	3501121692		103		TRIBAL #4-31	WATONGA TREND	100.0	DELHI GAS PIPELIN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-WAGNER & BROWN				RECEIVED:	10/18/82	JA: OK			
8304346	20926	3512920817		107-DP		PENNINGTON #2-17	EAST CHEYENNE	1836.0	
-WAINOCO OIL & GAS CO				RECEIVED:	10/18/82	JA: OK			
8304311	16433	3505320762		103		GREEN #1	WAKITA TREND	41.0	CITIES SERVICE GA
-WARREN DRILLING CO INC				RECEIVED:	10/14/82	JA: OK			
8304143	16531	3509322423		103		MASON #1	RINGWOOD	50.0	PHILLIPS PETROLEU
-WILLIAM H DAVIS				RECEIVED:	10/18/82	JA: OK			
8304298	21188	3508332120		103		HALSEY #1	N RUSSELL	42.0	EASON OIL CO
-WOODS PETROLEUM CORPORATION				RECEIVED:	10/18/82	JA: OK			
8304279	16515	3501721989		103		O M LANG UNIT #3	WATONGA-CHICKASHA TRE	730.0	CITIES SERVICE GA
WEST VIRGINIA DEPARTMENT OF MINES									
-ALLEGHENY & WESTERN ENERGY CORP				RECEIVED:	10/15/82	JA: WV			
8304198		4703903808		107-DV		B STARK #1	UNION DISTRICT	36.0	ROARING FORK GAS
8304199		4708703546		107-DV		H LAWSON #1	WALTON DISTRICT	36.0	ROARING FORK GAS
8304197		4703903807		107-DV		M MCCOWN #1	UNION DISTRICT	36.0	ROARING FORK GAS
8304200		4708703547		107-DV		T OAKS #1	WALTON DISTRICT	36.0	COLUMBIA GAS TRAN
-ALLEGHENY LAND & MINERAL COMPANY				RECEIVED:	10/15/82	JA: WV			
8304202		4708300586		103		A - 1051	ROARING CREEK DISTRIC	0.0	COLUMBIA GAS TRAN
-ALLEGHENY LAND & MINERAL COMPANY				RECEIVED:	10/18/82	JA: WV			
8304359		4704101679		108		A-359	HACKERS CREEK DISTRIC	0.0	CONSOLIDATED GAS
8304362		4709701290		108		A-403	UNION DISTRICT	0.0	CONSOLIDATED GAS
8304356		4703301005		108		A-573	SARDIS DISTRICT	0.0	CONSOLIDATED GAS
8304353		4703301105		108		A-670	SARDIS DISTRICT	0.0	CONSOLIDATED GAS
8304358		4703301993		108		A-684	TEN MILE DISTRICT	0.0	CONSOLIDATED GAS
8304355		4701702316		108		A-687	GREENBRIER DISTRICT	0.0	CONSOLIDATED GAS
8304357		4703301252		108		A-759	SARDIS DISTRICT	0.0	CONSOLIDATED GAS
8304363		4709701901		108		A-781	WASHINGTON DISTRICT	0.0	CONSOLIDATED GAS
8304360		4704102548		108		A-793	HACKERS CREEK DISTRIC	0.0	CONSOLIDATED GAS
8304361		4704102688		108		A-820	COURT HOUSE DISTRICT	0.0	CONSOLIDATED GAS
8304364		4709701955		108		A-830	UNION DISTRICT	0.0	CONSOLIDATED GAS
8304354		4708504476		108		A-862	UNION DISTRICT	0.0	CONSOLIDATED GAS
-ASHLAND EXPLORATION INC				RECEIVED:	10/14/82	JA: WV			
8304185		4710900836		108		PARDEE LAND CO #57 - 088741	LOGAN-WYOMING	18.0	CONSOLIDATED GAS
8304191		4710900845		108		PARDEE LAND CO #69 - 091241	LOGAN-WYOMING	3.0	CONSOLIDATED GAS
-ASHLAND EXPLORATION INC				RECEIVED:	10/18/82	JA: WV			
8304389		4710900846		108		PARDEE LAND CO #70 - 091251	LOGAN-WYOMING	8.0	CONSOLIDATED GAS
-BEREA OIL AND GAS CORPORATION				RECEIVED:	10/14/82	JA: WV			
8304188		4700121346		108		N DEAN #1	VALLEY	19.0	CONSOLIDATED GAS
8304187		4700121237		108		POE #1	VALLEY	17.0	CONSOLIDATED GAS
8304186		4700121204		108		W T GEORGE #1	VALLEY	22.0	CONSOLIDATED GAS
-BOW VALLEY PETROLEUM INC				RECEIVED:	10/15/82	JA: WV			
8304220		4710500939		107-DV		LEDSOME #960	BURNING SPRINGS DISTR	0.0	COLUMBIA GAS TRAN
8304221		4710500930		107-DV		WELCH #949	CLAY DISTRICT	0.0	COLUMBIA GAS TRAN
-BRAXTON OIL AND GAS CORP				RECEIVED:	10/14/82	JA: WV			
8304192		4700701555		108		DUCKWORTH #1	BURNSVILLE	10.0	CONSOLIDATED GAS
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	10/18/82	JA: WV			
8304369		4700100733		108		ARTEL L ROBINSON 12084	PLEASANT DISTRICT	0.8	GENERAL SYSTEM PU
8304370		4700100946		108		D T PROUDFOOT 12182	PLEASANT DISTRICT	0.7	GENERAL SYSTEM PU
-D C MALCOLM INC				RECEIVED:	10/15/82	JA: WV			
8304203		4707901046		107-DV		H E GRIFFITH #1	SCOTT DISTRICT	36.0	COLUMBIA GAS TRAN
8304204		4707901070		107-DV		HODGES #3	SCOTT DISTRICT	25.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8304205		4707901076		107-DV		JORDAN #3	SCOTT DISTRICT	24.0	COLUMBIA GAS TRAN
8304207		4707901075		107-DV		JORDAN #4	SCOTT DISTRICT	24.0	COLUMBIA GAS TRAN
8304206		4707901072		107-DV		W D STEVENS #1	SCOTT DISTRICT	36.0	COLUMBIA GAS TRAN
-D G HANEY INC				RECEIVED:	10/15/82	JA: WV			
8304218		4707901055		103		BURDETTE-BONWELL #3	CURRY DISTRICT	19.0	COLUMBIA GAS TRAN
8304217		4710900866		103		UNITED POCAHONTAS #5	BARKERS RIDGE DISTRIC	20.0	CONSOLIDATED GAS
-DORAN & ASSOCIATES INC				RECEIVED:	10/18/82	JA: WV			
8304375		4703322130		108		A B LOWTHER #1 KL-159	TENMILE	20.0	CONSOLIDATED GAS
8304377		4703322009		108		C M LYONS #1 KL-226	TENMILE	20.0	CONSOLIDATED GAS
8304376		4703322079		108		L WILSON KL-201	SARDIS	20.0	CONSOLIDATED GAS
8304371		4703322220		108		M HARBERT #2 KL-261	SARDIS	20.0	CONSOLIDATED GAS
8304373		4703322151		108		M HARBERT #2 KL-270	SARDIS	20.0	CONSOLIDATED GAS
8304381		4701722357		108		O CLARK #1 KL-169	GREENBRIER	20.0	CONSOLIDATED GAS
8304372		4703322203		108		R B CURRY #1 KL-257	UNION	20.0	CONSOLIDATED GAS
8304374		4703322150		108		R COFFINDAFFER #1 KL-232	UNION	20.0	CONSOLIDATED GAS
8304379		4701722484		108		R NICHOLSON #1 KL-165	GREENBRIER	20.0	CONSOLIDATED GAS
8304380		4701722443		108		R PECK #1 KL-166	GREENBRIER	20.0	CONSOLIDATED GAS
8304378		4701722492		108		R PECK #2 KL-265	GREENBRIER	20.0	CONSOLIDATED GAS
-FIVE STAR GAS CO				RECEIVED:	10/14/82	JA: WV			
8304180		4708703354		108		NEAL FERRELL #3	LOONEYVILLE GAS FIELD	0.0	COLUMBIA GAS TRAN
-FOX DRILLING CO INC				RECEIVED:	10/15/82	JA: WV			
8304214		4700101650		107-DV		ANGLIN #1	BELINGTON	15.0	COLUMBIA GAS TRAN
8304213		4700101638		107-DV		CITY OF PHILIPPI #1	BELINGTON	25.0	COLUMBIA GAS TRAN
8304208		4700101639		107-DV		CITY OF PHILIPPI #2	BELINGTON	25.0	COLUMBIA GAS TRAN
8304209		4700101609		107-DV		MARTIN #1	BELINGTON	10.0	COLUMBIA GAS TRAN
8304210		4700101618		107-DV		SMARR/POLING #2	BELINGTON	15.0	COLUMBIA GAS TRAN
8304211		4700101632		107-DV		WILT #1	BELINGTON	15.0	COLUMBIA GAS TRAN
8304212		4700101634		107-DV		WILT #3	BELINGTON	15.0	COLUMBIA GAS TRAN
-H E ACKER				RECEIVED:	10/15/82	JA: WV			
8304225		4704101275		108		B F DROPPLEMAN #1	LINCOLN	8.0	CONSOLIDATED GAS
8304224		4704101958		108		B H DROPPLEMAN #2A	LINCOLN	8.0	CONSOLIDATED GAS
8304222		4704102079		108		C J SHOULDERS #1	LINCOLN	4.0	COLUMBIA GAS TRAN
8304223		4704102037		108		H R SHOULDER #1	LINCOLN	3.0	COLUMBIA GAS TRAN
-HAUGHT INC				RECEIVED:	10/15/82	JA: WV			
8304216		4708505453		103		WOODROW METZ H-1314	GRANT DISTRICT	12.0	CONSOLIDATED GAS
-INTERSTATE DRILLING INC				RECEIVED:	10/14/82	JA: WV			
8304193		4704103084		103		BENNETT #1	ROANOKE	0.0	CONSOLIDATED GAS
-JAMES F SCOTT				RECEIVED:	10/15/82	JA: WV			
8304215		4703302674		103		ANNA WILLIAMS S-388	UNION	40.0	CONSOLIDATED GAS
8304219		4703302675		103		LYNN REED S-389	UNION	25.0	CONSOLIDATED GAS
-JIM EMES PETROLEUM CO				RECEIVED:	10/18/82	JA: WV			
8304368		4709500954		103		KELLER #1		30.0	CONSOLIDATED GAS
8304351		4709500809		103		KENNETH FLECHER #2	UNION	25.0	CONSOLIDATED GAS
8304352		4709500919		103		R HENDERSON #1	UNION	25.0	CONSOLIDATED GAS
8304367		4709500953		103		W SANDS HERRINGTON HEIRS #1		25.0	CONSOLIDATED GAS
-LAUDERMAN OIL & GAS DRILLING				RECEIVED:	10/18/82	JA: WV			
8304383		4707300960		107-DV		EVANS #1	UNION	11.0	COLUMBIA GAS TRAN
8304395		4707300873		107-DV		GALE SISTERS #2 WELL	UNION	1.3	COLUMBIA GAS TRAN
8304391		4707301019		107-DV		GALE SISTERS #3	UNION	1.3	COLUMBIA GAS TRAN
8304393		4707300878		107-DV		INGRAM #2	UNION	2.4	COLUMBIA GAS TRAN
8304394		4707301140		107-DV		J BAILEY #2	UNION	13.8	COLUMBIA GAS TRAN
8304387		4707301146		107-DV		JAMES BAILEY #1	UNION	12.6	COLUMBIA GAS TRAN
8304385		4707301141		107-DV		KINCAID #1	UNION	12.7	COLUMBIA GAS TRAN

JD NO	JA DAT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8304392		4707300961		107-DV		R BAILEY #1	UNION	12.7	COLUMBIA GAS TRAN
8304388		4707300883		107-DV		S WHITE #1-A		13.7	COLUMBIA GAS TRAN
8304390		4707300843		107-DV		TRUEX #1	UNION	4.8	COLUMBIA GAS TRAN
8304386		4707300841		107-DV		TRUEX #3	UNION	4.4	COLUMBIA GAS TRAN
8304384		4707300857		107-DV		TRUEX #4	UNION	3.7	COLUMBIA GAS TRAN
8304382		4707301252		107-DV		WARD #1	UNION	13.4	COLUMBIA GAS TRAN
-LINCOLN PRODUCTION CO				RECEIVED:	10/18/82	JA: WV			
8304365		4704302507		103		HONAKER #1	UNION DISTRICT	18.3	COLUMBIA GAS TRAN
8304366		4704302507		107-DV		HONAKER #1	UNION DISTRICT	18.3	COLUMBIA GAS TRAN
-MORRIS OIL & GAS CO INC				RECEIVED:	10/14/82	JA: WV			
8304175		4701303168		108		FERN STARCHER #1	SHERMAN DISTRICT	5.3	CONSOLIDATED GAS
8304176		4701301499		108		FRED BARR	SHERMAN DISTRICT	1.0	CONSOLIDATED GAS
-PETRO-LEWIS CORPORATION				RECEIVED:	10/14/82	JA: WV			
8304184		4700700679		108		BENDER #3	GLENVILLE	0.4	EQUITABLE GAS CO
-ROY G HILDRETH ET AL				RECEIVED:	10/14/82	JA: WV			
8304179		4701302981		108		OFFUTT #2	LEE DISTRICT	1.8	CONSOLIDATED GAS
-SENECA GAS LTD				RECEIVED:	10/18/82	JA: WV			
8304350		4708505196		103		C A KEITH #4	UNION	25.0	CONSOLIDATED GAS
-STONEWALL GAS CO INC				RECEIVED:	10/14/82	JA: WV			
8304182		4703302590		103		CUMBERLEDGE #18 78-SH	UNION DISTRICT	190.0	CONSOLIDATED GAS
8304183		4708505204		103		FRANK CRISS #1	GRANT DISTRICT	375.0	CONSOLIDATED GAS
8304181		4701703060		103		GUY BROWN #1 91-S	GREENBRIER DISTRICT	200.0	CONSOLIDATED GAS
-THOMAS J FLUHARTY				RECEIVED:	10/14/82	JA: WV			
8304194		4701703095		108		NATTIE UNDERWOOD #1	MCCLELLAN	2.6	PENNZOIL CO
-WACO OIL AND GAS CO INC				RECEIVED:	10/14/82	JA: WV			
8304178		4702103222		108		ALFRED LOWTHER #2	ELLIS	18.0	CONSOLIDATED GAS
8304177		4702103385		108		ALFRED LOWTHER #3	ELLIS	18.0	CONSOLIDATED GAS
-WAYMAN W BUCHANAN				RECEIVED:	10/14/82	JA: WV			
8304190		4703501645		107-DV		HARRISON #3	MIDWAY-EXTRA	0.0	CABOT CORP
8304189		4703501640		107-DV		KEITH JONES #1	MIDWAY-EXTRA	0.0	CABOT CORP
-WAYMAN W BUCHANAN				RECEIVED:	10/15/82	JA: WV			
8304201		4703903795		107-DV		DAWSON #1	ELK-POCA	0.0	COLUMBIA GAS TRAN

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WYOMING OIL & GAS CONSERVATION COMMISSION

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-AMOCO PRODUCTION CO				RECEIVED:	10/21/82	JA: WY			
8304418	NG224-82	4903721336		107-TF		CHAMPLIN 206 AMOCO "E" #1 FRONTIER	BRUFF-FRONTIER	122.6	CITIES SERVICE GA
8304424	NG230-82	4903720811		107-RT		CHAMPLIN 317 AMOCO "B" #1 FRONTIER	UNNAMED - FRONTIER	3.4	
8304419	NG225-82	4903721684		107-TF		CHAMPLIN 452 AMOCO "C" #1 (LEWIS)	SIBERIA RIDGE - (LEWI	40.0	CITIES SERVICE GA
8304421	NG227-82	4903721749		107-TF		CHAMPLIN 452 AMOCO "J" #1 (LEWIS)	SIBERIA RIDGE- (LEWIS	33.0	CITIES SERVICE GA
8304404	NG194-82	4903721953		107-TF		CHAMPLIN 452 AMOCO "K" #1	SIBERIA RIDGE - MESAV	81.5	CITIES SERVICE GA
8304423	NG229-82	4904120319		107-DP		CHAMPLIN 457 AMOCO "D" #1	WHITNEY CANYON - BIG	5000.0	NATURAL GAS CO OF
8304403	NG193-82	4904120374		102-2		CHAMPLIN 457 AMOCO "G" #1	WHITNEY CANYON - MADI	730.0	NATURAL GAS PIPEL
8304420	NG226-82	4903721605		107-TF		CHAMPLIN 533 AMOCO "B" #1 (LEWIS)	WILDCAT - (LEWIS)	96.0	CITIES SERVICE GA
8304422	NG228-82	4903721898		102-2		EMIGRANT TRAIL UNIT #6	UNNAMED - LEWIS	55.5	CITIES SERVICE GA
8304398	NG187-82	4903721727		102-2		GREAT DIVIDE UNIT #24	LOST CREEK BASIN - LE	224.8	
-BANDERA ENERGY CO				RECEIVED:	10/21/82	JA: WY			
8304400	NG189-82	4900500000		103		STATE A #1X 78-146	WILDCAT	72.0	
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	10/21/82	JA: WY			
8304407	NG199-82	4903705596		103		CPC ARCH UNIT 111	PATRICK DRAW	1.0	COLORADO INTERSTA
8304408	NG200-82	4903721972		103		CPC ARCH UNIT 113	PATRICK DRAW	23.0	COLORADO INTERSTA
8304406	NG198-82	4903721964		107-TF		CPC 1-25 CHURCH BUTTES	CHURCH BUTTES	150.0	MOUNTAIN FUEL SUP
-CHINOOK RESOURCES INC				RECEIVED:	10/21/82	JA: WY			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8304417	NG223-82	4900921669		102-4		MORTON 23-30	SCOTT	12.0	CHINOOK CONSTRUCT
8304414	NG217-82	4900922095		102-4		RAY 32-30	SCOTT	12.0	CHINOOK CONSTRUCT
8304413	NG-216-82	4900922096		102-4		ROY 12-30	SCOTT	14.0	CHINOOK CONSTRUCT
-CIG EXPLORATION INC				RECEIVED:	10/21/82	JA: WY			
8304411	NG208-82	4901320941		103		LONG BUTTE #3 (33-39-91)	LONG BUTTE - CODY	385.0	COLORADO INTERSTA
8304412	NG209-82	4901321113		103		MADDEN DEEP - SPRATT 2-4 (4-38-90)	MADDEN DEEP - CODY	801.0	COLORADO INTERSTA
-CITIES SERVICE COMPANY				RECEIVED:	10/21/82	JA: WY			
8304401	NG-190-82	4900526353		103		HARTZOG DRAW UNIT TR 131 #5295	HARTZOG DRAW UNIT	0.0	PANHANDLE EASTERN
-DAVIS OIL COMPANY				RECEIVED:	10/21/82	JA: WY			
8304402	NG191-82	4900921984		103		GREBE #1	WILDCAT	14.4	PHILLIPS PETROLEU
-KERR-MCGEE CORPORATION				RECEIVED:	10/21/82	JA: WY			
8304397	NG 186-82	4900526520		103		LINDSEY #2	UNNAMED	11.7	MGPC INC
-LADD & LUKOWICZ INC				RECEIVED:	10/21/82	JA: WY			
8304405	NG196-82	4900526432		103		MATHESON 1-29	PORCUPINE	75.0	
-MAXIM DRILLING & EXPLORATION INC				RECEIVED:	10/21/82	JA: WY			
8304396	NG 184-82	4900526557		103		ROSCOE #3-33	PORCUPINE	150.0	BIG HORN FRACTION
-READING & BATES PETROLEUM CO				RECEIVED:	10/21/82	JA: WY			
8304409	NG202-82	4903700000		107-TF		LANSBERRY #1-30	MOXA ARCH	0.0	NORTHWEST PIPELIN
-SOUTHLAND ROYALTY CO				RECEIVED:	10/21/82	JA: WY			
8304416	NG221-82	4900921954		103		WYOMING STATE #1-16	POWELL	240.0	MOUNTAIN FUEL SUP
-TEXACO INC				RECEIVED:	10/21/82	JA: WY			
8304410	NG206-82	4903721868		103		TABLE ROCK UNIT #50	TABLE ROCK	21.4	COLORADO INTERSTA
-WOODS PETROLEUM CORPORATION				RECEIVED:	10/21/82	JA: WY			
8304415	NG218-82	4900526468		103		PINE TREE UNIT #20-45	PINE TREE	1.0	WESTERN GAS PROCE
8304399	NG188-82	4900526466		103		PINE TREE UNIT 16-43	PINE TREE	1.0	WESTERN GAS PROCE
**********									
** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, LOS ANGELES,CA									
**********									
-UNION OIL COMPANY OF CALIF				RECEIVED:	10/18/82	JA: CA 2			
8304196	OCS-P 4-82	0431120495		102-5		SANTA CLARA UNIT S-4	CALIFORNIA OFFSHORE	0.0	PACIFIC LIGHTING
8304195	OCS-P 5-82	0431120501		102-5		SANTA CLARA UNIT S-5	CALIFORNIA OFFSHORE	0.0	PACIFIC LIGHTING

SOURCE DATA FOR THIS NOTICE IS AVAILABLE ON MAGNETIC TAPE FROM THE NATIONAL TECHNICAL INFORMATION SERVICE (NTIS). FOR INFORMATION, CONTACT STUART WEISMAN (NTIS) AT (703) 487-4808, 5285 PORT ROYAL RD, SPRINGFIELD, VA 22161, OR SANDRA SPEAR (FERC) (202) 357-8681.

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 within fifteen days after publication of notice in the **Federal Register.**

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. 82–31979 Filed 11–19–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER83–95–000]

American Electric Power Service Corp.; Filing

November 15, 1982.

The filing Company submits the following:

Take notice that on November 4, 1982, American Electric Power Service Corporation (AEP) on behalf of its affiliate Indiana & Michigan Electric Company (I&M) tendered for filing the following:

Agreement, dated September 1, 1982, between Indiana & Michigan Municipal Power Agency (IMPA) and I&M.

The Agreement set forth terms pursuant to which I&M proposes to (1) supply Firm Power and Energy to IMPA and (2) provide Transmission Service to IMPA.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 30, 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 motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–31844 Filed 11–19–82; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 2812–003]

Apppalachian Power Co.; Surrender of Preliminary Permit

November 16, 1982.

Take notice that Appalachian Power Company, Permittee for the proposed Brumley Gap Project, FERC No. 2812, has requested that its preliminary permit be terminated. The permit was issued on January 25, 1982, and would have expired on December 31, 1984. The proposed project would have been located on Brumley Creek in Washington County, Virginia.

The Permittee filed its request on November 1, 1982, and the surrender of the preliminary permit for Project No. 2812 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–31951 Filed 11–19–82; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 3745–001]

Atlantic Power Development Corp.; Surrender of Preliminary Permit

November 16, 1982.

Take notice that Atlantic Power Development Corporation (Atlantic) Permittee for the Cacapon Power Plant Hydroelectric Project No. 3745, has requested that its preliminary permit be terminated. The preliminary permit for Project No. 3745 was issued on April 20, 1981, and would have expired on January 1, 1983. The project would have been located on the Cacapon River in Morgan County, West Virginia.

Atlantic stated that after extensive investigation at the above mentioned location the development would not be feasible. Atlantic has stated that long-term maintenance of the Cacapon Dam would not be financially feasible at this time.

Atlantic filed the request for surrender for Project No. 3745 on August 17, 1982, and the surrender has been deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–31957 Filed 11–19–82; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 6550–001]

Frank M. Biber and Steven Spellenberg; Application for Exemption for Small Hydroelectric Power Project of 5 MW or Less Capacity

November 17, 1982.

Take notice that on October 13, 1982, Frank M. Biber and Steven Spellenberg (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended),* for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric Project No. 6550 would be located on Bidden Creek near the town of Burnt Ranch in Trinity County, California. Correspondence with the Applicant should be directed to: Mr. Will L. Kellogg, Energy Sources and Resources, 18 North Old Stage Road, Mount Shasta, California 96067.

Project Description—The proposed project would consist of: (1) A 3-foot-high, 10-foot-long diversion structure; (2) and 8-inch-diameter, 2,000-foot-long penstock; (3) a powerhouse to contain a single generating unit with a rated capacity of 30 kW, operating under a head of 320 feet; (4) an 8-inch-diameter tailrace; and (5) appurtenant facilities. The estimated average annual energy output is 151,700 kWh.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the California Department of Fish and Game are requested, for the purposes set forth in

Section 408 of the Act, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must file with the Commission, on or before January 3, 1983 either the competing license application that proposes to develop at last 7.5 megawatts in that project, or notice of intent to file such a license application. Filing of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Motions To Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Commission Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025–26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only Those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be filed on or before January 3, 1983.

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 "MOTION TO INTERVENE" as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-31945 Filed 11-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6611-000]

Boulder River Power Co.; Application for Exemption for Small Hydroelectric Power Project of 5 MW or Less Capacity

November 17, 1982.

Take notice that on August 18, 1982, Boulder River Power Company (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric Project No. 6611 would be located on Boulder River within the Mt. Baker-Snoqualmie National Forest in Snohomish County, Washington. Correspondence with the Applicant should be directed to: Mr. C. R. Lonergan, Jr., 847 Logan Building, Seattle, Washington 98101.

Project Description—The proposed project would consist of: (1) A 9-foot-high diversion structure; (2) a 5-foot-diameter, 5,650-foot-long penstock; (3) a powerhouse containing a single generating unit with a rated capacity of 3,100 kW; and (4) appurtenant facilities. Applicant estimates the annual energy production at 21.7 million kWh.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Washington Departments of Fisheries and Game are requested, for the purposes set forth in Section 408 of the Act, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must file with the Commission, on or before January 5, 1983 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Filing of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR § 4.33 (a) and (d) (1980).

Comments, Protests, or Motions To Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Commission Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025–26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the

Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be filed on or before January 5, 1983.

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 "MOTION 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 motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-31953 Filed 11-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6771-000]

C & S Group; Application for Preliminary Permit

November 18, 1982.

Take notice that C & S Group (Applicant) filed on October 14, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 6771] to be known as the Mouse Creek Station Project located on Panther Creek, near Stevenson, in Skamania County, Washington. The proposed project is located within Gifford Pinchot National Forest. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Ed Callahan, P.O. Box J, Stevenson, Washington 98648.

Project Description—The proposed project would consist of: (1) A 7-foot-high, 80-foot-long concrete diversion dam; (2) a 4,800-foot-long, 48-inch-diameter steel pipeline; (3) a powerhouse containing two generating units, each rated at 1,000 kW; (4) an access road; and (5) a 6.2-mile-long transmission line. The Applicant estimates the average annual energy generation to be 9 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 30 months, during which time it would conduct engineering, economic, environmental, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be done under the preliminary permit is estimated to be $107,500.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must file with the Commission, on or before January 31, 1983, 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 file such an application in response to this notice. A notice of intent to file an application for license or exemption must be filed to the Commission on or before January 31, 1983, 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].

Filing 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 March 2, 1983.

Agency Comments—Federal, State, and local agencies are invited to file 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 Motions To Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Commission Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025-26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests or motions to intervene must be filed on or before January 31, 1983.

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 "MOTION 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 motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-31954 Filed 11-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-98-000]

Central Maine Power Co.; Filing

November 15, 1982.

The filing Company submits the following:

Take notice that on November 4, 1982, Central Maine Power Company (Central Maine) tendered for filing an initial rate for transmission service to be provided to Boston Edison Company and Massachusetts Municipal Wholesale Electric Company by CMP over its Pool Transmission Facilities system.

Central Maine states that the rate applicable to the provision of transmission service is $7.63 per kW, per year, determined pursuant to the formula contained in Attachment 3, filed by Central Maine and pursuant to the formula in said rate will be updated annually as provided therein.

Central Maine requests an effective date of December 1, 1982, and therefore request waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to

intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 30, 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 motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-31857 Filed 11-19-82; 8:45 pm]

BILLING CODE 6717-01-M

[Docket No. ER83-101-000]

Cliffs Electric Service Co.; Filing

November 15, 1982.

The filing Company submits the following:

Take notice that on November 5, 1982, Cliffs Electric Service Company (Cliffs) filed a change in the Incidental Energy Service Schedule in its Interconnection Energy Agreement with Wisconsin Electric Power Company. The effect of the change will be to substitute a formula method of determining the Incidental Energy Rate in place of the existing stated rate of 33.8 mills/kwh.

Cliffs requests an effective date of January 1, 1983.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 30, 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 motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-31845 Filed 11-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-5-000]

Columbia Gas Transmission Corp.; Request for Declaratory Order or in The Alternative for Emergency Relief From Minimum Bill Provisions

November 17, 1982.

Take notice that on October 15, 1982, Columbia Gas Transmission Corporation (Columbia) submitted for filing a petition seeking a declaratory order from the Commission that the minimum bill provisions contained in Panhandle Eastern Pipe Line Company's (Panhandle) Tariff not be applied to Columbia under various stated circumstances or requesting that the Commission grant Columbia emergency relief in the form of a waiver of the minimum bill provisions in Panhandle's Tariffs.

Columbia states that primarily due to the economic recession, it has recently experienced difficulties in maintaining existing sales levels. Moreover, the precipitous reduction in demand has led to a severe oversupply of gas on the Columbia system. Also contributing to this oversupply is the fact that Panhandle (along with Columbia's four other Southwest unaffiliated pipeline suppliers) has been continually making quantities of gas available to Columbia far in excess of the quantities which its earlier supply projections indicated would be available.

Furthermore, Columbia states that unitl the present summer it has been able to manage its gas surplus through cutbacks of its producers and pipeline suppliers with the take-or-pay and minimum bill levels of its gas purchase contracts and pipeline tariffs. However, the precipitous and continuing deterioration of the markets served by Columbia's customers as well as the increased supplies made available has now made it impossible for Columbia to utilize gas at these minimum bill levels.

Therefore, Columbia has notified Panhandle that it can no longer purchase gas at the minimum levels, and that the circumstances causing its inability to purchase such volumes constitute an event of *force majeure* under the General Terms and Conditions of Panhandle's Tariff which excuse Columbia from payments in accordance with its minimum bill provisions. Columbia states that it has sent similar letters to its other pipeline suppliers.

Any person desiring to be hear 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 Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before November 22, 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. 82-31933 Filed 11-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-7-000]

Columbia Gas Transmission Corp.; Request for Declaratory Order or in the Alternative for Emergency Relief From Minimum Bill Provisions

November 17, 1982.

Take notice that on October 20, 1982, Columbia Gas Transmission Corporation (Columbia) submitted for filing a petition seeking a declaratory order from the Commission that the minimum bill provisions contained in Texas Eastern Transmission Corporation's (Texas Eastern) tariff should not be applied to Columbia under various stated circumstances or requesting that the Commission grant Columbia emergency relief in the form of a waiver of the minimum bill provisions in Texas Eastern's tariff.

Columbia states that primarily due to the economic recession, it has recently experienced difficulties in maintaining existing sales levels. Moreover, the precipitous reduction in demand has led to severe oversupply of gas on the Columbia system. Also contributing to this oversupply is the fact that Texas Eastern (along with Columbia's four other Southwest unaffiliated pipeline suppliers) has been continually making quantities of gas available to Columbia far in excess of the quantities which its earlier supply projections indicated would be available.

Furthermore, Columbia states that until the present summer it has been able to manage its gas surplus cutbacks of its producers and pipeline suppliers with the take-or-pay and minimum bill levels of its gas purchase contracts and pipeline tariffs. However, the precipitous and continuing deterioration of the markets served by Columbia's customers as well as the increased supplies made available has now made

it impossible for Columbia to utilize gas at these minimum bill levels.

Therefore, Columbia has notified Texas Eastern that it can no longer purchase gas at the minimum levels, and that the circumstances causing its inability to purchase such volumes constitute an event of *force majeure* under the General Terms and Conditions of Texas Eastern's tariff which excluse Columbia from payments in accordance with its minimum bill provisions. Columbia states that it has sent similar letters to its other pipeline suppliers.

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 Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before November 22, 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. 82-31934 Filed 11-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-8-000)

Columbia Gas Transmission Corp.; Request for Declaratory Order or in the Alternative for Emergency Relief From Minimum Bill Provisions

November 17, 1982.

Take notice that on October 20, 1982, Columbia Gas Transmission Corporation (Columbia) submitted for filing a petition seeking a declaratory order from the Commission that the minimum bill provisions contained in Tennessee Gas Pipeline Company's (Tennessee) Tariff not be applied to Columbia under various stated circumstances or requesting that the Commission grant Columbia emergency relief in the form of a waiver of the minimum bill provisions in Tennessee's Tariffs.

Columbia states that primarily due to the economic recession, it has recently experienced difficulties in maintaining existing sales levels. Moreover, the precipitious reduction in demand had led to a severe oversupply of gas on the Columbia system. Also contributing to this oversupply is the fact that Tennessee (along with Columbia's four other Southwest unaffiliated pipeline suppliers) has been continually making quantities of gas available to Columbia far in excess of the quantities which its earlier supply projections indicated would be available.

Furthermore, Columbia states that until the present summer it has been able to manage its gas surplus through cutbacks of its producers and pipeline suppliers with the take-or-pay and minimum bill levels of its gas purchase contracts and pipeline tariffs. However, the precipitous and continuing deterioration of the markets served by Columbia's customers as well as the increased supplies made available has now made it impossible for Columbia to utilize gas at these minimum bill levels.

Therefore, Columbia has notified Tennessee that it can no longer purchase gas at the minimum levels, and that the circumstances causing its inability to purchase such volumes constitute an event of *force majeure* under the General Terms and Conditions to Tennessee's Tariff which excuse Columbia from payments in accordance with its minimum bill provisions. Columbia states that it has sent similar letters to its other pipeline suppliers.

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 Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before November 22, 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. 82-31935 Filed 11-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-12-000]

Columbia Gas Transmission Corp.; Request for Declaratory Order or in the Alternative for Emergency Relief From Minimum Bill Provisions

November 17, 1982

Take notice that on October 26, 1982, Columbia Gas Transmission Corporation (Columbia) submitted for filing a petition seeking a declaratory order from the Commission that the minimum bill provisions contatined in Kentucky West Virginia Gas Company's (K-WV) Tariff should not be applied to Columbia under various stated circumstances or requesting that the Commission grant Columbia emergency relief in the form of a waiver of the minimum bill provisions in K-WV's tariff.

Columbia states that its system has experienced a precipitous demand because of the economic recession. Accordingly, Columbia is presently experiencing underruns in actual deliveries as compared to projections.

Furthermore, Columbia states that until the present summer it has been able to manage its gas surplus through cutbacks of its producers and pipeline suppliers with the take-or-pay and minimum bill levels of its gas purchase contracts and pipeline tariffs. However, the precipitous and continuing deterioration of the markets served by Columbia's customers as well as the increased supplies made available has now made it impossible for Columbia to utilize gas at these minimum bill levels.

Therefore, Columbia has notified K-WV that it can no longer purchase gas at the minimum levels, and that the circumstances causing its inability to purchase such volumes constitute an event of *force majeure* under the General Terms and Conditions of K-WV's Tariff which excuse Columbia from payments in accordance with its minimum bill provisions. Columbia states that it has sent similar letters to its other pipeline suppliers.

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 Sections 211 and 214 or the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before November 22, 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. 82-31936 Filed 11-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-50-000]

Columbia Gas Transmission Corp.; Application

November 15, 1982.

Take notice that on October 27, 1982, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP83-50-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of gas under revised service agreements and the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that seven of Applicant's existing wholesale customers have requested modifications to their service agreements which would result in increased total daily entitlements of approximately 64,300 dt equivalent per day for such customers. Applicant requests authorization for the following arrangements under revised service agreements:

(1) An increase in Waterville Oil and Gas Company's (Waterville's) total daily entitlements from 5, 000 dt per day under Rate Schedule SGS to 6,100 dt per day under Rate Schedule G in Zone 4;

(2) An increase in Central Hudson Gas and Electric Corporation's contract demand under Rate Schedule CDS from 16,400 dt to 19,400 dt per day in Zone 7;

(3) An increase in Commonwealth Gas Pipeline Corporation's (Commonwealth's) contract demand under Rate Schedule CDS from 229,000 dt to 247,300 dt per day in Zone 2;

(4) An increase in Lynchburg Gas Company's contract demand under Rate Schedule CDS from 12,400 dt to 14,200 dt per day in Zone 2;

(5) Ah increase in Orange and Rockland Utilities, Inc.'s contract demand under Rate Schedule CDS from 45,900 dt to 56,100 dt per day in Zone 7;

(6) An increase in Pennsylvania Gas and Water Company's contract demand under Rate Schedule CDS from 52,600 dt to 67,200 dt per day in Zone 6; and,

(7) An increase in UGI Corporation's contract demand under Rate Schedule CDS from 254,400 dt to 269,700 dt per day in Zone 6.

All of the aforementioned revised service agreements are proposed to become effective November 1, 1983, except for Waterville's agreement which is dated October 20, 1983, and Commonwealth's agreement which is dated December 1, 1983, it is explained.

It is asserted that Waterville's total daily entitlement increase, which would be served by the western portion of Applicant's pipeline system requires no additional facility construction. Applicant submits that in order to serve the remaining entitlement increases it is necessary to modify its pipeline systems serving its eastern market area as follows: (1) Increase the capacities of its T, 1804, Port Jervis, and A-5 Systems by a total of approximately 55,000 Mcf per day; (2) increase the capacity of the B System by approximately 52,500 Mcf per day; and (3) increase Applicant's ability to deliver exchange volumes to Transcontinental Gas Pipe Line Corporation at the Renovo Compresssor Station beginning with the 1984 summer period, by approximately 9,000 Mcf per day.

Applicant specifically proposes to construct and operate the following:

(1) 7.3 miles of 16-inch pipeline loop located in Orange County, New York;

(2) 26.4 miles of 36-inch pipeline loop in three section located in Randolph, Braxton, Upshur, Lewis, and Webster Counties, West Virginia;

(3) 64.0 miles of 24-inch pipeline loop in four sections in Fayette, Bedford, York, and Lancaster Counties, Pennsylvania;

(4) One 375 horsepower compressor unit addition at the Easton Compressor Station, located in Northampton County, Pennsylvania;

(5) One 1,160 horsepower compressor unit addition at the Artemas Compressor Station located in Bedford County, Pennsylvania;

(6) One 375 horsepower compressor unit addition at the Renovo Compressor Station located in Clinton County, Pennsylvania;

(7) One 1,160 horsepower compressor unit addition at the Waynesburg Compressor Station located in Greene County, Pennsylvania; and

(8) One 1,160 horsepower compressor unit addition at the Smithfield Compressor Station located in Wetzel County, West Virginia.

Applicant states that in addition to overcoming the capacity deficiency in its existing B System, it must also replace the capacity inherent in the 18.3 miles of bare 26-inch pipe located on the discharge side of the Lost River Compressor Station which is scheduled for removal from high-pressure service in 1983. Applicant reports that tests confirm stress corrosion on this section of pipe. The line would be retained in low-pressure transmission service for the purpose of transporting locally produced or purchased volumes.

The cost of the proposed construction is estimated to be $74,419,700, which would be financed from funds obtained from Applicant's parent, The Columbia Gas System, Inc.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 6, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-31858 Filed 11-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP77-494-003]

Columbia Gulf Transmission Co. and Texas Eastern Transmission Corp.; Petition To Amend

November 15, 1982.

Take notice that on October 19, 1982, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, and Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77252, filed in Docket No. CP77-494-003 a petition to amend the order issued November 2, 1977, as amended, in Docket No. CP77-494-000 pursuant to Section 7(c) of the Natural Gas Act so as to authorize the transportation of natural gas from additional sources of supply, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioners state that by order issued November 2, 1977, as amended, Columbia Gulf is authorized to transport up to 40,000 Mcf of natural gas per day produced in the Eugene Island Block 333 and Eugene Island Block 256, offshore Louisiana, which gas is purchased by Texas Eastern.

Petitioners state that Texas Eastern has contracted for an additional source of gas in South Marsh Island Blocks 142-A and 143-B, offshore Louisiana. Petitioners now propose to add this gas as an additional supply to be transported by Columbia Gulf. Petitioners further state that inclusion of this gas would not increase the contract demand and that the transportation rate for this portion of the proposed service would remain as authorized.

In addition, Columbia Gulf and Texas Eastern state that said gas would be delivered to Columbia Gulf at its existing facilities in the above blocks and transported through Columbia Gulf's existing 10-inch pipeline to the interconnection with Sea Robin Pipeline Company's (Sea Robin) 24-inch pipeline in South Marsh Island Block 127, offshore Louisiana, and thence to the interconnection of Sea Robin's and Columbia Gulf's facilities at Erath, Louisiana.

It is stated that Texas Eastern would pay Columbia Gulf a monthly charge of $1.89 per Mcf of contract demand for such service, that in addition such charge would be reduced by $.0623 per Mcf per day for any discrepancy or inability of Columbia Gulf to transport volumes equal to the 1,000 Mcf per day of contract demand, and that such charge would be increased by a like amount for volumes transported above the contract demand.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 6, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-31859 Filed 11-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-100-000]

Commonwealth Electric Co.; Filing

November 15, 1982.

The filing Company submits the following:

Take notice that on November 4, 1982, Commonwealth Electric Company (Commonwealth) tendered for filing a Notice of Termination of its currently-effective Rate Schedule FERC No. 12. Said Rate Schedule consists of a unit power sales agreement dated November 1, 1981, between Commonwealth and the North Attleborough Electric Department (NAED) for the sale by Commonwealth of a portion of its entitlement to the capacity and related energy produced by Canal Electric Company's Unit No. 2.

Rate Schedule FERC No. 12 was originally accepted for filing by FERC in Docket No. ER81-644-000. Rate Schedule FERC No. 12 became effective on November 1, 1981 and will terminate by its own provisions on October 31, 1982.

Commonwealth has requested the Commission waive its notice requirements to permit the tendered Notice of Termination to become effective as of October 31, 1982, the final day upon which service will be rendered under Rate Schedule No. 12.

A copy of this filing has been mailed to NAED, and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 30, 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 motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-31846 Filed 11-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-52-000]

Consolidated Gas Supply Corp.; Application

November 16, 1982.

Take notice that on October 27, 1982, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP83-52-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Public Service Electric and Gas Company (PSE&G), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes pursuant to a transportation agreement dated October 20, 1982, to transport up to 70,000 dekatherms (dt) equivalent of natural gas per day which PSE&G has arranged to purchase from North Penn Gas Company (N. Penn). It is asserted that N. Penn would make the gas available to Applicant at the Tioga Storage Pool, Tioga County, Pennsylvania, and Applicant would redeliver equivalent quantities to Transcontinental Gas Pipe Line Corporation (Transco) at its existing interconnection with Transco at Leidy Storage Pool, Clinton County, Pennsylvania. Transco, it is stated, would deliver equivalent volumes to PSE&G.

It is stated that the proposed service is for a term beginning on the date of initial deliveries and ending on March 31, 1983, or the expiration of the "fuel shortage emergency period" as defined in § 284.201(e) of the Commission's Regulations, whichever occurs first. The transportation would be interruptible at Applicant's sole discretion and the transportation service would be

performed without detriment or disadvantage to Applicant's existing customers who are dependent on its interstate system supplies, it is asserted.

It is stated that pursuant to the transportation agreement between Applicant and PSE&G, Applicant's transportation rate is the rate contained in its Rate Schedule T which is currently 16.76 cents per dt. Applicant states it would retain 3.4 percent of the gas.

Applicant states that PSE&G has advised that it would burn the gas directly to generate electricity and/or steam and such gas would displace fuel oil which would otherwise be burned for such purposes.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 7, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-31940 Filed 11-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP81-483-003]

Equitable Gas Co.; Petition To Amend

November 16, 1982.

Take notice that on October 29, 1982, Equitable Gas Company (Petitioner), 420 Boulevard of the Allies, Pittsburgh, Pennsylvania 15219, filed in Docket No. CP81-483-003 a petition to amend the order issued December 16, 1981, in Docket No. CP81-483-000, as amended, pursuant to Section 7(c) of the Natural Gas Act so as to authorize Petitioner to transport retroactive to September 1, 1982, up to 5,000 dekatherms (dt) equivalent of natural gas per day for The Brooklyn Union Gas Company (Brooklyn Union), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it is presently authorized to transport up to 2,500 dt equivalent of natural gas per day for Brooklyn Union which gas Brooklyn Union purchases from producer-suppliers in Braxton, Clay, Gilmer, Lewis, and Nicholas Counties, West Virginia. It is further stated that the transportation volumes are tendered by Petitioner to Texas Eastern Transmission Corporation (Texas Eastern) which in turn redelivers the transportation volumes to Brooklyn Union. Petitioner explains that deliverability from the wells of Brooklyn Union's producer-suppliers in the subject counties has been much higher than originally forecasted. To adjust to higher than anticipated production, Petitioner states that it is necessary to increase its maximum transportation quantity from 2,500 dt per day to 5,000 dt per day, the level which Texas Eastern is already authorized to transport pursuant to the December 16, 1981, order. Petitioner seeks no other changes in its original authorization.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 10, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-31941 Filed 11-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-42-000]

Equitable Gas Co.; Application

November 15, 1982.

Take notice that on October 25, 1982, Equitable Gas Company (Equitable), 420 Boulevard of the Allies, Pittsburgh, Pennsylvania 15219, filed in Docket No. CP83-42-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 12,000 dekatherms (dt) equivalent of natural gas per day for the first twenty-four months and up to 8,000 dt equivalent of natural gas per day thereafter for Tennessee Gas Pipeline Company, a Division of Tenneco Inc., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Equitable proposes to implement the terms of an agreement between Equitable and Tennessee dated October 5, 1982, whereby Equitable has agreed to transport up to 12,000 dt of natural gas per day for the first 2 years and up to 8,000 dt of natural gas per day thereafter for the remaining term of 15 years.

Equitable proposes a transportation rate of 15.5 cents per Mcf and further proposes to retain 2 percent of the gas transported for shrinkage.

It is stated that Equitable would receive the gas from Tennessee's suppliers at interconnections to be established between the facilities of Equitable and those of Tennessee's suppliers at points on Equitable's system selected by mutual agreement of the parties. Equitable estimates that the average daily delivery would be 6,000 Mcf.

Equitable asserts that while certain metering facilities would be required to be constructed to effectuate service, no such facilities would be required to be constructed by Equitable.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 6, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests

filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-31860 Filed 11-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-15-000]

Farmers Rice Milling Co.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

November 16, 1982.

On October 15, 1982, Farmers Rice Milling Co., of P.O. Box D, Lake Charles, Louisiana 70602, 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 facility will be located in Calcasieu Parish, Louisiana. The generating capacity of the facility will be 10 megawatts. The primary energy source of the facility will be biomass in the form of rice hulls. Applicant states that no other facilities owned by the applicant are located within one mile of the site. 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 rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-31942 Filed 11-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-793-000]

Florida Power & Light Co.; Order Accepting for Filing and Suspending Rates, Noting Interventions, and Initiating a Hearing

Issued: November 12, 1982.

On September 13, 1982, Florida Power & Light Company (FPL) tendered for filing a proposed two-step increase in its rates for service to sixteen wholesale customers.[1] The proposed step-one rates would increase revenues by approximately $23.2 million (9.4%) for the calendar year 1983 test period. The step-two rates would increase revenues by an additional $12.8 million (5.1%) FPL requested that the step-one rates take effect on November 12, 1982, and that the step-two rates become effective on November 13, 1982.

Notice of the filing was published in the **Federal Register** with comments due on or before October 8, 1982. On October 8, 1982, the comment deadline was extended until October 15, 1982. FPL's municipal customers (Florida Cities) [2] filed a timely motion to intervene and request for relief. Seminole Electric Cooperative, Inc. and its member systems served by FPL (Seminole) [3] filed a timely protest, motion to intervene, conditional motion for maximum suspension, and conditional motion to institute simultaneous price squeeze proceedings. Both groups of intervenors stated that FPL, Seminole, and the Florida Cities expected to file a partial settlement concerning reduced rates and associated suspension periods on or before October 25, 1982.[4]

Seminole's pleading requested that the Commission reject FPL's step-one increase and suspend the step-two increase for five months on the grounds that the step-one filing lacks support data required by § 35.13 of the Commission's regulations, 18 CFR 35.13, and that the two-step filing represents an attempt to circumvent the suspension policy announced in *West Texas Utilities Company*, Docket No. ER82-23-000, 18 FERC ¶61,189 (1982). Seminole contended, that FPL's filing would undermine the Commission's suspension policy by apportioning between two steps a proposed rate increase which would not otherwise satisfy the criteria set forth in *West Texas* for a one day suspension. In addition, Seminole raised a variety of cost of service and rate base issues,[5] alleged that the proposed rates are unduly discriminatory and would cause a price squeeze, and challenged certain terms and conditions of service as unjust and unreasonable. Moreover, Seminole asserted that the resulting price squeeze would be so great as to warrant a simultaneous, rather than phased, price squeeze proceeding.

The Florida Cities raised several of the cost of service items addressed by Seminole. In addition, they suggested a number of rate design and customer classification adjustments.[6]

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[1] FPL's proposed increase applies to nine municipal customers and seven electric cooperatives. *See* Attachment A for rate schedule designations.

[2] Clewiston, Green Cove Springs, Homestead, Jacksonville Beach, Starke, Vero Beach, the Fort Pierce Utilities Authority, the Utilities Commission of New Smyrna Beach, and the Lake Worth Utilities Authority.

[3] Clay Electric Cooperative, Lee County Electric Cooperative, Suwanee Valley Electric Cooperative, Okefenoke Electric Cooperative, Glades Electric Cooperative and Peace River Electric Cooperative.

[4] Seminole stated that if the tentative partial settlement was filed and approved by the Commission, Seminole's conditional motions would be mooted.

[5] These issues included: (1) Excessive return on equity; (2) overstated fuel costs and cash working capital allowance; (3) excessive expense projections; (4) improper treatment of spent nuclear fuel disposal costs, purchased power costs, and wheeling revenues; (5) amortization period for abandonment costs; (6) unsupported projections of load growth and increases in operating reserves; (7) improper inclusion of certain plant in rate base; (8) improper accelerated depreciation and tax normalization; and (9) erroneous demand and energy loss factor calculations.

[6] Florida Cities sought to adjust FPL's (1) plant allocation; (2) demand allocation; (3) allocation of administrative and general expenses to the wholesale class; (4) customer classification; and (5) inclusion of demand costs in its energy charge.

FPL responded to the intervenors' pleadings by answer filed November 1, 1982. FPL's answer opposed the intervenors' protests and requested that the Commission deny Florida Cities' request for relief, and Seminole's conditional motions for rejection, maximum suspension, and simultaneous price squeeze proceedings.

On November 9, 1982, one day before this matter was scheduled for Commission consideration, FPL filed a motion to collect revised rates, in lieu of the rates originally filed in this proceeding, pursuant to a Letter Agreement with its wholesale customers dated November 9, 1982. FPL's motion does not request deferral of the step-one or step-two effective dates, although it includes provisions which will clearly require some degree of staff and Commission evaluation. Thus, the Commission must nonetheless take action in this docket before the originally proposed November 12, 1982 effective date.

Discussion

Under Rule 214(c)(1) of the Commission's Rules of Practice and Procedure, 18 CFR 385.214, the timely motions to intervene serve to make the Florida Cities and Seminole parties to this proceeding absent opposition within 15 days of their pleadings.

As a result of FPL's late submittal, in which the affected customers apparently concur, we assume that certain of the issues raised in the original pleadings (including motions to reject or to initiate price squeeze procedures) have now become moot. However, as noted above, the Commission requires additional time to consider the eleventh hour pleading filed in this docket, including the substantially revised rates and charges contained therein. In order to maintain the status quo pending analysis of the motion to collect the revised rates, we shall defer action on the motions contained in the intervenors' original pleadings and we shall suspend FPL's step-one and step-two rates for five months, to become effective, subject to refund, on April 12, 1983, and April 13, 1983, respectively. This suspension decision is without prejudice to a subsequent order amending the suspension period(s) to coincide with the agreement of the parties (or as the Commission otherwise determines to be proper) in the event that such modification is considered appropriate following analysis of the motion to collect the revised rates. In addition, because this order does not address the cost basis for the revised rates, we shall consider the question of compliance with ERTA normalization requirements in a subsequent order.

The Commission orders:

(A) FPL's originally proposed step-one and step-two rates are hereby accepted for filing and suspended for five months to become effective subject to refund on April 12, 1983, and April 13, 1983, respectively. This suspendion is without prejudice to later order amending the suspension period(s) and implementing the revised rates in lieu of the originally filed rates as requested.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of FPL's rates. Further proceedings in this docket shall be held in abeyance pending the Commission's consideration of FPL's November 9, 1982 motion.

(C) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A—Florida Power & Light Company

Docket No. ER82-793-000.

Filed: September 13, 1982.

Designation	Description
FPC Electric Tariff	Firm Power—Full or
1st Revised Volume No. 1	Partial Requirements Service
Schedule FR-1:	Supersedes
6th Revised Sheet No. 5	5th Revised Sheet No. 5
5th Revised Sheet No. 6	4th Revised Sheet No. 6
7th Revised Sheet No. 5	6th Revised Sheet No. 5
Schedule PR-2:	
8th Revised Sheet No. 7	7th Revised Sheet No. 7
6th Revised Sheet No. 8	5th Revised Sheet No. 8
9th Revised Sheet No. 7	8th Revised Sheet No. 7
Schedule PRT-2:	
1st Revised Sheet No. 26	Original Sheet No. 26
1st Revised Sheet No. 27	Original Sheet No. 27
1st Revised Sheet No. 28	Original Sheet No. 28
2nd Revised Sheet No. 26	1st Revised Sheet No. 26
Fuel Adjustment:	
7th Revised Sheet No. 9	6th Revised Sheet No. 9
Terms and Conditions:	
1st Revised Sheet Nos. 14 & 15	Supersedes Original Sheet Nos. 14 & 15
2nd Revised Sheet No. 16	Supersedes 1st Revised Sheet No. 16
Original Sheet No. 16A	
1st Revised Sheet No. 18	Supersedes Original Sheet No. 18
2nd Revised Sheet No. 19	Supersedes 1st Revised Sheet No. 19
Index of Purchasers:	
3rd Revised Sheet No. 23	Supersedes 2nd Revised Sheet No. 23
1st Revised Sheet Nos. 24 & 25	Supersedes Original Sheet Nos. 24 & 25
Seminole:	
Supplement No. 4 to	Supplement No. 3 to
Supplement No. 9 to	Supplement No. 9 to
Service Agreement under	Service Agreement under
FPC Electric Tariff 1st	FPC Electric Tariff 1st
Revised Volume No. 1	Revised Volume No. 1
Lee County:	
Supplement No. 1 to	
Exhibit A to November 19, 1979	
Lee County Service Agreement under	
FPC Electric Tariff 1st Revised Volume No. 1	

[FR Doc. 82-31943 Filed 11-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER 83-99-000]

Florida Power and Light Co.; Filing

November 15, 1982.

The filing Company submits the following:

Take notice that Florida Power & Light Company (FPL), on November 4, 1982, tendered for filing Revised Sheets 20, 21 and 22 to the FPL's FERC Electric Tariff, First Revised Volume No. 1. Revised Sheet Nos. 20 and 21 and are the Form of Florida Power & Light Company Service Agreement for the Supply of Sale for Resale Electric Power Service. Revised Sheet No. 22 is the Form of Exhibit A, Delivery Point and Service Specifications. These Revised Sheets are designed to conform to the revised terms and conditions in the general rate increase filed in this proceeding.

FPL requests waiver of the Commission's notice requirement and an effective date for Revised Sheet Nos. 20, 21, and 22 of November 12, 1982.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal

Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 30, 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 motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-31847 Filed 11-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6490-000]

Franceschi Energy Systems, Ltd.; Application for Preliminary Permit

November 18, 1982.

Take notice that Franceschi Energy Systems, Ltd. (Applicant) filed on July 6, 1982, and revised on August 30, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 6490 to be known as the Harlem Valley Project located on the Croton River, East Branch, in Putnam County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Joseph Franceschi, RD 2 Route 312, Brewster, New York 10509.

Project Description—The proposed project would utilize existing facilities consisting of: (1) A 22-foot-high 150-foot-long overflow gravity-type masonry dam having a 50-foot-long spillway section with crest elevation 272 USGS; (2) a forebay and intake structure; (3) a reservoir having a surface area of 2.7 acres; and (4) miscellaneous appurtenances.

Applicant proposes to redevelop the existing facilities and would: (1) construct a powerhouse containing generating unit(s) having a total rated capacity of between 200-kW and 400-kW at a head of between 25 feet and 42 feet, depending on powerhouse placement economics; and (2) construct 450-foot-long or an 800-foot-long 4,800-volt transmission line.

Project energy would be sold to New York State Electric and Gas Corporation. Applicant estimates that the average annual energy output would be between 1.0 and 2.0 million kWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would perform a detailed technical, legal, economic, financial, and environmental study, would consult with Federal, State and local agencies, and would prepare an application for a FERC license. Applicant estimates the cost of the work under the permit would be $130,000.

Competing Applications—This application was filed as a competing application to Edward W. Kelly's application for Project No. 6280 filed on May 3, 1982. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to file 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 Motions To Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of the Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025–26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before December 23, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION 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 Hydreopower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-31956 Filed 11-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3473-003]

Jack M. Fuls; Application for License (5 MW or Less)

November 18, 1982.

Take notice that Jack M. Fuls (Applicant) filed on July 30, 1982, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for construction and operation of a water power project to be known as the North Canal Dam Hydroelectric Project No. 3473. The project would be located on Deschutes River in Deschutes County, near Bend, Oregon. Correspondence with the Applicant should be directed to: Haner, Ross & Sporseen, Inc., 15 S.E. 82nd Drive, Gladstone, Oregon 97207, with a copy to: Jere M. Webb, Esquire, 900 S.W. Fifth Avenue, Suite 2300, Portland, Oregon 97027.

Project Description—The proposed project would consist of: (1) The existing Douglas McFarlane's 40-foot-high by 300-foot-long North Canal Dam creating a reservoir with a surface area of 20.62 acres and storage capacity of 175.2 acre-feet at surface elevation 31,558 feet (msl); (2) an intake structure; (3) the existing Central Oregon Irrigation District's North Canal; (4) a 480-foot-long, 10-foot-diameter steel penstock; (5) a powerhouse to contain one generating unit with a rated capacity of 3.4 MW operating under a head of 38 feet; (6) a 900-foot-long, 12.5–kV transmission line to connect to an existing Pacific Power and Light Company line; (7) a short access road; and (8) other pertinent facilities. The average annual generation is 7.1 million kWhs.

Purpose of Project—The project output would be offered for sale to a distributing utility company.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal

Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must file with the Commission, on or before February 22, 1983, 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. Filing of a timely notice of intent allows an interested peson to file an acceptable competing application no later than the time specified in § 4.33(c) or § 4.101 et. seq. (1981).

T3Comments, Protests, or Motions To Intervene —Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Commission Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025–26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be filed on or before February 22, 1983.

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 "MOTION 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 motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–31957 Filed 11–19–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP83–10–000]

Inland Gas Co., Inc.; Request for Declaratory Order or in the Alternative for Emergency Relief From Minimum Bill Provisions

November 17, 1982.

Take notice that on October 21, 1982, the Inland Gas Company, Inc. (Inland) submitted for filing a petition seeking a declaratory order from the Commission that the minimum bill provisions contained in Tennessee Gas Pipeline Company's (Tennessee) tariff should not be applied to Inland under various stated circumstances, or requesting that the Commission grant Inland emergency relief in the form of a waiver of the minimum bill provisions in Tennessee's tariff.

Inland states that its system has experienced a precipitous demand because of the economic recession. Accordingly, Inland is presently experiencing underruns in actual deliveries as compared to projections.

Furthermore, Inland states that until the present summer it has been able to manage its gas surplus through cutbacks of its own local production and through an exchange agreement with an affiliated company. However, the precipitous and continuing deterioration of the market served by Inland has now made it impossible for Inland to utilize the gas purchased from Tennessee even at minimum bill levels.

Therefore, Inland has notified Tennessee that it can no longer purchase gas at the minimum bill levels, and that the circumstances causing its inability to purchase such volumes constitute an event of *force majeure* under the General Terms and Conditions of Tennessee's tariff which excuses Inland from payments in accordance with its minimum bill provisions.

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 Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before November 22, 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. 82–31937 Filed 11–19–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. SA82–36–000]

Intrastate Energy Corp.; Petition for Staff Adjustment

November 15, 1982.

Take notice that on September 20, 1982, Intrastate Energy Corporation (Intrastate) of Oak Ridge, Tenn., filed with the Federal Energy Regulatory Commission (Commission) an application for adjustment pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301–3432, (Supp. IV 1980), and Rules 1101–1107, Subpart K of the Commission's Rule of Practice and Procedure, 18 CFR 385.1101–.1117.[1] Specifically, the exact nature of the relief sought is "that the Commission acting by and through its Staff approve a 117¢/MCF charge for transporting natural gas . . . ."

Intrastate states that it is a privately owned Tennessee corporation doing business as an intrastate pipeline within the north central region of mid Tennessee, and that it obtains gas from over 200 wells in the several oil and gas fields in Scott, Morgan and Fentres Counties. Intrastate states further that under existing contractural arrangements between Intrastate and its interstate pipelines (East Tennessee Natural Gas Company and Tennessee Gas Pipeline Company), Intrastate is not recovering its transportation cost for the gas moved and seeks approval of the subject adjustment to do so. Unless the application for adjustment is approved, Intrastate says it "will continue to bear unfair distribution of burdens resulting from not recovering its transportation cost which represents a special hardship and an inequity." In support of its position, Intrastate refers to section 502(c) of the NGPA, the Commission's regulations regarding petitions for adjustments under the NGPA, section 110 of the NGPA, and the Commission's

[1] Effective Aug. 26, 1982, 18 CFR 1.41 was replaced by 18 CFR 385.1101–.1117. *See* 47 FR 19014 (May 3, 1982). Intrastate's request for adjustment pursuant to §1.41 must therefore be treated pursuant to new Rules 1101–1117.

regulations regarding allowances for state severance taxes and certain production-related costs, including 18 CFR 271.1104(c)(2), which provides that among the production-related costs for which applications may be submitted are "[t]ransportation (other than gathering) costs."

Concurrently with the subject application for adjustment, Intrastate has filed an application for the approval of production related costs in Docket No. GP82–57–000, seeking approval of the transportation cost of $1.17/Mcf for transportation of the gas to the two interstate pipelines.

The procedures applicable to the conduct of this adjustment proceeding are found in Subpart K of the Commission's Rules of Practice and Procedure, 18 CFR 385.1101–.1117. (47 FR 19014, May 3, 1982).

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with Rule 1105. All petitions to intervene must be filed within 15 days after publication in the **Federal Register** of this notice of the petition for adjustment.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-31848 Filed 11-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP82-57-000]

Intrastate Energy Corp.; Application for Authorization to Collect Production Related Costs Under Section 110 of the NGPA

November 15, 1982.

Take notice that on September 20, 1982, Intrastate Energy Corporation (Intrastate) of Oak Ridge, Tennessee filed with the Federal Energy Regulatory Commission (Commission) an "Application For the Approval of Production Related Costs" pursuant to section 110 of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301–3432 (Supp. IV 1980) and 18 CFR 271.1104–.1105 of the Commission's regulations.

Intrastate states that the persons affected by its application are East Tennessee Natural Gas Company and Tennessee Gas Pipeline Company, the two interstate pipeline companies to which Intrastate Energy Corporation transports natural gas. Intrastate further states that its respective gas purchase and sales agreements with these two pipeline companies provide that Intrastate may charge and collect an allowance pursuant to section 110 of the NGPA, if Intrastate applies for and obtains authority to do so.

Intrastate states it has purchase the gas which is the subject of this application under agreements that it, as Buyer, has entered into with producer/sellers. Such agreements provide that "Buyer hereunder [Intrastate] shall gather the gas purchased hereunder and deliver the same to third parties," (such as the two pipeline companies that purchase from Intrastate).

According to Intrastate, the specific costs sought to be recovered are for transportation only of natural gas as contemplated by section 110 of the NGPA. Specifically, Intrastate seeks to recover a transportation cost of $1.17 per Mcf for the transportation of natural gas produced from various fields in Morgan, Scott, and Fentress Counties, Tennessee to East Tennessee Natural Gas Company and Tennessee Gas Pipeline Company. Any such allowance granted by the Commission under 18 CFR 271.1105 would be in addition to the otherwise applicable maximum lawful price.

Concurrently with the subject application for the approval of production related costs, Intrastate has filed an application for staff adjustment in Docket No. SA82–36–000, seeking approval of the 117¢/Mcf charge for transportation of gas which Intrastate transports to the two interstate pipelines.

Any person desiring to be heard or to protest Intrastate's "Application For The Approval Of Production Related Costs" should file, within 30 days after publication of this notice in the **Federal Register**, with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20406, a protest or petition to intervene in accordance with the requirements of Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All protests filed with the Commission will be considered but will not make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-31849 Filed 11-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-18-000]

Little Falls Hydroelectric Assoc.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

November 15, 1982.

On October 21, 1982, Little Falls Hydroelectric Associates, of c/o 80 Eighth Avenue, Room 711, New York, New York 10011, 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 facility will be a 13.6 megawatts hydroelectric installation located in the City of Little Falls, Herkimer County, New York. Applicant states that no other hydroelectric facilities owned by applicant are located within one mile of the same site. 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 rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-31850 Filed 11-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6768-000]

City of Logan, Utah; Application for Preliminary Permit

November 17, 1982.

Take notice that the City of Logan, Utah (Applicant) filed on October 12, 1982 an application for preliminary

permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 6768 to be known as the Hydro I Water Power Project located on the Logan River in Cache County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Vaun Bethers, Manager, Logan City Light & Power, 61 West 1st North, Logan, Utah 84321.

Project Description—The proposed run-of-river project would consist of: (1) The existing Logan First Dam, approximately 216 feet long and 30 feet high, having concrete buttress construction with a 69-foot spillway section at 4,671 feet m.s.l. crest elevation; (2) a reservoir having minimal pondage; (3) a new intake structure, with gates and trashracks, located upstsream of the right dam abutment and existing Utah State University power plant; (4) a new penstock, 475 feet long and 48 inches in diameter, leading to (5) a new powerhouse containing two turbine-generator units having rated capacities of 200 kW and 500 kW for a total rated capacity of 700 kW; (6) a tailrace re-entering Logan River approximately 1,000 feet downstream of the dam; (7) a transmission line and substation; and (8) appurtenant facilities. The Applicant estimates that the average annual energy output would be between 1,119,147 kWh and 3,308,653 kWh. Project energy would be utilized by Logan City Light & Power. Project facilities are owned by Logan City and Utah State University.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of preliminary permit for a period of 24 months, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for a FERC license. Applicant estimates the cost of the studies under the permit would be $40,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must file with the Commission, on or before February 18, 1983, 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 file such an application in response to this notice. A notice of intent to file an application for license or exemption must be filed with the Commission on or before January 19, 1983, 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 file 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 Motions To Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025–26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before January 19, 1983.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "MOTION 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 motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–31955 Filed 11–19–82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3722-001]

Bruce J. Massey; Notice Rescinding Notice of Approval by Operation of Law

November 15, 1982.

On May 20, 1982, a notice of exemption for Project No. 3722, entitled "Notice of Approval By Operation of Law", was inadvertently issued. The notice erroneously stated that the exemption is deemed granted by operation of law on July 12, 1982.

A correct notice of exemption for Project No. 3722 was issued on June 4, 1982, entitled, "Notice of Exemption from Licensing". This notice correctly stated that the project "was exempted from licensing as of May 21, 1982".

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–31851 Filed 11–19–82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP81-491-001]

Midwestern Gas Transmission Co.; Amendment to Application

November 15, 1982.

Take notice that on October 14, 1982, Midwestern Gas Transmission Company (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP81–491–001 an amendment to its application filed August 31, 1981, in Docket No. CP81–491–000 pursuant to Section 3 of the Natural Gas Act to reflect an extension of the period for which it requested authorization to import natural gas from Canada, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that it has entered into a letter agreement, dated June 4, 1982, with TransCanada Pipelines Limited (TransCanada) to amend its Contract No. 1, dated April 14, 1960, to extend the term of the contract to and including October 31, 1999, and to include an annual averaging provision.

In the application, it is stated that it purchases gas from TransCanada pursuant to the terms and conditions of Contract No. 1 and imports this gas at a point on the United States-Canadian international boundary near Emerson, Manitoba, where the northern system of Applicant interconnects with the facilities of TransCanada. In its application Applicant requested authorization to extend the term of its importation of gas under Contract No. 1 to October 31, 1994; however, Applicant now requests an extension of the term

for an additional five years, to October 31, 1999.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before December 3, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). 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 motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-31861 Filed 11-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-96-000]

Mississippi Power & Light Co.; Filing

November 15, 1982.

The filing Company submits the following:

Take notice that on November 4, 1982, Mississippi Power & Light Company (MP&L) tendered for filing an executed Agreement for Transmission of Power between MP&L and Big Rivers Electric Corporation (Big Rivers). MP&L agrees to provide Short Term Firm Transmission Service for transaction between Big Rivers and Cajun Electric Power Cooperative, Inc. (Cajun).

MP&L requests an effective date of November 6, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing have been served upon Big Rivers, Cajun, the Tennessee Valley Authority, Louisiana Power & Light Company, and the Mississippi Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 30, 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 motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-31852 Filed 11-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-97-000]

Mississippi Power & Light Co.; Filing

November 15, 1982.

The filing Company submits the following:

Take notice that on November 4, 1982, Mississippi Power & Light Company (Mississippi) tendered for filing in compliance with the Federal Energy Regulatory Commission's Order of October 7, 1978, a summary of sales made under the Company's 1st Revised FERC Electric Tariff, Volume No. 1 (Supersedes Original Volume No. 1) during September, 1982, along with cost justification for the rate charged. This filing includes the following supplements:

Utah Power & Light Company—Supplement 12
Montana Power Company—Supplement 10
Sierra Pacific Power Company—Supplement 9
Portland General Electric Company—Supplement 8
Southern California Edison Company—Supplement 8
Los Angeles Department of Water and Power—Supplement 7
San Diego Gas & Electric Company—Supplement 5
The Washington Water Power Company—Supplement 8
City of Pasadena—Supplement 7
City of Burbank—Supplement 7
City of Glendale—Supplement 7

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 30, 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 motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-31853 Filed 11-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6699-000]

Monterey County Flood Control and Water Conservation District; Application for Preliminary Permit

November 17, 1982.

Take notice that Monterey County Flood Control and Water Conservation District (Applicant) filed on September 21, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 6699 to be known as the Arroyo Seco Project located on Arroyo Seco River, near Greenfield in Monterey County, California. The proposed project would affect United States lands within the Los Padres National Forest. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. R. L. Binder, Acting District Engineer, Monterey County Flood Control and Water Conservation District, P.O. Box 930, Salinas, California 93902.

Project Description—The proposed project would consist of: (1) A 365-foot-high, 1,000-foot-long rockfill dam; (2) an uncontrolled ogee crest spillway at an elevation of 1,250 feet above the mean sea level; (3) a reservoir with a surface area of 755 acres and storage capacity of 100,000 acre-feet; (4) a submerged intake structure; (5) a 1,400-foot-long, 10-foot-diameter tunnel; (6) a 250-foot-long, 5-foot-diameter steel penstock; (7) a powerhouse with a total installed capacity of 4.7 MW; (8) a switchyard; and (9) a 2-mile-long, 12-kV transmission line interconnecting with an existing Pacific Gas and Electric Company transmission line. The Applicant estimates that the average annual energy output would be 18.9 GWh.

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 duration of 26 months during which it would conduct engineering, economic and environmental studies, perform property surveys and prepare an FERC license application. These studies would not necessitate construction of new roads and the Applicant estimates the cost of conducting the studies to be $500,000. The Applicant's work plan includes restoration of areas disturbed by the test

borings in the vicinity of the proposed dam and powerhouse.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must file with the Commission, on or before January 19, 1983, 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 file such an application in response to this notice. A notice of intent to file an application for license or exemption must be filed to the Commission on or before January 19, 1983, 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].

Filing 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 March 21, 1983.

Agency Comments—Federal, State, and local agencies are invited to file 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 Motions To Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Commission Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025–26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be filed on or before January 19, 1983.

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 "MOTION 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 motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–31958 Filed 11–19–82; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 4815–001]

Montgomery Hydro Power; Application for Exemption for Small Hydroelectric Power Project of 5 MW or Less Capacity

November 17, 1982.

Take notice that on October 12, 1982, Montgomery Hydro Power (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric Project No. 4815 would be located on the Little River in Montgomery County, North Carolina. Correspondence with the Applicant should be directed to: Mr. Hilton Cochran, 609 North Main Street, P.O. Drawer C, Troy, North Carolina 27371, and Peter C. Kissel, O'Connor and Hannon, 1919 Pennsylvania Avenue, N.W., Suite 800, Washington, D.C. 20006–3483.

Project Description—The proposed project would consist of: (1) A reservoir with a surface area of 28 acres and a gross storage capacity of 620-acre feet; (2) an existing concrete gravity dam; (3) an existing powerhouse to contain two proposed generating units rated at 750 kW and 66 kW, respectively; and (4) appurtenant facilities. Applicant estimates the annual energy output to be 3,000,000 kWh.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that woud seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the North Carolina Department of Natural Resources and Community Development are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must file with the Commission, on or before January 3, 1983 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Filing of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Motions To Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of the Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025–26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before January 3, 1983.

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 "MOTION 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, Washington, D.C.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-31959 Filed 11-18-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6709-000]

Morgan Hydro Co.; Application for Exemption for Small Hydroelectric Power Project of 5 MW or Less Capacity

November 18, 1982.

Take notice that on September 24, 1982, Morgan Hydro Company (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended*), for exemption of a proposed hydroelectic project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric Project No. 6709 would be located on Cortright Creek, a tributary of Cowlitz River, within the Gifford Pinchot National Forest in Lewis County, Washington. Correspondence with the Applicant should be directed to: Ms. Pat Bauer, Morgan Hydro Company, P.O. Box 780, Morgan, Utah 84050.

Project Description—The proposed project would consist of: (1) A 5-foot-high, 50-foot-long diversion structure; (2) a 36-inch-diameter, 19,300-foot-long pipeline/penstock; (3) a powerhouse containing one generating unit with an installed capacity of 4.9 MW; and (4) a 0.8-mile-long transmission line. The Applicant estimates that the average annual energy production would be 21 million kWh.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, the State of Washington Department of Fisheries, and State of Washington Department of Game are requested, for the purposes set forth in Section 408 of the Act, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must file with the Commission, on or before January 10, 1983 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Filing of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (b) (1980).

Comments, Protests, or Motions To Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Commission Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025-26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be filed on or before January 10, 1983.

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 "MOTION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-31960 Filed 11-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-56-000]

National Fuel Gas Supply Corp.; Application

November 16, 1982.

Take notice that on November 1, 1982, National Fuel Gas Supply Corporation (National Fuel), 308 Seneca Street, Oil City, Pennsylvania 16301 filed in Docket No. CP83-56-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to Tennessee Gas Pipleline Company, a Division of Tenneco Inc. (Tennessee), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that the subject gas is produced from and attributable to HNG Fossil Fuels Company's (Fossil Fuels) interest in reserves underlying the South High Island Area, Blocks A-563, A-564, and A-582, offshore Texas, and would be sold to National Fuel by Fossil Fuels at the wellhead pursuant to a gas purchase contract dated August 31, 1982. National Fuel states that Fossil Fuel estimates its interest in said reserves to be approximately 8,300,000 Mcf.

It is further explained that National Fuel's proposed sale to Tennessee and its purchase from Fossil Fuels are in furtherance and implementation of the *Order Approving Settlement* issued

December 2, 1975, in *Valley Gas Transmission, Inc.*, Docket No. G–19618, *et al.*, and *Tennessee Gas Pipeline Company, a Division of Tenneco Inc.*, Docket No. CP63–247, *et al.* National Fuel states that said order authorized Tennessee to render the curtailed equivalent of 29,200,000 Mcf of incremental natural gas service to National Fuel and approved a settlement agreement which provides that National Fuel would make the Fossil Fuels offshore gas available to Tennessee, onshore, at a price equivalent to the cost of National Fuel of the offshore gas plus National Fuel's direct and indirect costs attributable to making such gas available to Tennessee onshore. To date, National Fuel has received approximately 22,500,000 Mcf of incremental gas service from Tennessee.

It is asserted that the proposed sale to Tennessee would terminate upon the permanent cessation of deliveries to National Fuel under its gas purchase contract with Fossil Fuels or National Fuel's prior delivery to Tennessee of aggregate volumes equal to the aggregate incremental Rate Schedule CD–5 service provided to National Fuel by Tennessee pursuant to the agreement of settlement.

Any person disiring to be heard or to make any protest with reference to said application should on or before December 10, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission' Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdication confereed upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for National Fuel to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–31961 Filed 11–19–82; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 4679–001]

Power Authority of the State of New York; Application for License (5 MW or Less)

November 18, 1982.

Take notice that the Power Authority of the State of New York (Applicant) filed on September 30, 1982, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for construction and operation of a water power project to be known as the Visher Ferry Project No. 4679. The project would be located on the Mohawk River in Saratoga and Schenectady Counties, New York. Correspondence with the Applicant should be directed to: Mr. Scott B. Lilly, Acting General Counsel, 10 Columbus Circle, New York, New York 10019.

Project Description—The proposed project would consist of: (1) The existing Vischer Ferry Dam, a concrete gravity structure composed of three connected spillway sections with a total length of 1,919 feet, the outer ogee-shaped weir sections with an average height of 30 feet while the middle broad-crested weir section has a height varying from 1 to 3 feet above Goat Island; (2) the reservoir with an area of 1,050 acres and gross storage of 25,000 acre-feet at an elevation of 210 feet m.s.l. (27-inch flashboards will add 2,400 acre-feet of usable storage); (3) a low-level regulating structure at the northern end of the spillway with seven sluice gates; (4) a new headrace with a new longitudinal retaining wall having sluice gates; (5) an existing 104 by 73-foot powerhouse with an 82 by 73-foot addition housing two presently operating turbine/generator units rated at 2.8 MW each and two new units rated at 3.0 MW each, all to operate under a head of 26.5 feet; (6) an existing unlined 80-foot-wide tailrace to be widened by 70 feet; (7) an existing switchyard to be expanded by 30 feet; (8) a new transformer and switchgear; and (9) appurtenant facilities.

This license application was filed during the term of the Applicant's preliminary permit for Project No. 4679.

The dam is owned by the State of New York and is under the jurisdiction of the State Department of Transportation.

Purpose of Project—The average annual generation of 60.1 million kWh would be used by the Applicant or sold to Niagara Mohawk Power Corporation.

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 January 28, 1983, 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. Filing 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 Motions To Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of the Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 F.R. 19025–26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be filed on or before January 28, 1983.

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 "MOTION 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 motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-31963 Filed 11-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6038-001]

River Industrial Park; Application for License (5 MW or Less)

November 17, 1982.

Take notice that River Industrial Park (Applicant) filed on May 25, 1982, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for continued operation of a water power project to be known as the Industrial Park Dam Project No. 6038. The project would be located at the Yellow River in Rockdale County, Georgia. Correspondence with the Applicant should be directed to: Mr. E. L. Diduck, River Industrial Park, 1175 S.W. Hwy. #138, Conyers, Georgia 30208.

Project Description—The proposed project would consist of: (1) An existing masonry and concrete dam, thirteen feet high and two hundred and fifty feet long; (2) an existing concrete and granite canal, six feet deep by nineteen feet wide, and one thousand six hundred and fifty feet long; (3) an existing powerhouse containing one 900 kW generating unit; (4) an existing 12 kV transmission line; and (5) appurtenant facilities. The estimated annual energy generation is 3,500 MWh.

Purpose of Project—The Applicant proposes to sell the energy output to either Georgia Power Company or Oglethrope Power Corporation.

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 file with the Commission, on or before January 26, 1983, 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. Filing 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 Motions To Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of the Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025-26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before January 26, 1983.

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 "MOTION 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 motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-31964 Filed 11-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6776-000]

Virginia Electric and Power Co. (Vepco); Application for Preliminary Permit

November 18, 1982.

Take notice that Virginia Electric and Power Co. (Vepco) filed on October 18, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 6776 to be known as the Mt. Storm Hydro Project located on Stony River in Grant County, West Virginia. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Sam C. Brown, Jr., Senior Vice President, Virginia Electric and Power Company, P.O. Box 26666, Richmond, Virginia 23261 and Arnold H. Quint, Hunton & Williams, P.O. Box 19230, Washington, D.C. 20036.

Project Description—The project would be operated in run-of-river mode and would consist of: (1) The existing Mt. Storm Dam, approximately 1,700 feet long and 120 feet high, having earth fill construction and a 600-foot-long concrete lined spillway near the west dam abutment; (2) a reservoir having minimal pondage allocated to hydro generation and a normal maximum surface elevation of 3,244 feet m.s.l.; (3) an intake structure and penstock; (4) a new powerhouse containing a turbine-generator unit with a rated capacity of 720 kW; (5) a tailrace; (6) a new transmission line connecting to a nearby Vepco line; and (7) appurtenant facilities. The Applicant estimates the average annual energy output would be 3,100,000 kWh. The power generated will be fed into Vepco's transmission system. Mt. Storm Dam is owned by Vepco, and the reservoir serves principally as a cooling water source for its large Mt. Storm Fossil Power Station.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of

the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $25,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must file with the Commission, on or before March 21, 1983, 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 filed with the Commission on or before February 18, 1983, 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 file 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 Motions To Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of the Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025–26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be filed on or before February 18, 1983.

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 "MOTION 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 motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-31965 Filed 11-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER82-799-000 and EL82-6-000]

Niagara Mohawk Power Corp.; Order Accepting Rates for Filing Subject To Refund, Granting Interventions, Denying Motions for Rejection or Summary Disposition, Waiving Notice Requirements, Terminating Prior Docket, and Establishing Hearing Procedures

November 15, 1982.

On September 16, 1982, Niagara Mohawk Power Corporation (Niagara Mohawk) tendered for filing a rate schedule under which it will provide the Town of Massena, New York (Massena) unrestricted use of an additional delivery point to meet its distribution requirements.[1] The filing provides for a monthly charge of $4,108 for service at the second delivery point. Massena currently owns its distribution system and purchases its power and energy requirements from the Power Authority of the State of New York (PASNY). Niagara Mohawk wheels this power and associated energy for PASNY to Massena.

The instant filing is the by-product of recent litigation before this Commission and in other forums. Before addressing the issues presently before us, we believe it necessary to summarize the underlying facts which resulted in an earlier order addressing proceedings involving these parties.[2]

Background

In the earlier proceeding, Massena moved for an order directing Niagara Mohawk to comply with a filed tariff and settlement agreement entered into by the parties on January 6, 1981. Under the terms of that agreement, Massena agreed to purchase a designated portion of Niagara Mohawk's electric distribution facilities in and around Massena, including two substations (Browning and Andrews) for an agreed-upon price. That agreement was intended to resolve litigation between Niagara Mohawk and Massena pending before this Commission and in federal district court regarding Niagara Mohawk's obligation under the NS–1 contract to wheel PASNY power to Massena.[3]

Niagara Mohawk later refused to deliver power to the Browning substation unless Massena agreed to compensate Niagara in excess of the rate provided for in the NS–1 contract. Specifically, Niagara Mohawk sought then, as it does in the instant filing, a monthly charge of $4,108, as additional compensation for delivery of poer to a second delivery point. Massena refused to pay the additional compensation. As a result, Niagara Mohawk de-energized the Browning substation. Massena then promptly filed its motion with this Commission which was treated as a complaint and assigned Docket No. EL82–6–000.

Shortly thereafter, Massena initiated a breach of contract action against Niagara Mohawk in the Supreme Court of the State of New York, St. Lawrence County.[4] Massena alleged that Niagara Mohawk had breached the settlement agreement by failing to provide service at the second substation.[5]

On July 29, 1982, Niagara Mohawk and Massena entered into a Stipulation of Settlement in the State court proceeding. As part of that settlement: (1) Massena agreed that Niagara Mohawk is entitled to additional compensation in the form of a just and

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[1] Designated as: *Niagara Mohawk Power Corporation* Rate Schedule FERC No. 122.

[2] *Town of Massena, New York* v. *Niagara Mohawk Power Corporation and Power Authority of the State of New York*, Docket Nos. EL82–6–000 and E–9565, Order Instituting Investigation and Staying Proceedings (issued January 25, 1982).

[3] The language then in dispute provided, in part:

Niagara Mohawk agrees that, with the consummation and closing of this agreement, it will provide transmission services pursuant to contract NS–1 between Niagara Mohawk and PASNY or under any succeeding transmission tariff filed with and approved by the Federal Energy Regulatory Commission, provided further, that, pursuant to such tariff or transmission contract, Niagara Mohawk will deliver PASNY power to the Town of Massena at both the Browning and Andrews substations.

[4] Confronted with concurrent litigation both here and before the Supreme Court of New York, we determined it appropriate to order a deferral of proceedings in Docket No. EL82–6–000 and stayed the investigation, without prejudice, pending a final and non-appealable judgment in those State proceedings.

[5] During the State court proceedings, Massena sought and received a preliminary injunction against Niagara Mohawk when on June 5, 1981, an outage at the single point of delivery (Andrews) required the energizing of the second delivery point. The preliminary injunction issued by the Supreme Court of New York also prohibited Niagara Mohawk from de-energizing the Browning substation pending the outcome of litigation before it.

reasonable facilities charge as determined by this Commission for providing a second delivery point but that such additional compensation should be a nominal $1.00 per month charge unless we determine an additional amount to be appropriate; (2) Massena agreed to Niagara Mohawk's filing with the Commission for additional compensation greater than the $1.00 per month; (3) Niagara Mohawk agreed to limit its first request to $4,108 per month and not to increase such charge until such time as it files for an increase in its present transmission tariff rate for service to PASNY (later established as November 1, 1983); (4) Massena agreed that the first request would be made effective as of May 18, 1982; (5) the parties agreed that Massena would pay for the service commencing May 18, 1982, subject to refund in the event and to the extent that Niagara Mohawk's first request is not fully approved; and (6) Massena reserved its right to oppose any charge in excess of $1.00 per month for the second delivery point.[6]

With respect to the instant filing and pursuant to the July 29, 1982 Stipulation of Settlement, Niagara Mohawk has filed a rate schedule that provides for Massena to pay a monthly facilities charge of $4,108. The company derived what it suggests to be an appropriate charge by first identifying seven transmission line segments and one tie which it believes will be restricted in use due to Massena's use of two delivery points rather than one. The original investment cost of those facilities was then reduced to reflect the fact that Massena is assessed for a portion of the fixed costs of such facilities by its payment through PASNY of Niagara Mohawk's system wheeling rate. These reduced investment costs were then allocated to the Massena service according to load flow studies related to Massena's use of these facilities for the period June 1, 1981, through May 31, 1982. An annual carrying charge was then applied to this allocated investment to yield a monthly charge of $7,627. However, in accordance with the terms of the Stipulation of Settlement, Niagara Mohawk has limited its proposed charge to $4,108 per month.

Notice of Niagara Mohawk's filing was published in the **Federal Register** with comments due on or before October 8, 1982. On October 8, 1982, Massena filed a motion to intervene, for summary disposition, and to reject the filed rate. First, Massena requests that the Commission reject the instant submittal arguing that by filing it as an initial rate pursuant to § 35.12 of the Commission's regulations rather than as a modification of the Niagara Mohawk-PASNY transmission agreement pursuant to section 35.13, Niagara Mohawk has failed to file the supporting cost data required by § 35.13 for rate schedule changes. Second, Massena contends that the filing should be rejected because PASNY has not approved the filing of the proposed charge. Massena alleges that this approval is required because PASNY and Niagara Mohawk have contractually arranged for service to be rendered to PASNY customers which include Massena. Consequently, Massena argues that any change in the charges for transmission must be agreed to by PASNY.[7] Third, Massena argues in the alternative that even if it is wrong with respect to its contention that PASNY must first consent to the filing, under *Otter Tail Power Co.* v. *FERC*, 583 F.2d 399 (8th Cir. 1978), *cert. denied*, 440 U.S. 950 (1979), the instant filing amounts to a modification of an existing tariff inasmuch as Niagara Mohawk has furnished transmission service to Massena under its contract with PASNY. In addition, Massena asserts that if the filing is treated as an initial rate rather than a change in rates, it would be denied refund protection.

In the event that rejection is denied, Massena requests summary disposition as to the level of the proposed charge on the grounds that Niagara Mohawk is not entitled to any additional compensation in excess of a nominal charge for delivery of power at a second delivery point because a separate rate for such service would violate the Commission's rolled-in transmission rate policy. Massena maintains that Niagara Mohawk has not demonstrated that the facilities at issue in this proceeding are dedicated solely to Massena inasmuch as the facilities are part of Niagara Mohawk's backbone transmission system. Massena therefore asserts that, to assess a separate transmission rate, is anticompetitive and discriminatory. Massena further asserts that service at two delivery points rather than one imposes no additional load on Niagara Mohawk's system and that to require Massena to pay a separate rate in addition to its allocated portion of average transmission costs results in a double recovery of costs.

On October 12, 1982, PASNY filed an untimely motion to intervene. PASNY contends that it has been intimately involved in previous disputes between Niagara Mohawk and Massena and is interested in the outcome of this proceeding as it relates to the provision of service by Niagara Mohawk to a municipal customer of PASNY. In addition, PASNY contends that any precedent established in this proceeding with respect to the establishment of charges for additional services such as delivery at a second point may have an impact on other PASNY customers in the future. In addition, PASNY contends that its interests are not adequately represented by any other party to this proceeding.

On October 15, 1982, the Municipal Electric Utilities Association (MEUA), of which Massena is a member, filed a motion for leave to file out of time and a concurrent motion to intervene, for summary disposition, and to reject the filed rate. MEUA adopts and incorporates by reference the position advanced by Massena. As grounds for its late intervention, MEUA states that (1) though parallel to Massena's interest, MEUA's interest cannot be fully or adequately represented by Massena; (2) late intervention will not prejudice other parties to this proceeding because no responsive pleadings have yet been filed and no element of surprise will result; (3) late intervention by MEUA will not delay this proceeding; and (4) MEUA's untimely petition is excusable because the MEUA Executive Committee which has sole authority under its by-laws to determine whether or not to participate in legal proceedings "was not scheduled to meet between the time this rate filing was made and the October 8, 1982 deadline for filing."

On October 23, 1982, Niagara Mohawk responded in opposition to Massena's motion for summary disposition or rejection of the filed rate. The company contends that by entering into the July 29, 1982 Stipulation of Settlement, Massena agreed that Niagara Mohawk was entitled to additional compensation in the form of a just and reasonable facilities charge for providing a second delivery point of service, to be

[6] Provision 9(a) of the Stipulation of Settlement also indicates that in any proceeding before this Commission, Massena will not urge that Niagara Mohawk has waived its right to additional compensation for the second delivery point *in the January 6, 1981 agreement* between the parties "or urge that such agreement in any way detracts from Niagara Mohawk's right to additional compensation for the second delivery point . . ." (Emphasis added). We believe that this provision, read in view of the entire Stipulation of Settlement, makes moot the issues raised by Massena's complaint in Docket No. EL82-6-000. Consequently, we believe termination of that docket is now appropriate and consistent with the intent of the parties as expressed in their current agreement.

[7] PASNY is obligated under the terms of its license to operate the Niagara Project (from which Massena's power and associated energy is generated), and to provide for the transmission of this power to its municipal customers.

determined by this Commission. Niagara Mohawk further alleges: (1) That the Commission's precedent on rolled-in transmission rates is irrelevant to the nature of service at issue in this proceeding; (2) that numerous material issues of fact preclude summary disposition; (3) that no evidence exists to warrant summary disposition based upon Massena's allegation of an unduly discriminatory rate; (4) that its filing is in accord with the Commission's regulations; (5) that PASNY's approval is not required; (6) that its filing is properly characterized as an initial rate, but that in any event it has agreed to collect the rate subject to refund; and (7) that the evidence advanced by the company supports the claimed rate of return.

Also on October 23, 1982, Niagara Mohawk responded in opposition to intervention by MEUA on four grounds. First, the company contends that MEUA has no interest in this proceeding. Second, assuming *arguendo*, that MEUA has an interest, any such interest is adequately protected by Massena. Third, and alternatively, if such interest could not be adequately protected by Massena, then direct and potential conflicts of interest should preclude simultaneous representation of the two parties by the same counsel. Finally, Niagara Mohawk asserts that the only purpose for MEUA's intervention is to assist Massena in the course of litigation rather than to further the independent interests of MEUA.

Discussion

Under Rule 214(c)(1) of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the timely motion to intervene by Massena serves to make it a party to this proceeding. With respect to the untimely motions to intervene, we find that good cause exists to grant the requests. We are not persuaded that Niagara Mohawk's contentions warrant denial of MEUA's intervention. Given the potential interests and the historic involvement of PASNY and MEUA in the instant controversy, the early stages of this proceeding, and the fact that no undue delay or prejudice should occur as a result of those interventions, we shall permit PASNY and MEUA to intervene out of time.[8]

Massena's contention that the filing should be rejected on the grounds that Niagara Mohawk failed to comply with the Commission's filing requirements for rate changes is misplaced and without merit. The company's submittal will result in additional annual revenues to Niagara Mohawk of approximately $49,296. Consequently, whether or not the submittal is construed as an initial rate filing, Niagara Mohawk has met the abbreviated filing requirements of the Commission's regulations for increases of less than $200,000 per year.[9] Because the filing substantially complies with our regulations, we shall deny Massena's request that the filing be rejected based on improper cost data.[10]

With respect to Massena's request that the filing be rejected on the grounds that it requires PASNY's approval, we note that in *Niagara Mohawk Power Corp.*, Docket Nos. ER80–116 and ER80–511 (December 2, 1980), the Commission determined that a PASNY municipal customer could agree to pay Niagara Mohawk a rate for wheeling higher than that provided for in the NS–1 contract and that this rate could be made effective without PASNY's approval. We also suggested that there is nothing in the NS–1 contract that would prevent a customer from agreeing to pay a charge in addition to the NS–1 rate for service to a separate delivery point. Rather than make a determination on this point at this stage in the proceeding, we believe it appropriate to defer this question to an evidentary hearing and to allow all parties, including PASNY, to proffer evidence on the parties' intent as it applies to this issue in view of the Stipulation of Settlement entered into by Niagara Mohawk and Massena on July 29, 1982.[11]

Massena also requests summary disposition as to the proposed rate level based on the contention that the traditional rolled-in costing methodology for transmission service precludes any charge in excess of the nominal $1.00 per month charge specified in the parties' Stipulation of Settlement, and that any charge in excess of this will result in overcollection of Niagara Mohawk's costs. As noted, Massena contends that it is presently assessed its fully-allocable portion of Niagara Mohawk's transmission costs by its payment through PASNY of Niagara Mohawk's system wheeling rate. However, the Stipulation of Settlement clearly acknowledges Niagara Mohawk's right to propose the $4.108 rate and we believe that the selection of the proper costing methodology and the determination of the associated rate level involve questions of fact and law more appropriately resolved in the context of an evidentiary hearing. Summary disposition will therefore be denied.

In accordance with the Stipulation of Settlement, Niagara Mohawk has requested waiver of the notice requirements to provide for an effective date of May 18, 1982. Inasmuch as service has been rendered at both delivery points as of that date and in accordance with the parties' agreement, we believe that good cause exists to waive the notice requirements and to permit a May 18, 1982 effective date.

Furthermore, we note that the Stipulation of Settlement provides that the rate shall be collected as of May 18, 1982, subject to refund. In view of this express agreement by the parties and our earlier observation that the submittal satisfies the section 35.13 filing requirements, we need not reach the question whether the filing constitutes a change in rate or an initial rate. In accordance with the parties' contractual undertaking, Niagara Mohawk's submittal will be accepted for filing to become effective on May 18, 1982, subject to refund.

The Commission Orders

(A) The motions for rejection or summary disposition are hereby denied.

(B) Waiver of the notice requirements is hereby granted.

(C) Niagara Mohawk's proposed rate is hereby accepted for filing to become effective on May 18, 1982, subject to refund.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR Ch. I), a

[8] The question of whether or not a direct or potential conflict of interest exists by virtue of the fact that MEUA and Massena are represented by the same law firm is a matter to be promptly addressed by the presiding judge. We believe that the judge is in the best position to entertain oral or written argument and to certify this issue to the Commission if the judge determines that there are grounds for disqualification or other matters that should be considered by the Commission under Rules 2101 and 2102 (18 CFR 385.2101, 385.2102).

[9] We note that, under § 35.13 of the regulations, the cost support requirements for increases of less than $200,000 are tied to § 35.12.

[10] *See Municipal Light Boards of Reading and Wakefield, Massachusetts* v. *FPC*, 450 F.2d 1341 (D.C. Cir. 1971).

[11] In view of the fact that the Stipulation of Settlement between Niagara Mohawk and Massena is silent with respect to the question of whether or not PASNY must approve such a rate, we believe it may be appropriate to allow extrinsic evidence concerning the agreement to the extent such evidence is probative on the intent of the parties. The pertinent question appears to be whether Niagara Mohawk and Massena intended to enter into a private agreement independent of the PASNY NS–1 provisions. We leave this question, however, to the sound discretion of the presiding judge.

public hearing shall be held concerning the justness and reasonableness of Niagara Mohawk's rate.

(E) A presiding administrative Law judge, to be designated by the Chief Administrative law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the date of this order, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(F) Docket No. EL82–6–000 is hereby terminated.

(G) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–31976 Filed 11–19–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER82–803–000]

New York State Electric and Gas Corp.; Order Accepting for Filing and Suspending Rates, Noting Interventions, and Establishing Hearing Procedures

November 15, 1982.

On September 17, 1982, New York State Electric and Gas Corporation (NYSEG) tendered for filing a proposed increase in its rate for firm transmission of power from the Niagara Project of the Power Authority of the State of New York (PASNY) to Allegheny Electric Cooperative, Inc. (Allegheny) and American Municipal Power-Ohio, Inc. (AMP-Ohio).[1] Based on a calendar 1981 test year, the proposed rates would increase revenues by approximately $841,000 (90%). NYSEG requests an effective date of November 16, 1982.

Notice of the instant filing was published in the **Federal Register** with comments due on or before October 12, 1982. PASNY and Allegheny filed timely motions to intervene. While PASNY's motion raises no issues and requests no specific Commission action, Allegheny protests NYSEG's submittal. Allegheny requests a five-month suspension of NYSEG's rates on the basis of various cost of service and rate design issues.[2] In addition, Allegheny requests a hearing to resolve the issues raised.

Discussion

Under Rule 214(c)(1) of the Commission's Rules of Practice and Procedure (18 CFR 385.214), Allegheny's and PASNY's motions to intervene serve to make them parties to this proceeding absent opposition within 15 days of their pleadings.

We note that NYSEG has not utilized a synchronized interest expense for purposes of calculating its income tax allowance. Commission policy and practice have consistently required the computation of the interest expense tax deduction as the product of a utility's allocated rate base and the weighted cost of long-term debt.[3] Thus, we shall order summary disposition as to this portion of NYSEG's filing. We note, however, that the revenue effect of this item is relatively small, and therefore we shall not require immediate refiling by NYSEG.

In view of the matters raised by Allegheny and our preliminary review, we find that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. We shall therefore accept NYSEG's rates for filing and suspend them as ordered below.

In *West Texas Utilities Company*, Docket No. ER82–23–000, 18 FERC ¶ 61,189 (1982), we explained that rate filings would ordinarily be suspended for one day where preliminary review indicates that the proposed increase may be unjust and unreasonable but may not produce substantially excessive revenues, as defined in *West Texas*. Because our preliminary examination suggests that the proposed increase may not yield substantially excessive revenues, we shall suspend NYSEG's proposed rates for one day, to become effective on November 17, 1982, subject to refund.

As a final matter, the Commission notes that NYSEG has utilized full tax normalization with respect to Accelerated Cost Recovery System (ACRS) property. According to our review, it appears that the instant filing reflects a normalization method of accounting for all post-1980 property additions, that NYSEG's cost of service correctly reflects the effects of normalization, and that the submittal satisfies the requirements of the Economic Recovery Tax Act of 1981.

The Commission orders

(A) NYSEG's non-synchronized computation of the interest expense deduction for tax purposes is summarily rejected. The company shall reflect this determination in its compliance cost of service at the conclusion of this proceeding.

(B) NYSEG's proposed rates are hereby accepted for filing and suspended for one day from the proposed effective dates to become effective on November 17, 1982, subject to refund.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR Ch. I], a public hearing shall be held concerning the justness and reasonableness of NYSEG's rates, proceeding on or before November 26, 1982.

(D) The Commission staff shall serve top sheets in this proceeding on or before November 26, 1982.

(E) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. The presiding administrative law judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(F) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A—New York State Electric and Gas Corporation; Rate Schedule Designations

[Docket No. ER82–803–000]

(1) Supplement No. 1 to Supplement No. 4 to Rate Schedule FPC No. 36.

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[1] *See* Attachment A for rate schedule designations.

[2] The issues include: use of a 12-month average, rather than a single peak, demand allocation; a purportedly excessive rate of return on common equity; an unexplained shift of allocation of long-term debt interest deduction for income tax purposes away from wholesale customers; and a demand allocation which excludes coincident peak-expansion power.

[3] *Gulf States Power Co.*, Docket No. ER82–375–000, 20 FERC ¶ 61,039 (1982) at ¶ 61,072; *see Public Service of New Mexico*, Opinion No. 133, 17 FERC ¶ 61,239 (1980); *Alabama Power Co.*, Docket No. E–8851, Opinion No. 54, 8 FERC —— (August 1, 1979).

(2) Supplement No. 1 to Rate Schedule FERC No. 84.

[FR Doc. 82-31975 Filed 11-19-82; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP83-48-000]

Northern Natural Gas Co.; Application

November 16, 1982.

Take notice that on October 26, 1982, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP83-48-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to sell and deliver natural gas to Greeley Gas Company (Greeley) for resale in Colorado and to construct and operate certain minor sales measuring stations necessary therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes the sale of natural gas to Greeley for resale to right-of-way grantors in Moffat County, Colorado. Applicant states Greeley would sell gas to Neal McKinstry and Robert Van Dorns. Applicant also states that Greeley would sell gas to Robert Stark, a right-of-way grantor, whom Peoples Natural Gas Company, Division of InterNorth, Inc. (Peoples), was previously authorized to serve. Applicant further proposes the construction and operation of measuring facilities necessary for such service at an estimated cost of $3,485. Such costs, it is asserted, would be financed from funds on hand.

It is stated that the rate to be paid to Applicant by Greeley would be the currently effective Panhandle Area Rate approved by the Commission as filed in Volume No. 2 of Applicant's FERC Gas Tariff.

Applicant also proposes to sell and deliver authorized overrun volumes in excess of firm entitlement to Greeley. The availability of overrun volumes would be determined at the sole discretion of Applicant and would be subject to advance operating arrangement, it is explained. No overrun service would be offered on any day when curtailment below firm entitlement is required anywhere on Applicant's system, it is submitted.

It is stated that volumes of natural gas taken in excess of firm entitlement would be billed at a rate of $5.00 per Mcf and that all unauthorized overrun volumes would be billed at a rate of $3.00 per Mcf. Applicant asserts that such penalty charges are in addition to the effective commodity rate set forth on Sheet No. 1c of Applicant's FERC Gas Tariff, Original Volume No. 2.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 10, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-31944 Filed 11-19-82; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP83-24-000]

Panhandle Eastern Pipe Line Co.; Application

November 15, 1982.

Take notice that on October 14, 1982, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77251, filed in Docket No. CP83-24-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certin pipeline and miscellaneous facilities in Admans County, Colorado, which will enable Applicant to connect new supplies of natural gas to its system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate 300 feet of 12-inch pipeline, product tanks, scrubbers, and miscellaneous facilities, all to be located in Adams County, Colorado. The total estimated cost of these facilities is $1,445,000 to be financed from funds available to the company.

Applicant states that at the present time all of the natural gas it purchases from the Wattenberg Field of the Denver Julesburg Basin must flow through the Amoco Wattenberg Processing Plant. Applicant explains that this plant has historically restricted the amount of gas Applicant can move from that field. It is also stated that Amoco reportedly has been utilizing the full capacity of its processing plant. In addition, Applicant states that periodic shutdowns of the Amoco processing plant due to routine maintenance, equipment malfunction or operational conditions further frustrate Applicant's ability to take the volumes of gas which are available.

Applicant considers that with the proposed by-pass and miscellaneous facilities around Amoco's plant it would be able to move 180,000 Mcf of natural gas per day on the average and would be capable of handling peak day volumes of up to a maximum of 225,000 Mcf per day.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 6, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subjecxt to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 7 and 15 of the Natural Gas

Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-31862 Filed 11-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-103-000]

San Diego Gas & Electric Co.; Filing

November 15, 1982.

The filing Company submits the following:

Take notice that on November 5, 1982, San Diego Gas & Electric Company (San Diego) tendered for filing as an initial rate schedule a Power Purchase Agreement between San Diego and Salt River Project Agricultural Improvement and Power District, dated September 16, 1982.

San Diego requests an effective date of September 16, 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 motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 30, 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 motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-31854 Filed 11-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-102-000]

San Diego Gas & Electric Co.; Filing

November 15, 1982.

The filing Company submits the following:

Take notice that on November 5, 1982, San Diego Gas & Electric Company (San Diego) tendered for filing as an initial rate schedule an Interchange Agreement and Service Schedule A covering economy energy interchange between San Diego and Arizona Electric Power Cooperative, Inc., dated September 23, 1982.

San Diego requests an effective date of September 23, 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 motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 30, 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 motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-31855 Filed 11-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6726-000]

San Juan Hydro, Inc.; Application for Preliminary Permit

November 18, 1982.

Take notice that San Juan Hydro, Inc. (Applicant) filed on September 28, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 6726 to be known as the Lucky Chance Pipeline Project located on the North Henson Creek in Hinsdale County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Kenneth T. Meredith, President, San Juan Hydro, Inc., P.O. Box 582, Lake City, Colorado 81235.

Project Description—The proposed project would be located on U.S. lands administered by the Bureau of Land Management and would consist of: (1) An existing diversion structure with headgate and control gate owned by the Applicant; (2) replacement of all or a portion of an existing 4,248-foot-long, 22 to 24-inch diameter steel penstock; (3) a proposed powerhouse containing a turbine-generator unit with a rate capacity of 250-kW; (4) a proposed tailrace; (5) a proposed 9.9-mile-long transmission line; and (6) appurtenant facilities. The average annual generation of 720 MWh would be sold to Colorado-Ute Electric Association, Inc.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $11,200.

Competing Application—Anyone desiring to file a competing application for preliminary permit must file with the Commission, on or before March 21, 1983, 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 file such an application in response to this notice. A notice of intent to file an application for license or exemption must be filed with the Commission on or before February 22, 1983, 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 file 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 Motions To Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of the Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025–26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before February 22, 1983.

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 "MOTION TO INTERVENE", as appicable, 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, Applicants 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 motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–31948 Filed 11–19–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. QF83–4–000]

Smithtown Land Gas Co.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

November 15, 1982.

On October 7, 1982, Smithtown Land Gas Company, of P.O. Box 190, 1703 E. Second St., Scotch Plains, New Jersey 07076, 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 facility will be located at Smithtown Landfill, Old Northport Road, Smithtown, New York. The generating capacity of the facility will be 500 kilowatts. The primary energy source of the facility will be municipal waste in the form of methane gas from a sanitary landfill. Applicant states that no other facilities owned by the applicant are located within one mile of the site. 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 rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–31856 Filed 11–19–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP82–96–002]

Southwest Gas Corp.; Proposed Increase in FERC Gas Tariffs

November 17, 1982.

Take notice that on November 1, 1982, southwest Gas Corporation (Southwest) submitted for filing a Motion to Place Tariff Sheets Into Effect in Docket No. RP82–96.

Southwest states that it has amended its filing of fifteenth Revised Sheet No. 10 and First Revised Sheet No. 11 to its FERC Gas Tariff, Original Volume No. 1 in Docket No. RP82–96–000 which Southwest believes is in compliance with the Commission's regulations and the Commission's aforementioned order in Docket No. CP78–221–002.

In addition, Southwest has filed Sixteenth Revised Sheet No. 10 to its FERC Gas Tariff, Original Volume No. 1, which reflects the incorporation of the rates authorized effective October 1, 1982, in southwest's semi-annual PGA filing.

Copies of this filing were served upon all FERC jurisdictional customers, interested state commissions, and all parties of record in Docket No. RP82–96.

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 Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before November 22, 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. 82–31938 Filed 11–19–82; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 6702–000]

Superior Oil Co.; Application for Preliminary Permit

November 18, 1982.

Take notice that Superior Oil Company (Applicant) filed on September 23, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 6702 to be known as the East Fork of South Fork Salmon River Project located on East Fork of South Fork Salmon River near Yellow Pine in Valley County, Idaho. The proposed project would affect United States lands within the Payette National Forest. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert T. Richins, James M. Montgomery, Consulting Engineers, Inc., 1301 Vista Avenue, Boise, Idaho 83705.

Project Description—The proposed project would consist of: (1) A 6-foot-high, 25-foot-long diversion structure; (2) an impoundment with a surface area of less than 3 acres and storage of less than 18 acre-feet; (3) a 1-mile-long, 36-inch-diameter penstock; (4) a powerhouse with a total installed capacity of 500 kW; and (5) a 1.5-mile-long, 440-kV transmission line supplying power to its mining operations. The Applicant estimates that the average annual energy output would be 1.6 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued,

does not authorize construction. The Applicant seeks issuance of a preliminary permit for a duration of 18 months during which it would conduct engineering, environmental and economic studies and prepare an FERC license application. The studies would not require construction of new roads and are estimated to cost $20,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must file with the Commission, on or before February 22, 1983, 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 file such an application in response to this notice. A notice of intent to file an application for license or exemption must be filed with the Commission on or before February 22, 1983, 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].

Filing 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 March 21, 1983.

Agency Comments—Federal, State, and local agencies are invited to file 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 Motions To Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of the Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025–26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be filed on or before February 22, 1983.

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 "MOTION 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 motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-31946 Filed 11-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP80-394-002]

Tennessee Gas Pipeline Co.; Petition To Amend

November 15, 1982.

Take notice that on October 13, 1982, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP80–394–002 a petition to amend the order issued January 16, 1981, in Docket No. CP80–394–000 pursuant to Section 7(c) of the Natural Gas Act so as to authorize the continuation of natural gas service to Entex, Inc. (Entex) pursuant to the terms of two separate gas sales contracts under Tennessee's Rate Schedules G–1 and GS–1 in lieu of the currently authorized service which Tennessee renders to Entex pursuant to the terms of one gas sales contract under Tennessee's Rate Schedule CD–1, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Tennessee states that the order issued January 16, 1981, authorized Tennessee to render natural gas service to Entex under Tennessee's Rate Schedule CD–1 pursuant to the terms of a February 1, 1981, gas sales contract. This authorization permitted Tennessee to deliver a maximum daily quantity of 20,332 Mcf to eight Mississippi service areas served by Entex: (1) Lambert, (2) Oxford, (3) Coffeeville, (4) Crowder, (5) Drew-Jacquith, (6) Ruleville, (7) Shaw, and (8) Sumner.

It is avered that Entex has experienced a substantial and permanent loss of load in the service areas covered under Rate Schedule CD–1. As a result Tennessee, at the request of Entex, proposes to render this service under a new gas sales contract covering the Lambert and Oxford service areas under Tennessee's Rate Schedule G–1 and under a second gas sales contract covering the remaining six service areas under Tennessee's Rate Schedule GS–1.

Tennessee states that the proposed change would not alter either the total certificated maximum daily quantity of 20,322 Mcf of natural gas per day or the annual volumetric limitation of 3,244,442 Mcf.

Tennessee further states that the proposed change in service would have no detrimental effect upon service to Tennessee's other existing customers.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before Dec. 6, 1982, filed with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-31883 Filed 11-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-9-000]

Texas Eastern Transmission Corp.; Complaint and Petition of Texas Eastern Transmission Corporation for an Order To Show Cause

November 17, 1982.

Take notice that on October 21, 1982, Texas Eastern Transmission Corporation (Texas Eastern) submitted for filing a complaint and petition for issuance of an order declaring liability and directing Columbia Gas Transmission (Columbia) to comply with the minimum bill provisions in Texas Eastern's FERC Gas Tariff and for expedited consideration.

Texas Eastern states that its minimum bill provision is valid, clear and effective, and therefore Columbia is

bound and required to make monthly payments to Texas Eastern of at least the amounts provided therein.

Furthermore, Texas Eastern states that it does not feel that the events stated in Columbia's letter of August 19, 1982, alleging *force majeure* under Provision 12 of the General Terms and Conditions of Texas Eastern's tariff, excuse Columbia from payments in accordance with said minimum bill provisions.

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 Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before November 22, 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. 82-31939 Filed 11-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-295-001]

Texas Eastern Transmission Corp.; Petition To Amend

November 15, 1982.

Take notice that on October 27, 1982, Texas Eastern Transmission Corporation, P.O. Box 2521, Houston, Texas 77252 (Petitioner), filed in Docket No. CP82-295-001 a petition to amend the order issued August 5, 1982, in Docket No. CP82-295-000 pursuant to Section 7(c) of the Natural Gas Act so as to authorize the transportation for Texas Gas Transmission Corporation (Texas Gas) on an interruptible basis, of up to 10,000 dekatherms (dt) equivalent of natural gas per day over and above the initial contract quantity of up to 20,000 dt per day pursuant to an amendment dated June 10, 1982, to the gas transportation agreement, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Pursuant to the gas transportation agreement dated October 15, 1981, as amended, Petitioner transports up to 20,000 dt of natural gas per day for Texas Gas on a firm basis and Petitioner now proposes the transportation of additional 10,000 dt of gas on an interruptible basis pursuant to an amendment, dated June 10, 1982. It is asserted that Texas Gas purchases quantities of natural gas from Union Texas Petroleum Corporation's production in the East Sour Lake Field area of Hardin and Jefferson Counties, Texas, and the Red Bluff Lake Field in Loving County, Texas, which gas is delivered to Houston Pipe Line Company (HPL). It is submitted that HPL delivers the gas to Petitioner at an existing interconnection in Chambers County, Texas, or other mutually existing points of interconnection.

Petitioner states that pursuant to the amendment of June 10, 1982, it would deliver all of the gas, less 2.0 percent for shrinkage, to Texas Gas at an existing point of interconnection in Jefferson Davis Parish, Louisiana. Petitioner further proposes to redeliver the gas to Texas Gas at two alternative points located at the interconnection between the pipeline systems of Texas Gas and Petitioner located near Eunice, Evangeline Parish, Louisiana, or the interconnection between the pipeline systems of Texas Gas and Petitioner located near Lisbon, Clairborne Parish, Louisiana.

Texas Gas, it is stated, would pay Petitioner, for the proposed service pursuant to Petitioner's Rate Schedule TS-1 which rate is presently 22.61 cents per dt equivalent.

It is asserted that the proposed service would provide Texas Gas with a cost-efficient method of securing additional quantities of gas which it has purchased remote from its system.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before Dec. 3, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-31864 Filed 11-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2020-001]

Edwin M. Theisen; Application

November 15, 1982.

The filing individual submits the following:

Take notice that on November 5, 1982, Edwin M. Theisen filed a application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

President—Northern States Power Company (Wisconsin).

Director—Northern States Power Company (Wisconsin).

President—Lake Superior District Power Company.

Director—Lake Superior District Power Company.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 2, 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 motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-31865 Filed 11-17-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2021-001]

Glenn B. Thorsen; Application

November 15, 1982.

The filing individual submits the following:

Take notice that on November 3, 1982, Glenn B. Thorsen filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President, Finance—Northern States Power Company (Wisconsin).

Vice President, Finance—Lake Superior District Power Company.

Secretary and Treasurer—Lake Superior District Power Company.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 30, 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 motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-31868 Filed 11-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-49-000]

Transcontinental Gas Pipe Line Corp.; Application

November 16, 1982.

Take notice that on October 26, 1982, Transcontinental Gas Pipe Line Corporation (Applicant). P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP83-49-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon certain gas-purchase facilities located on Phillips Petroleum Company's (Phillips) platform at High Island Area Block 154, offshore Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon two skid-mounted 144 horsepower compressors which were installed on Phillips' platform based on the conclusion of the producer's and Applicant's engineers to permit entry of flash and casinghead gas into Applicant's gas transmission system. It is asserted that such facilities were installed pursuant to budget-type authorization. However, the production experience of this platform has shown that this compression is not required as originally contemplated and consequently Applicant states that this facility has rarely been used. Applicant asserts it would salvage the compressor units from Phillips' platform for possible use at other locations.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 10, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion 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 hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-31947 Filed 11-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-38-000]

Transcontinental Gas Pipe Line Corp.; Application

November 15, 1982.

Take notice that on October 21, 1982, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP 83-38-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas on behalf of Public Service Electric and Gas Company (PSE&G), 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 up to 70,000 dekatherms (dt) equivalent of natural gas per day which PSE&G has arranged to purchase from Penn Gas Company (N. Penn). It is asserted that North Penn would deliver the gas to Consolidated Gas Supply Corporation (Con Gas) at the existing interconnection between Con Gas and N. Penn. The gas would be made available to Applicant by Con Gas at its existing points of interconnection with Applicant, it is explained. Applicant asserts that it would redeliver equivalent quantities to PSE&G at existing points of delivery between the two less retention for compressor fuel and line loss make-up.

It is stated that the proposed service is for a term beginning on the date of initial deliveries and ending on March 31, 1983, or the expiration of the "fuel shortage emergency period" as defined in Section 284.201(e) of the Commission's Regulations whichever occurs first. The transportation would be interruptible at Applicant's sole discretion and would be subordinate to existing transportation arrangements on Applicant's system and to Applicant's deliveries to PSE&G under Applicant's Rate Schedules CD, PS, LGA, WSS, S-2, and GSS, it is stated.

It is stated that PSE&G would initially pay Applicant 7.0 cents per dt equivalent delivered with 0.7 percent retention for compressor fuel and line loss make-up.

Applicant states that PSE&G has advised that it would burn the gas directly to generate electricity and/or steam and such gas would displace fuel oil which would otherwise be burned for such purposes.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 3, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211)] and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by

Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-31867 Filed 11-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6766-000]

Upper San Joaquin River Water and Power Authority; Application for Preliminary Permit

November 18, 1982.

Take notice that Upper San Joaquin River Water and Power Authority (Applicant) filed on October 12, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 6766 to be known as the Forks Hydroelectric Project located on San Joaquin River within Sierra National Forest in Madera 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 Boudreau, Upper San Joaquin River Water and Power Authority, 24790 Avenue 95, Terra Bella, California 93270.

Project Description—The proposed project would consist of: (1) A 120-foot-high concrete arch dam; (2) a reservoir storing 5,500 acre-feet of water at normal surface elevation 3760 feet; (3) a 20-foot-diameter, 16,800-foot-long power tunnel; (4) a powerhouse at elevation 3280 feet containing a 100-MW turbine generator with an annual energy output of 188 GWh; and (5) a 1000-foot-long transmission line.

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 engineering, economic and environmental studies would be conducted to ascertain project feasibility and to support an application for license to construct and operate the project. Existing unpaved roads would be used for field investigations. Applicant states that land disturbances would be minor and all lands would be restored. The estimated cost of permit activities is $500,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must file with the Commission, on or before February 22, 1983, 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 file such an application in response to this notice. A notice of intent to file an application for license or exemption must be filed with the Commission on or before February 22, 1983, 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].

Filing 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 March 21, 1983.

Agency Comments—Federal, State, and local agencies are invited to file 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 Motions To Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of the Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025-26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be filed on or before February 22, 1983.

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 "MOTION 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 motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-31949 Filed 11-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-60-000]

Utah Power & Light Co.; Filing

November 15, 1982.

The filing Company submits the following:

Take notice that Utah Power & Light Company (Utah) on October 12, 1982, tendered for filing Corrected Rate Schedules R-2 and RS-3, to become effective subject to refund retroactively on August 11, 1982. Demand charges in the corrected schedules are reduced to reflect the effect of the 60% demand ratchet included in the rate schedules.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 30, 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 motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-31868 Filed 11-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. SA82-10-000]

Western Continental Operating Co.; Further Extension of Time

November 12, 1982.

On November 8, 1982, Commission Staff Counsel filed a motion for a further extension of time to file a reply to Western Continental Operating Company's (Western) Petition for Review of Staff Order Denying Adjustment and for filing a certified copy of the complete record in the above-docketed proceeding. The motion states that Staff Counsel still requires additional time in order to assess the impact of recent developments in this proceeding. The motion further states that Western does not oppose this extension request.

Upon consideration, notice is hereby given that a further extension of time for the filing of a reply to Western's Petition for Review and for the filing of a certified copy of the complete record is granted to and including December 13, 1982.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-31869 Filed 11-19-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6784-000]

Yankee Hydro Corp.; Application for Preliminary Permit

November 17, 1982.

Take notice that the Yankee Hydro Corporation (Applicant) filed on October 20, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 6784 to be known as the Shoe Form Dam Project located on the Owasco Lake Outlet in the City of Auburn, Cayuga County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Raymond S. Kusche, P.O. Box 1016, Weedsport, New York 13166.

Project Description.—The proposed project would consist of the following existing facilities owned by the City of Auburn, New York: (1) A 12-foot-high 75 foot-long masonry dam having a 27-foot-long breached section; (2) an intake structure at the east (right) bank; (3) a 20-foot-long canal; (4) a powerhouse; (5) a tailrace; and (6) appurtenant facilities.

Applicant proposes to redevelop the existing facilities and would: (1) Repair the dam and reconstruct the breached section; (2) recreate a reservoir with a surface area of 1.4 acres and a storage capacity of 7.0 acre-feet at normal pool elevation 590 feet m.s.l.; (3) rebuild the intake structure; (4) construct control gates at the left abutment; (5) install a generating unit having a rated capacity of 425-kW operated under a 13-foot head and at a flow of 385 cfs; (6) construct a switchyard; (7) erect transmission lines; and (8) perform miscellaneous improvements and repairs.

Applicant estimates that the average annual energy output would be 2,228,859 kWh. Project energy would be sold to New York State Electric and Gas Corporation.

Proposed Scope of Studies Under Permit.—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would perform hydrological, engineering, marketing and financing, environmental, and legal studies, and would prepare an application for an FERC license. Applicant estimates the cost of the work under the permit to be $29,000.

Competing Applications.—Anyone desiring to file a competing application for preliminary permit must file with the Commission, on or before February 18, 1983, 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 file such an application in response to this notice. A notice of intent to file an application for license or exemption must be filed with the Commission on or before January 19, 1983, 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 file 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 Motions To Intervene.—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025-26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before January 19, 1983.

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 "MOTION 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 motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-31950 Filed 11-19-82; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[A-5-FRL-2249-5]

Air Quality; Specialloy, Inc., Chicago, Ill.; Determination to Approve Modification

AGENCY: Environmental Protection Agency.

ACTION: Final Determination.

EFFECTIVE DATE: October 7, 1982.

Notice is hereby given that on October 7, 1982, the U.S. Environmental Protection Agency approved modification at Specialloy, Inc. pursuant to 40 CFR Subpart A, Section 61.08 (38 FR 8826, April 6, 1973, as amended at 43 FR 8800, March 3, 1978). This determination is considered a final agency action which is locally applicable under Section 307(b)(1) of the Clean Air Act and, therefore, any petition for review must be filed in the U.S. Court of Appeals for the Seventh Circuit by any appropriate party. In accordance with 307(b)(1), petitions for review must be filed 60 days from the date of notice.

In the matter of the applicability of Title 1, Part A of the Clean Air Act (the Act) as amended, 42 U.S.C. 7401 *et seq.*, and the Federal regulations promulgated thereunder at 40 CFR Subpart A, Sections 61.06 and 61.07 (38 FR 8826, April 6, 1973, as amended at 43 FR 8800, March 3, 1978) for National Emission Standards for Hazardous Air Pollutants (NESHAPS), to Specialloy, Incorporated in Chicago, Illinois.

On August 24, 1982, Specialloy, Incorporated submitted an application to the U.S. Environmental Protection Agency (U.S. EPA), Region V office, for approval to modify Furnaces 1 and 2 in order to produce copper-beryllium-nickel alloy billets at their facility in Chicago, Illinois. The application was submitted pursuant to 40 CFR Section 61.07.

On October 7, 1982, Specialloy, Incorporated was notified that it is subject to the NESHAPS regulations, and approval to modify was granted.

This approval to modify does not relieve Specialloy of the responsibility to comply with any Federal, State or local regulations.

For further information contact Mr. Bruce Varner, Air Compliance Branch, Air Management Division, Region V, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 353 2088.

COPIES: Copies of the determination are available for public inspection upon request from: Director, Air Management Division, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

Dated: November 1, 1982.

David Kee,

Director, Air Management Division, Region V.

[FR Doc. 82-31836 Filed 11-19-82; 8:45 am]

BILLING CODE 6560-50-M

[SAB-FRL 2248-7]

Science Advisory Board, Environmental Health Committee; Meeting

Under Public Law 92-463, notice is hereby given that a two-day meeting of the Environmental Health Committee of the Science Advisory Board will be held on December 8 and 9, 1982, in Conference Room S-353, Waterside Mall, U.S. Environmental Protection Agency, 401 M Street, Southwest, Washington, D.C. The meeting will start at 9:00 a.m. on December 8 and adjourn not later than 4:30 p.m. on December 9, 1982.

A principal purpose of the meeting will be to review and comment on the scientific adequacy of two draft health assessment documents prepared by the Office of Health and Environmental Assessment of EPA's Office of Research and Development. The titles and publication numbers of the two documents are:

Title	EPA Number
Health Assessment Document for 1,1,2-Trichloro-1,2,2,-Trifluoroethane (Chlorofluorocarbon FC-113).	EPA-600/8-82-002, Revised November 1982.
Health Assessment Document for Carbon Tetrachloride.	EPA-600/8-82-001, March 1982.

Another principal purpose of the meeting will be to review and comment on the scientific adequacy of three revised draft health assessment documents earlier versions of which have been previously reviewed by the Committee. The titles and dates of the three revised documents are:

Title	EPA Number
Carcinogen Assessment of Coke Oven Emissions.	EPA-600/6-82-003, Revised November 1982.
Health Assessment Document for Acrylonitrile.	EPA-600/8-82-007, Revised November 1982.
Health Assessment Document for 1,1,1-Trichloroethane (Methyl Chloroform).	EPA-600/8-82-003, Revised November 1982.

For information on how to obtain copies of the various documents please call or write to The Center for Environmental Research Information, 20 West St. Clair, Cincinnati, Ohio 45268, (513) 684-7562.

The Agenda will also include brief reports and informational items of current interest to the members.

The meeting will be open to the public. Any member of the public wishing to attend, participate, submit a paper, or wishing further information should contact the Executive Secretary, Environmental Health Committee, Science Advisory Board (A-101), U.S. Environmental Protection Agency, Washington, D.C. 20460 by c.o.b. December 2, 1982. Please ask for Mrs. Patti Howard or Mr. Ernst Linde. The telephone number is (202) 382-2552.

Dated: November 12, 1982.

Terry P. Yosie,

Acting Staff Director, Science Advisory Board.

[FR Doc. 82-31837 Filed 11-19-82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL MARITIME COMMISSION

Independent Ocean Freight Forwarder License Applicants

Notice is here by given that the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Manufacturers Export Service, Inc., 4000 West Jefferson, Detroit, MI 48209. Officers: Raymond V. Pershon, Vice President/Stockholder; Ellen W. Coughlin, Secretary/Treasurer.

N/J International, Inc., 4650 South Pinemont Drive, Suite 126, Houston, TX 77041. Officers: Robert Joseph Hesse, President/Stockholder; George Donel Jamison, Vice President/Stockholder; Jerry Dean Matheson, Stockholder; James Purcell Stannard, Stockholder; James Murray Songe, Stockholder.

Katherine J. Segall, d.b.a. K. J. Segall Customhouse Broker, 623 Switzer Street, 10th Avenue Terminal, San Diego, CA 92101.

Dated: November 17, 1982.

Francis C. Hurney,

Secretary.

[FR Doc. 82-31973 Filed 11-19-82; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

South Carolina National Corp. et al.; Bank Holding Companies; Proposed "De Novo" Nonbank Activities

The organizations identified 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 section 225.4(b)(1) of the Board's Regualtion Y (12 CFR 225.4(b)(1)), for permission to engage *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 these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment 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.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearings should identify clearly the specific application to which they related, and should be submitted in writting and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *South Carolina National Corporation,* Columbia, South Carolina (consumer financing and credit insurance; Hartsville, South Carolina): To engage in the activities of making or acquiring loans or other extensions of credit for its own account such as would be made by a consumer finance company; servicing loans and other extensions of credit for the account of others; and offering credit life and credit accident and health, and property insurance directly related to its extensions of credit. The activities will be conducted at an office located in Hartsville, South Carolina, serving Hartsville, South Carolina. Comments on this application must be received not later than December 14, 1982.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *American Fletcher Corporation,* Indianapolis, Indiana (finance and insurance activities; Indiana): To engage through its subsidiary, American Fletcher Financial Services, Inc., in making or acquiring loans or other extensions of credit for personal, family or household purposes, including loans secured by home equities, purchasing consumer installment sales finance contracts, and acting as agent with respect to credit life and disability insurance on borrowing customers and insurance on property taken as collateral for such loans and contracts. These activities would be conducted from an office in Carmel, Indiana, serving Hamilton County and Lawrence, Washington and Pike Townships, located in Marion County, Indiana. Comments on this application must be received not later than December 8, 1982.

2. *Town Financial Corporation,* Hartford Indiana (financing and insurance activities; Indiana and Michigan): To engage, through its subsidiary Town Finance Company, Inc., in consumer finance activites, including the extension of direct loans to consumers, the discount of retail and installment notes on contracts, and acting as agenct for the sale of life and accident and health insurance directly related to its extension of credit. These activities will be conducted from an office in South Bend, Indiana, serving the city of South Bend, Indiana, and that area of Indiana within a 20 mile radius of South Bend, Indiana, and Cass County, Michigan. Comments on this application must be received not later than December 8, 1982.

C. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *First Bank System, Inc.,* Minneapolis, Minnesota (underwriting credit life insurance and credit accident and health insurance; Arizona): To engage, through its subsidiary, First Bank System Life Insurance Company, in underwriting credit life insurance and credit accident and health insurance which is directly related to extensions of credit by subsidiaries of First Bank System, Inc. These activities woud be conducted from an office in Phoenix, Arizona, serving the Phoenix, Arizona metropolitan area. Comments on this application must be received not later than December 8, 1982.

D. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Coronado Bancshares, Inc.,* El Paso, Texas (leasing activities; Texas): To engage through its de novo subsidiary, Coronado Capital Leasing Corporation, d/b/a Coronado Leasing Corporation in leasing to consumer and commercial businesses personal items of property and equipment. These activities will be conducted from offices in El Paso, Texas and serving the trade area consisting primarily of El Paso County, Texas. Comments on this appliction must be received not later than December 15, 1982.

2. *Southwest Bancshares, Inc.,* Houston, Texas (servicing activities; United States): To engage, through its subsidiary Southwest Bancshares Credit Services, Inc., in performing servicing activities relating to the issuance and use of credit cards and other credit arrangements, including solicitation of customers, credit analysis, establishing, servicing and processing of accounts, billing and collections, and related activities. These activities would be conducted from an office located in Dallas, Texas, serving the entire United States. Comments on this application must be received not later than December 15, 1982.

E. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *Midland Bank PLC, Midland California Holdings, Ltd.,* both of London, England and Crocker National Corporation, San Francisco, California (bank holding companies), (insurance activities; California): Propose to engage, through a *de novo* subsidiary, Crocker Life Insurance Company, in the underwriting and reinsuring of credit life and credit accident and health insurance directly related to extensions of credit by Crocker National Corporation's bank and nonbank subsidiaries in the State of California. These activities would be conducted from an office located in San Francisco, California and would serve the State of California. Comments on this application must be recieved not later than December 15, 1982.

Board of Governors of the Federal Reserve System, November 16, 1982.

James McAfee,

Associated Secretary of the Board.

[FR Doc. 82-31881 Filed 11-19-82; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Nursing Student Loan Repayment Program

AGENCY: Public Health Service (PHS), Health Resources and Services Administration, HHS.

ACTION: Notice of the discontinuation of the acceptance of applications for the Educational Loan Repayment Program.

SUMMARY: This Notice announces that the Department of Health and Human Services will no longer accept applications from nurses who wish to enter into an agreement to serve in a shortage area in return for which a portion of an individual's educational loans will be repaid as authorized by section 836(h) of the Public Health Service Act. This decision is based on the fact that Federal funds are no longer available for the repayment of nursing educational loans. Nurses and nursing schools are, therefore, advised that repayment of loans in return for service in a shortage area is no longer a viable option.

EFFECTIVE DATE: Immediately.

FOR FURTHER INFORMATION CONTACT: Michael Heningburg, Director, Division of Student Assistance, Bureau of Health Professions, Room 8A–33, Health Resources and Services Administration, 5600 Fishers Lane, Rockville, Maryland 20857 (telephone 301 443–4540).

(Catalog of Federal Domestic Assistance No. 13.364, Nursing Student Loan Program).

Dated: November 16, 1982.

Robert Graham,

Administrator, Assistant Surgeon General.

[FR Doc. 82–31923 Filed 11–19–82; 8:45 am]

BILLING CODE 4160–16–M

Office of Human Development Services

Federal Council on the Aging; Meeting

AGENCY HOLDING THE MEETING: Federal Council on the Aging.

TIME AND DATE: Meeting begins at 9:30 AM on Wednesday, December 8, 1982 and ends at 3:00 PM on Thursday, December 9, 1982.

PLACE: First Floor Aduitorium, Hubert H. Humphrey Building, 200 Independence Avenue, SW, Washington, DC 20201.

STATUS: Meeting is open to the public.

CONTACT PERSON: Rita Lowry, Room 309D, HHH Building, 245–2451.

The Federal Council on the Aging was established by the 1973 Amendments to the Older Americans Act of 1965 (Pub. L. 93–29, 42 U.S.C. 3015) for the purpose of advising the President, the Secretary of Health and Human Services, the Commissioner on Aging and the Congress on matters relating to the special needs of older Americans.

Notice is hereby given pursuant to the Federal Advisory Committee Act (Pub. L. 92–453, 5 U.S.C. App. 1, Sec. 10, 1976) that the Council will hold a meeting December 8–9, 1982 from 9:30 AM to 5:30 PM and from 9:00 AM to 3:00 PM respectively in the First Floor Auditorium of the Humber M. Humphrey Building, 200 Independence Avenue, SW, Washington, DC 20201.

The agenda will include discussions of: reauthorization of the Older Americans Act; Overview of the National Employment Policy and Older Americans Project; and the future structure of employment opportunities for older Americans. Some time has also been allotted for FCA committee sessions.

Dated: November 5, 1982.

Adelaide Attard,

Chairperson, Federal Council on the Aging.

[FR Doc. 82–31890 Filed 11–19–82; 8:45 am]

BILLING CODE 4130–01–M

Public Health Service

National Institutes of Health; Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HN (National Institutes of Health) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (40 FR 22859, May 27, 1975, as amended most recently at 47 FR 23024, May 26, 1982) is amended to reflect the following changes: (1) Abolish the Baltimore Cancer Research Center, Division of Cancer Treatment, National Cancer Institute (NCI). This change will allow for the phasing out of NCI's clinical research facilities in Baltimore which are no longer needed there. The resources dedicated to this program will be utilized eleswhere in the Division of Cancer Treatment. (2) Abolish the Neurological Disorders Program, and establish the Convulsive, Developmental, and Neuromuscular Disorders Program and the Demyelinating, Atrophic and Dementing Disorders Program in the National Institute of Neurological and Communicative Disorders and Stroke (NINCDS). These changes will result in reducing a large program into two manageable size programs and will result in more effective and efficient administration of these programs.

Sec. HN–B, Organization and Functions is amended as follows: (1) Under the heading *National Cancer Institute (NHC),* delete the statement for the Baltimore Cancer Research Center (HNC63), Division of Cancer Treatment (HNC6), in its entirety.

(2) Under the heading *National Institute of Neurological and Communicative Disorders and Stroke,* delete the statement for the *Neurological Disorders Program (HN–Q5)* in its entirety, and after the statement for the *Extramural Activities Program (HN–Q7), add the following:*

Convulsive, Developmental, and Neuromuscular Disorders Program (HN–Q8). (1) Plans and directs a program of grant and contract support for research and research training on convulsive, developmental and neuromuscular disorders to insure maximum utilization of available resources in attainment of Institute objectives; (2) maintains surveillance over developments in program areas and assesses the national need for research in the cause, prevention, diagnosis, and treatment of convulsive, developmental and neuromuscular disorders, in technological development, in the application of research findings, and for research training in these areas; (3) determines program priorities and recommends funding levels for programs to be supported by grants; (4) determines priorities and funding levels for research to be supported by contracts; (5) collaborates with the intramural program in the Institute and NIH-wide and maintains an awareness of national research efforts in program areas; (6) prepares reports and analyses of national needs to assist Institute staff and advisory groups in carrying out their responsibilities and developing new areas of emphasis; and (7) consults with voluntary health organizations and with professional associations in identifying research needs and developing programs to meet these needs.

Demyelinating, Atrophic, and Dementing Disorders Program (HN–Q9). (1) Plans and directs a program of grant and contract support for research and research training on demyelinating, atrophic, and dementing disorders to insure maximum utilization of available resources in attainment of Institute objectives; (2) maintains surveillance over developments in program areas and assesses the national need for research in the cause, prevention, diagnosis, and treatment of demyelinating, atrophic, and dementing disorders, in technological development, in the application of research findings, and for research training in these areas; (3) determines program priorities and recommends funding levels for programs to be supported by grants; (4) determines priorities and funding levels for research to be supported by contracts; (5) collaborates with the intramural program in the Institute and NIH–wide and maintains an awareness of national research efforts in program areas; (6) prepares reports and analyses of national needs to assist Institute staff and advisory groups in carrying out their responsibilities and developing new areas of emphasis; and (7) consults with voluntary health organizations and with professional associations in identifying research needs and developing programs to meet these needs.

Dated: November 10, 1982.

Richard S. Schweiker,

Secretary.

[FR Doc. 82–31891 Filed 11–19–82; 8:45 am]

BILLING CODE 4140–01–M

Office of the Secretary

Advisory Council on Social Security; Meeting

AGENCY: Office of the Secretary HHS.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Section 10(a)(2) of Pub. L. 92–463, the Federal Advisory Committee Act, notice is hereby given of a meeting of the Advisory Council on Social Security, as established by the Secretary of Health and Human Services, in accordance with Section 706 of the Social Security Act, 42 U.S.C. 907.

DATE/ADDRESS: The meeting will be held on December 12–13, 1982 at the Capitol Holiday Inn, 550 C Street, S.W., Washington, D.C. 20024. The Meeting will be held from 2:00 to 7:30 p.m. on December 12, and from 8:00 a.m. to 4:00 p.m. on December 13.

FOR FURTHER INFORMATION CONTACT: Thomas R. Burke, Executive Director, 200 Independence Avenue, S.W., Washington, D.C. 20201; telephone 202/755–8670 or 755–8671.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. Attendance will be limited to the space available. The meeting will be structured as follows: December 12 will be constituted as a meeting of the Advisory Council; on December 13, the period from 8:00 a.m. to 12:00 noon will be constituted as a public hearing; the period from 1:30 to 4:00 p.m. is designated as a Council meeting. For the hearing, interested parties are invited to present testimony on Medicare issues. Presenters should submit, three days in advance, 15 copies of their presentation. Oral presentation should summarize the written statement, and will be limited to a maximum of five minutes. Only those requesting in advance to appear will be permitted to present oral statements. Submit written requests to the Advisory Council on Social Security, ATT: Public Hearing, 200 Independence Avenue, S.W., Washington, D.C. 20201, or telephone 202/755–8670 or 755–8671. The Chairperson or Executive Director reserves the right to determine order of presentation, but will make every effort, within the time constraints, to hear all who wish to be heard. Another public hearing will be held in Washington, D.C. in January, on a date to be announced. Interested organizations should be aware that the Council will also hold one-day public hearings within the next 120 days in Atlanta, Chicago, and San Francisco on dates to be determined. Sign language interpreting services will be provided if requested in advance. Correspondence can be addressed to Advisory Council on Social Security, 200 Independence Avenue, S.W., Washington, D.C. 20201.

The proposed meeting agenda includes further briefings and discussion on the Medicare program; briefing on on-going and completed research, demonstration and data aspects of the Medicare program, and such other business as the Chairperson, the Executive Director, or the membership may put before the Council.

A previous meeting of the Advisory Council on Social Security was announced in 47 FR. 46888.

Records are kept of all Council proceedings and are available for public inspection at the Office of the Adminstrative Officer, Advisory Council on Social Security, Room 317–H, HHH Building, 200 Independence Avenue, S.W., Washington, D.C. 20201.

Thomas R. Burke,

Executive Director.

[FR. Doc. 82-31893 Filed 11-19-82; 8:45 am]

BILLING CODE 4120-03-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-82-1182]

Mutual Mortgage Insurance and Insured Home Improvement Loans; Changes in Maximum Mortgage Amounts

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

ACTION: Notice of revisions of certain area maximum mortgage amounts.

SUMMARY: Section 203(b)(2) of the National Housing Act authorizes area-wide one- to four-family mortgage limits for insured mortgages in market areas and local jurisdictions found by the Secretary to be high-cost areas. Section 214 of the Act authorizes maximum mortgage limits for insured mortgages in Alaska, Guam or Hawaii which may exceed otherwise applicable maxima by up to one-half thereof. This notice (1) identifies additional high cost areas (and new dollar limitations for those areas) based upon the Federal Housing Commissioner's finding that middle- and moderate-income persons have limited housing opportunities because of high prevailing housing sales prices in the designated areas, and (2) publishes higher maximum mortgage amounts applicable to Alaska, Guam and Hawaii, based upon the Commissioner's finding that, because of high costs prevailing in those jurisdictions, it is not feasible to construct dwellings within otherwise applicable maximum mortgage amounts without sacrifice of sound standards of construction, design and livability.

EFFECTIVE DATE: November 22, 1982.

FOR FURTHER INFORMATION CONTACT: John J. Coonts, Director, Single Family Development Division, Department of Housing and Urban Development, Room 9270, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755–6720. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The Housing and Community Development Act of 1980 amended the National Housing Act to permit changes in maximum mortgage amounts under HUD's single family mortgage insurance programs to reflect the regional differences in the cost of housing. The Secretary was authorized to increase the statutory limits on an area-by-area basis after taking into consideration the extent to which moderate- and middle-income persons have limited housing opportunities in an area due to high prevailing housing sales prices.

In the case of mortgages insured under Section 203(b) of the National Housing Act, the statute provided that the increased limits could not exceed the lesser of (A) 133⅓ percent of the statutory limit, or (B) 95 percent of the median one-family house price in the area in the case of a one-family residence, 107 percent of such median price in the case of a two-family residence, 130 percent for a three-family residence, and 150 percent for a four-family residence. This provision is also applicable to Sections 203(k), 213, 220, 222, 240, 244, 245, 809, and 810 of the National Housing Act. Section 214 of the National Housing Act authorizes special high cost area limits for Alaska, Guam or Hawaii.

Nationally established statutory mortgage limits are specified in 24 CFR 203.18(a) and have been increased in designated areas to amounts published on January 7, 1982 (47 FR 917).

24 CFR 203.18b(a) authorizes the Federal Housing Commissioner, in any geographical area where the Commissioner finds that middle- and moderate-income persons have limited housing opportunities due to the high prevailing housing sales prices, to raise the statutory dollar limits and previously published increased amounts by publishing revised dollar limitations in the **Federal Register.**

Accordingly, the Commissioner is hereby publishing revised dollar limitations for the following areas:

	1-family	2-family	3-family	4-family
Baltimore, MD SMSA. Excluding Howard and Anne Arundel Counties	$74,000	$83,000	$101,000	$117,500
Shreveport-Bossier, Louisiana SMSA	75,500	84,250	103,000	119,250
State of Wyoming	75,000	84,000	102,500	118,000
Tucson, Arizona SMSA	77,200	87,000	105,250	122,500
Seattle-Everett, Washington SMSA	82,100	92,100	111,650	127,700

The Federal Housing Commissioner also is authorized to increase maximum mortgage amounts by not to exceed one-half the otherwise applicable maximum (including high cost area maximums) where the Commissioner finds, because of high costs in Alaska, Guam or Hawaii, that it is not feasible to construct dwellings without the sacrifice of sound standards of construction, design and livability within the maximum mortgage limits which would otherwise apply.

Accordingly, the Commissioner, based on such findings, is hereby publishing applicable dollar limitations for Alaska, Guam and Hawaii as follows:

	1-family	2-family	3-family	4-family
State of Alaska	$135,000	$151,950	$183,975	$213,975
Territory of Guam	101,250	114,000	138,000	160,500
State of Hawaii	135,000	151,950	183,975	213,975

In cases where interested parties consider that the designated maximum mortgage limits for any area (including areas currently subject to statutory limits and not the subject of this notice), do not accurately reflect the extent to which moderate- and middle-income persons have limited housing opportunities due to high prevailing housing sales prices (or in the case of Alaska, Guam or Hawaii, the extent to which high costs make it infeasible to construct dwellings without the sacrifice of sound standards of construction, design and livability), the parties may submit documented evidence in support of an alternative maximum mortgage limit. Such documentation should include local market sales price data for new and existing home sales covering a recent period of time (3 months or longer). Requests for adjustments to maximum mortgage limits, together with the appropriate documentation, shall be submitted to the appropriate HUD Field Office for review and recommendation. Field Offices shall forward such requests, documentation and recommendations to the Assistant Secretary for Housing for determination.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50 which implement Section 102(2)(c) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of General Counsel, Room 10278, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

Dated: November 10, 1982.

Philip Abrams,

Assistant Secretary for Housing Federal Housing, Commissioner.

[FR Doc. 82-31329 Filed 11-19-82; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered Species Permit; Receipt of Applications

Applicant: Frontier Birds, Wauneta, NE.

The applicant requests a permit to purchase in interstate commerce one pair of captive-bred nene (*Branta sandvicensis*) from the Denver Zoo, Denver, Colorado for enhancement of propagation.

Humane care and treatment during transport, if applicable, has been indicated by the applicants.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Rd., Arlington, Virginia, or by writing to the U.S. Fish & Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2-9808. Interested persons may comment on these applications within 30 days of the date of this publication by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: November 17, 1982.

Robert J. Batky,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 82-31971 Filed 11-19-82; 8:45 am]

BILLING CODE 4310-55-M

Bureau of Land Management

[N-279]

Nevada; Classification Vacated

November 12, 1982.

1. Pursuant to the authority delegated by Bureau Order 701 and amendments thereto, the Bureau of Land Management multiple use classification N-279 was published in the **Federal Register** on February 3, 1967 (FR Doc 67-1270). Pursuant to the Classification and Multiple Use Act of September 19, 1964 (43 U.S.C. 1411-18) and the 43 CFR Part 2460 regulations, this action classified approximately 156,000 acres of public land in Churchill County, Nevada, for multiple use management. The land was segregated from appropriation under the agricultural land laws; from sale under section 2455 of the Revised Statutes and the Public Land Sale Act of September 19, 1964; from exchange under section 8 of the Taylor Grazing Act; and from lease or sale under the Recreation and Public Purpose Act of June 14, 1926. Four areas containing 200 acres were further segregated from all forms of appropriation including the mining laws, but not the mineral leasing and material sale laws.

2. Pursuant to 43 CFR 2461.5(c)(2), the classification is hereby vacated with the exception of the following described areas:

Mount Diablo Meridian, Nevada

T. 17 N., R. 37 E.
Sec. 3, NW¼NW¼. (UNR Research Plot)
T. 18 N., R. 37 E.
Sec. 29, S½NE¼SW¼, N½SE¼SW¼. (UNR Research Plot)
Sec. 30, NE¼SE¼. (Cold Springs Pony Express Stations)
Sec. 33, S½NW¼. (Cold Springs Pony Express Stations)

The area described above comprises approximately 200 acres. These areas are valuable for scientific and historical information and will remain classified for a period of 5 years from the date of this publication at which time the classification will again be reviewed.

3. At 9:00 a.m. on December 22, 1982, all the land except that described in paragraph 2 above is hereby open to the operation of all the public land laws, subject to valid existing rights.

4. All the land described in the original classification remains open to the mineral leasing laws.

5. All valid applications received prior to or at 9:00 a.m. on December 22, 1982, will be considered as simultaneously filed. All other applications received will be considered in the order of filing.

Inquiries concerning this land should be addressed to the Chief, Division of Operations, Bureau of Land Management, P.O. Box 12000, Reno, Nevada 89520.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 82-31878 Filed 11-19-82; 8:45 am]

BILLING CODE 4310-84-M

[N-1025]

Nevada; Classification Vacated

November 12, 1982.

1. Pursuant to the authority delegated by Bureau Order 701 and amendments thereto, the Bureau of Land Management multiple use classification N-1025 was published in the **Federal Register** on December 12, 1968 (FR Doc 68-14835). Pursuant to the Classification and Multiple Use Act of September 19, 1964 (43 U.S.C. 1411-18) and the 43 CFR Part 2460 regulations, this action classified approximately 2,488,400 acres of public land in Lander County, Nevada, for multiple use management. The land was segregated from appropriation under the agricultural land laws. Seven areas containing 960 acres were further segregated from all forms of appropriation including the mining laws, but not the Recreation and Public Purpose Act (44 Stat. 741) as amended, nor the mineral leasing and material sale laws.

2. Pursuant to 43 CFR 2461.5(c)(2), the classification is hereby vacated with the exception of the following described areas:

Mount Diablo Meridian, Nevada

T. 16 N., R. 38 E.,
Sec. 8, N½SE¼ (Carroll Summit Vegetative Study Plot).
T. 19 N., R. 41 E.,
Sec. 20, E½NE¼ (Mount Airy Stage Station);
Sec. 21, NW¼.
T. 20 N., R. 43 E.,
Sec. 26, SE¼SE¼ (Italian Canyon Vegetative Study Plot).
T. 20 N., R. 44 E.,
Sec. 11, S½SE¼SW¼, SW¼SW¼SE¼ (William Creek Meadow Restoration Plots);
Sec. 14, N½NW¼, W½NW¼NE¼;
Sec. 15, SW¼SE¼, W½SE¼SE¼;
Sec. 22, NE¼NW¼, NW¼NE¼, W½NE¼NE¼, NE¼SE¼NW¼, N½SW¼NE¼.
T. 18½ N., R. 46 E.,
Sec. 11, W½NE¼, E½NW¼ (Hickison Summit Pony Express Petroglyph Site).
T. 20 N., R. 46 E.,
Sec. 26, SE¼NW¼ (Bates Mountain Three-Way Plot).

The area described above comprises approximately 880 acres. These areas have scientific value for vegetative studies and cultural information and will remain classified for a period of 5 years from the date of this publication at which time the classification will again be reviewed.

3. At 9:00 a.m. on December 22, 1982, all the land except that described in paragraph 2 above is hereby open to the operation of the agricultural land laws, subject to valid existing rights.

4. At 9:00 a.m. on December 22, 1982, the following described land known as Mt. Lewis Communication Site will also be open to the operation of the mining laws:

Mount Diablo Meridian, Nevada

T. 29 N., R. 45 E.,
Sec. 12, N½NW¼.

This area comprises approximately 80 acres.

5. All the land described in the original classification remains open to the mineral leasing laws.

6. All valid applications received prior to or at 9:00 a.m. on December 22, 1982 will be considered as simultaneously filed. All other applications received will be considered in the order of filing.

Inquiries concerning this land should be addressed to the Chief, Division of Operations, Bureau of Land Management, P.O. Box 12000, Reno, Nevada 89520.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 82-31879 Filed 11-19-82; 8:45 am]

BILLING CODE 4310-84-M

[N-2474]

Nevada; Classification Vacated

November 12, 1982.

1. Pursuant to the authority delegated by Bureau Order 701 and amendments thereto, the Bureau of Land Management multiple use classification N-2474 was published in the **Federal Register** on December 3, 1970 (FR Doc 70-16189). Pursuant to the Classification and Multiple Use Act of September 19, 1964 (43 U.S.C. 1411-18) and the 43 CFR Part 2460 regulations, this action classified approximately 1,980,000 acres of public land in Eureka County, Nevada, for multiple use management. The land was segregated from appropriation under the agricultural land laws. One 40 acre parcel was further segregated from all forms of appropriation including the mining laws, but not the Recreation and Public Purposes Act (44 Stat. 741) as amended, nor the mineral leasing and material sale laws.

2. Pursuant to 43 CFR 2461.5(c)(2), the classification is hereby vacated with the exception of the following described parcel known as Roberts Creek Recreation Area:

Mount Diablo Meridian, Nevada

T. 22 N., R. 50 E.
Sec. 2, N½NE¼NE¼.
T. 23 N., R. 50 E.
Sec. 35, S½SE¼SE¼.

The area described above comprises approximately 40 acres. This area has high potential recreational value and will remain classified for a period of 5 years from the date of this publication at which time the classification will again be reviewed.

3. At 9:00 a.m. on December 22, 1982, all the land except that described in paragraph 2 above is hereby open to the operation of the agricultural land laws, subject to valid existing rights.

4. All the land described in the original classification remains open to the mineral leasing laws.

5. All valid applications received prior to or at 9:00 a.m. on December 22, 1982, will be considered as simultaneously filed. All other applications received will be considered in the order of filing.

Inquiries concerning this land should be addressed to the Chief, Division of Operations, Bureau of Land Management, P.O. Box 12000, Reno, Nevada 89520.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 82-31880 Filed 11-19-82; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

Oil and Gas and Sulphur; Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: This Notice announces that Conoco Inc., Unit Operator of the Eugene Island Block 266 Federal Unit Agreement No. 14-08-0001-8640, submitted on October 27, 1982, a proposed annual plan of development/production describing the activities it proposes to conduct on the Eugene Island Block 266 Federal Unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the plan and

that it is available for public review at the offices of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 837–4720, ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in development and production plans available to affected states, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: November 15, 1982.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-31921 Filed 11-19-82; 8:45 am]

BILLING CODE 4310-31-M

National Park Service

Big Cypress National Preserve; Plan of Operations for the Purpose of Oil Drilling Operations; Availability

In accordance with Section 9.52 of Title 36 of the Code of Federal Regulations, Big Cypress National Preserve has received from Exxon Company, U.S.A., a Plan of Operations for the purpose of oil drilling in the Baxter Island area of the Preserve. The public is invited to review and comment on the Plan of Operations, copies of which are available for review during normal business hours at Everglades National Park, Route 27, 12 miles south of Homestead, Florida; Big Cypress National Preserve, Ochopee, Florida; Miami-Dade Public Library System, Main Library, 1 Biscayne Boulevard, Miami, Florida; Collier County Public Library, 650 Central Avenue, Naples, Florida; and at the National Park Service, Southeast Regional Office, 75 Spring Street, S.W., Atlanta, Georgia. Comments received on or before December 22, 1982, will be entered into the official record. For further information, contact Pat Tolle, Management Assistant, Everglades National Park (305) 247–6211.

Dated: November 10, 1982.

Neal G. Guse,

Acting Regional Director, Southeast Region.

[FR Doc. 82-31897 Filed 11-19-82; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[No. 38925]

All Freight Transportation, Inc.; Petition for Exemption From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: All Freight Transportation, Inc., a motor contract carrier, is provisionally granted an exemption from requirements of 49 U.S.C. 10702, 10761, and 10762.

DATES: Comments are due on December 7, 1982. The sought relief will become effective on December 22, 1982, unless, in response to adverse comments filed, the Commission issues a further decision withdrawing this relief.

ADDRESS: Send an original and, if possible, 15 copies of comments to: Room 5340, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway (202) 275–7278, or Tom Smerdon (202) 275–7277.

SUPPLEMENTARY INFORMATION: All Freight Transportation, Inc. (AFTN), is a motor contract carrier serving several shippers virtually nationwide. It holds authority pursuant to permit No. MC–152671. On numerous instances it has filed a special tariff authority to serve new points for the accounts of named shippers, particularly Ore-Ida Foods, Inc. AFTN has petitioned for an exemption from tariff filing requirements for its existing contract operations.

Section 10702(b) of the Interstate Commerce Act requires contract carriers to file with the Commission actual and minimum rates for the transportation they provide. Section 10761 prohibits transportation without a tariff on file with the Commission, and section 10762 sets forth general tariff requirements including contract carrier authority to file only minimum rates. Each of these sections authorizes the Commission to grant relief to contract carriers when relief is consistent with the public interest and the transportation policy of section 10101.

AFTN seeks exemption from these requirements to avoid the unnecessary expenses which handicap its efforts to provide an economical and efficient service under its existing contracts. Petitioner also desires to avoid the delay that occurs when tariff filings must precede new rates.[1]

Petitioner's request is well grounded. We see no reason to deny the carrier and the shipper the savings to be realized from a tariff filing exemption. It appears that the requirement that this carrier file schedules is not in the public interest and that relief will promote the transportation policies of 49 U.S.C. 10101.

We provisionally grant the sought exemption. If we receive timely filed adverse comments, we will issue a further decision addressing them and deciding whether this tentative approval ought to be modified.

This decision would not appear to have a significant effect on either the quality of the human environment or conservation of energy resources. However, comments may be submitted on these issues.

(U.S.C. 10702(b), 10761(b), and 10762(f))

Decided: November 15, 1982.

By the Commission, Division 1, Commissioners Sterrett, Simmons, and Gradison. Commissioner Sterrett was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-31888 Filed 11-19-82; 8:45 am]

BILLING CODE 7035-01-M

Long-and-Short-Haul Application for Relief (Formerly Fourth Section Application)

November 16, 1982.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. within 15 days from the date of publication of the notice.

No. 43982, Consolidated Rail Corporation (No. CR–20821/41/51), rates on alcoholic beverages, in box cars, between Conrail stations within Official Territory, via Conrail direct, in its Tariff ICC CR 4461, effective December 4, 1982. Grounds for relief—Motor Carrier Competition.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-31883 Filed 11-19-82; 8:45 am]

BILLING CODE 7035-01-M

[1] AFTN also offers to provide copies of its contracts to interested parties. Such an offer is not necessary. See No. 38828, *Three Way Corporation, Petition For Exemption From Tariff Filing Requirements*, decided June 25, 1982 (not printed).

[Volume No. OP-5-255]

Motor Carriers; Permanent Authority, Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of petition for leave to intervene must be filed with Commission within 30 days after the date of this **Federal Register** notice addressing specifically the issue(s) indicated as the purpose for republication.

Agatha L. Mergenovich,

Secretary.

MC 158859 (Sub-2) (Republication), filed June 17, 1982, published in the **Federal Register** issue of July 14, 1982, and republished this issue. Applicant: O DEAN TRANSPORTATION, INC., P.O. Box 127, 406 W. Williamsburg Rd., Sandston, VA 23150. Representative: P. Owen Dean, P.O. Box 127, Sandston, VA 23150. An Order of the Commission, Review Board 1, 1982 decided September 23, 1982, and served October 4, 1982, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *contract carrier,* by motor vehicle, in foreign commerce only, over irregular routes, transporting *metal products* between points in California, Florida, Georgia, Indiana, Kentucky, Maryland Missouri, North Carolina, New Jersey, New York, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington, and Wisconsin, on the one hand, on the other, points in the United States (except Alaska and Hawaii) under a continuing contract(s) with Reynolds Metals Company, Can Division, of Richmond, VA, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate the applicant's actual grant of authority.

MC 159098 (Republication), filed March 8, 1982, published in the **Federal Register** issue of March 30, 1982, and republished this issue. Applicant: PAUL CHRISTENSEN MANNING d.b.a. MANNING COMPANY TRUCKING, P.O. Box 3425, 875 E. Center, Logan, UT 84321. Representative: Paul C. Manning 557 East 900 North, Logan, UT 84321. An Order of the Commission, Division 2, decided October 13, 1982, and served October 20 1982, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier, by motor vehicle, over irregular routes, transporting general commodities* (except classes A and B explosives and household goods as defined by the Commission), between points in the United States (except Alaska and Hawaii), that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

[FR Doc. 82-31865 Filed 11-19-82; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 311]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: November 15, 1982.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1165. Part 1165 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747 and redesignated at 47 FR 49590, November 1, 1982.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1165.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Shaffer, Williams, and Higgins.

Agatha L. Mergenovich,

Secretary.

MC 6380 (Sub-12)X, filed November 15, 1982. Applicant: R. F. TRUESDELL, INC., 6515 Anno Ave., Orlando, FL 32809. Representative: Paul M. Daniell, Suite 1200, 235 Peachtree St., N.E., Atlanta, GA 30303. Lead and Sub 3 permits: (1) Broaden paper and paper products, waste paper and materials used in the manufacture of paper products, corrugated and solid fiber boxes or containers, plain or wood reinforced, and materials used in the making of fiber boxes (Lead) and pulpboard, fibreboard boxes (plain or wood cleated), and paper and paper products (except printing or fine papers) (Sub 3) to "such commodities as are used by or are dealt in by manufacturers of paper and paper products"; and (2) broaden the territorial descriptions to between points in the United States (except Alaska and Hawaii), under continuing contract(s) with unnamed shipper(s).

MC 24379 (Sub-68)X, filed October 22, 1982. Applicant: NATIONAL FREIGHT SYSTEM, INC., 4007 W. Bristol Rd., P.O. Box 13, Flint, MI 48501. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167.Sub 66: (1) Broaden general commodities (with the usual exceptions and except livestock) to "general commodities (except classes A and B explosives, household goods, and commodities in bulk)"; (2) remove the following restrictions: (a) No service is authorized between points in Ohio; (b) no service is authorized between Cleveland, OH, on the one hand, and, on the other, Pittsburgh, PA and points and places in Ohio; (c) in dump vehicles; (d) against the transportation of traffic having both origin and final destination at points in Pennsylvania; (e) restricted to the transportation of traffic moving to and from points presently authorized on carrier's regular routes and those off-route points west of the Pennsylvania-New Jersey state line; (f) restricted to the transportation of traffic moving to or from points west of the New Jersey-Pennsylvania state line; (g) in containers having a prior or subsequent movement by water; (h) facilities limitations at specified locations and/or originating at or destined to (irregular routes); (i) restricted to the transportation of traffic transported by carrier through the ports of entry on the United States-Canada boundary line at Detroit or Port Huron, MI; (j) restricted against service on

designated routes between Trenton, NJ, and Philadelphia, PA, including the terminii specified, on the one hand, and, on the other, points in New Jersey and those in the New York, NY Commercial Zone; (k) restricted to traffic moving to and from points on carrier's regular routes and those off-route points west of the Pennsylvania-New Jersey state line; (3) change one-way irregular routes to radial authority; (4) change off-route points (regular routes) and named cities and precisely located facilities (irregular routes) to county-wide authority or territorial equivalent: off-route points within 35 miles of Pittsburgh, PA (Allegheny, Westmoreland, Butler, Armstrong, and Beaver Counties); off-route points within 20 miles of Detroit, MI (Wayne, Oakland, and Macomb Counties); Cleveland, OH and points and places within 8 miles of the corporate limits thereof (Cuyahoga County); Newark, NJ (Essex County); Detroit, MI (Wayne County); Milan, MI (Washtenaw and Monroe Counties); Lorain, OH (Lorain County); Mahwah, NJ (Bergen County); Metuchen, NJ (Middlesex County); Canfield, OH (Mahoning County); Martins Ferry, OH (Belmont County); Mingo Junction, Steubenville, and Yorkville, OH (Jefferson County); Allenport, PA (Washington County); Monessen, PA (Westmoreland County); Beech Bottom, WV (Brooke and Hancock Counties); Follansbee, WV (Brooke County); Benwood, WV (Marshall County); Wheeling, WV (Ohio County); Johnstown, PA (Cambria County); Huntington, IN (Huntington County); Cresson and South Fork, PA (Cambria County); Latrobe and Torrance, PA (Westmoreland County); Mont Alto and Scotland, PA (Franklin County); Somerset, PA (Somerset County); Shippensburg, PA (Cumberland County); Warren, PA (Warren County); Polk, PA (Venango County); Maple Heights, OH (Cuyahoga County); Macedonia, OH (Summit County); Brookings, SD (Brookings County); Columbus, OH (Franklin County); Marion, IN (Grant County); Auburn, NY (Cayuga County); Seneca Falls, NY (Seneca County); Syracuse, NY (Onondaga County); Dunmore and Scranton, PA (Lackawanna County); Pittston, PA (Luzerne County); Rockwood, MI (Wayne and Monroe Counties); Minneapolis, MN (Hennepin County); Milwaukee, WI (Milwaukee and Waukesha Counties); Stevens Point, WI (Portage County); Kent, OH (Portage County); Shelby, OH (Richland County); Strongsville, OH (Cuyahoga County); Willard, OH (Huron County); Westfield, MA (Hampden County); and Lockport, NY (Niagara County); (5) broaden the Borough of Bronx, NY to New York, NY; (6) authorize service at all intermediate points (regular route authority); and (7) eliminate restriction to traffic transported through ports of entry on the United States-Canada boundary line at Detroit or Port Huron, MI.

MC 152010 (Sub-1)X, filed November 5, 1982. Applicant: FORT ANN EXPRESS, INC., RD #2 Smith Basin Rd., Fort Ann, NY 12827. Representative: James M. Burns, Suite 403, 1365 Main St., Springfield, MA 01103. Lead certificate, (1) broaden paper and paper products to "pulp, paper and related products", and (2) expand Glens Falls, NY to Warren County, NY.

[FR Doc. 82-31884 Filed 11-19-82; 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 49 CFR 1160.1–1160.23 of the Commission's Rules of Practice. These rules were published in the **Federal Register** on December 31, 1980, at 45 FR 86771 and redesignated at 47 FR 49583, November 3, 1982. 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 1160.40–1160.49. 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.

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".

For the following, please direct status inquiries to Team 1 at 202–275–7992.

Volume No. OP1–201

Decided: November 12, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 121171 (Sub-5), filed November 3, 1982. Applicant: WILLIAMS TRANSPORTATION, INC., 1925 East Vernon Ave., Los Angeles, CA 90058. Representative: C. Jack Pearce, 1000 Connecticut Ave. NW., Suite 1200, Washington, DC 20036 (202)–785–0048. Transporting for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 164551, filed November 3, 1982. Applicant: ROBERT WAYNE SCHENDEL d.b.a. R. W. SCHENDEL,

106 Berwick Place, San Antonio, TX 78201. Representative: Robert Wayne Schendel (same address as applicant) (512)–735–3370. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 164580, filed November 5, 1982. Applicant: BILL MORGAN d.b.a. MORGAN BROKERAGE, 302 North St., Booneville, MS 38829. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, DC 20036 (202)–785–0024. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

For the following, please direct status inquiries to Team 2 at 202–275–7030.

Volume No. OP2–292

Decided: November 15, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 153113 (Sub-1), filed November 8, 1982. Applicant: MENSHA TRANSPORT, INC., P.O. Box 367, Neenah, WI 54956. Representative: Joseph F. Kellett (same address as applicant) 414–729–0380. Transporting, for or on behalf of the United States Government, (1) *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), 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.

For the following, please direct status inquiries to Team 4 at 202–275–7669.

Volume No. OP4–035

Decided: November 15, 1982.

By the Commission, Review Board No. 2, Members Charleton, Williams, and Ewing.

MC 162986 (Sub-2), filed October 28, 1982. Applicant: TRIPLE S LEASING, INC., P.O. Box 266 (US Hwy 41 N) Vincennes, IN 47591. Representative: Don R. Smith, 806 Emison Ave., Vincennes, IN 47591 (812) 882–8645. Transporting (1) *general commodities*, between Knox and Vanderberg Counties, IN, on the one hand, and, on the other, points in the U.S., and (2) for or on behalf, of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 164566, filed November 4, 1982. Applicant: CLARKSTON GRAIN TERMINAL, INC., 900 Port Way, P.O. Box 388, Clarkston, WA 99403. Representative: Karen Johnson (same address as applicant) (509) 758–1611. As a *broker of general commodities* (except household goods), between points in the U.S.

For the following, please direct status inquiries to Team 5 at 202–275–7289.

Volume No. OP5–254

Decided: November 12, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC–145728 (Sub-4), filed October 19, 1982. Applicant: VISALIA FREIGHT LINES, INC., P.O. Box 3181, Visalia, CA 93277. Representative: Owen B. Katzman, 1828 L St., NW., Suite 1111, Washington, DC 20036 (202) 822–8200. (1) Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI), and (2) transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

MC 164509, filed November 2, 1982. Applicant: W. B. HOLLAND, Route 2, Grenada, MS 38901. Representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205 (601) 948–8820. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 164518, filed October 28, 1982. Applicant: ROBERT H. DETRAY AND JOHN M. DETRAY d.b.a. DETRAY TRUCKING, 1415 Railroad Ave., P.O. Box 252, Rifle, Co 81650. Representative: Charles H. Wickman, 901 Burlington Ave., P.O. Box 128, Western Springs, IL 60558, 312–246–9090.Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–31886 Filed 11–19–82; 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 49 CFR 1160.1–1160.23 of the Commission's Rules of Practice. These rules were published in the **Federal Register** of December 31, 1980, at 45 FR 86771 and redesignated at 47 FR 49583, November 1, 1982. 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 1160.40–1160.49. 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.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full

effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to Team 1, (202) 275–7992.

Vol. No. OP1–202

Decided: November 12, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 60251 (Sub-17), filed November 3, 1982. Applicant: P & D TRANSPORTATION, INC., Connell Highway, Newport, RI 02840. Representative: Frederick T. O'Sullivan, P.O. Box 2184, Peabody, MA 01960, (617)–535–5430. Transporting *household goods*, between points in ME, NH, VT, RI, CT, MA, NY, NJ, MD, DE, PA, MI, TN, KY, VA, WV, NC, SC, OH and DC.

MC 111401 (Sub-626), filed November 4, 1982. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, OK 73702. Representative: Alvin J. Meiklejohn, Jr., 1600 Lincoln Center Bldg., 1660 Lincoln Street, Denver, CO 80264, (303) 861–4028. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Union Carbide Corporation, of Danbury, CT.

MC 115441 (Sub-4), filed November 3, 1982. Applicant: ELMER R. JOHNSON AND MARVIN W. JOHNSON d.b.a. JOHNSON BROS., P.O. Box 351, Miles, IA 52064. Representative: Carl E. Munson, 469 Fischer Bldg., P.O. Box 796, Dubuque, IA 52001, (319) 557–1320. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Ralston Purina Co., of St. Louis, MO.

MC 134551 (Sub-25), filed November 4, 1982. Applicant: LANTER REFRIGERATED DISTRIBUTING CO., No. 3 Caine Drive, Madison, IL 62060. Representative: Dean N. Wolfe, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (expect AK and HI).

MC 147800 (Sub-5), filed October 29, 1982. Applicant: ABBLEY TRANSPORT, INC., 176 98th Ave., Oakland, CA 94621. Representative: Myron F. Tower, 369 Juana Ave., San Leandro, CA 94577, (415) 352–7246. Transporting *containers packaging materials, wine, malt liquor and alcoholic beverages*, between points in the U.S.

MC 155551 (Sub-1), filed November 3, 1982. Applicant: "R" "B" & TONY McCARTNEY d.b.a. McCARTNEY & SONS TRUCKING 702 East Vista Del Gaviota, Orange, CA 92665. Representative: "R" "B" McCartney, (same address as applicant), (714) 637–2273. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with (1) Union Foods, and (2) Frye & Smith, both of Costa Mesa, CA, (3) Armstrong Fabricators, of Irving, CA, (4) Williams Furance, of Colton, CA, and (5) Universal Flavors, of Indianapolis, IN.

MC 161350 (Sub-1), filed November 4, 1982. Applicant: E.I.G., Inc., Rural Route 1, Clinton, IA 52732. Representative: James M. Hodge, 3730 Ingersoll Ave., Des Moines, IA 50312, (515) 274–4985. Transporting *fertilizer*, between points in Rock Island County, IL, on the one hand, and, on the other, points in IA.

MC 164530, filed November 2, 1982. Applicant: ROBERT H. BRZEZINSKI d.b.a. R. H. BRZEZINSKI AND SONS TRUCKING, 11220 Wilseck Court, Sterling Heights, MI 48078. Representative: Paul M. Ross, 3104 S. Cedar St., Lansing, MI 48910, (517) 394–4220. Transporting *general commoditiee* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with Cadillac Products, Inc., of Sterling Heights, MI.

MC 164540, filed November 2, 1982. Applicant: "NICE 'N EASY" SPECIALIZED MOTOR COACH SYSTEMS d.b.a., "NICE 'N EASY" TOURS, P.O. Box 24, Linkwood, MD 21835. Representative: Lee C. Nhare, (same address as applicant) (301) 228–9420. Transporting *passengers and their baggage*, in special and charter operations, between points in the U.S.

MC 164590, filed November 5, 1982., Applicant: AMERICAN CHARTER ENTERPRISES, 5400 W. 111th St., Los Angeles, CA 90045. Representative: Donald R. Hedrick, P.O. Box 4334, Santa Ana, CA 92702, (714) 667–8107. Transportating *passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at points in Los Angeles, Orange, San Bernardino and Ventura Counties, CA, and extending to points in the U.S. (except AK and HI).

For the following, please direct status inquiries to Team 2, 202–275–7030.

Vol. No. OP2–289

Decided: November 10, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 108473 (Sub-63), filed November 4, 1982. Applicant: ST. JOHNSBURY TRUCKING COMPANY, INC., 87 Jeffrey Ave., Holliston, MA 01746. Representative: Harry J. Jordan, Suite 502, Solar Bldg., 1000 Sixteenth St., NW, Washington, DC 20036, (202) 783–8131. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with K Mart Corporation, of Troy, MI.

MC 144912 (Sub-9), filed November 2, 1982, Applicant: LEONARD R. GOLDSMITH, d.b.a. TERMINAL MOTOR EXPRESS, 1711 E. 15th St., Los Angeles, CA 90021. Representative: William J. Monheim, P.O. Box. 1756, Whittier, CA 90609, (213) 945–2745. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with Wilco Trading Company, Inc., of Lakewood, NJ.

MC 150973 (Sub-6), filed November 4, 1982. Applicant: HERBERT R. SHIPLEY, INC., 3304 Sykesville Rd., Westminster, MD 21157. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. (703) 893–4924. Transporting *chemicals and related products, and forest products*, between Baltimore, MD, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 152393 (Sub-4), filed November 5, 1982. Applicant: SCOTT B. WARN d.b.a. OVERNIGHT EXPRESS, 555—143rd Ave., San Leandro, CA 94577. Representative: Armand Karp, 743 San Simeon Dr., Concord, CA 94518, (415) 825–1774. Transporting *food and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Hills Bros. Coffee, Inc., of San Francisco, CA.

MC 153893 (Sub-1), filed November 4, 1982. Applicant: CARLILE ENTERPRISES, INC., P.O. Box 10–805, Anchorage, AK 99511. Representative: W. Harry McDonald, (same address as applicant), (907) 277–0344. Transporting *general commodities* (except household goods), between points in AK.

Condition: To the extent this certificate authorizes classes A and B explosives, it shall be limited in term to a period expiring five (5) years from its date of issuance.

MC 163082 (Sub-1), filed November 3, 1982. Applicant: DONN R. MIDDLETON, 30645 Farr Rd., Goshen, CA 93227. Representative: Vern W. Hill, 1600 Wilson Blvd.—Suite 1301, Arlington, VA 22209, 703–522–0900. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Cascade West Transportation Brokers, of Lake Oswego, OR.

MC 164512, filed November 2, 1982. Applicant: CENTRAL PACIFIC FREIGHT LINES, INC., 55 N. Seneca, P.O. Box 11380, Eugene, OR 97440. Representative: John G. McLaughlin, Suite 1600—One Main Place, 101 SW Main St., Portland, OR 97204, (503) 224–5525. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in WA, OR, CA, and NV.

MC 164523, filed November 2, 1982. Applicant: SABINE TRUCKING CO., 303 Webber St., Lufkin, TX 75901. Representative: Barry J. Brooks, 8300 Douglas, Suite 800, Dallas, TX 75225, (214) 373–9175. Transporting *sand, gravel, rock, and stone*, between points in Gregg County, TX, on the one hand, and, on the other, points in AR, LA, and OK, under a continuing contract(s) with Contractor's Supplies, Inc., of Lufkin TX.

MC 164552, filed November 3, 1982. Applicant: BOBBY McNEELY & PEGGY McNEELY, d.b.a. PLANTATION MOBILE HOMES, 7 Douglas Drive, Natchez, MS 39120. Representative: John E. Mulhearn, Jr., 202 South Wall St., P.O. Box 967, Natchez, MS 39120, (601) 442–4808). Transporting *mobile homes* between points in LA and MS.

MC 164583, filed November 4, 1982. Applicant: TRANSPORTATION SYSTEMS, INC., d.b.a. REDMOND TRANSPORT SYSTEMS, P.O. Box 55, Perry Hall, MD 21128. Representative: Gerald K. Gimmel, Suite 200—444 N. Frederick Ave., Gaithersburg, MD 20877, 301–840–8565. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in DE, MD, NJ, PA, and DC.

Volume No. OP2–291

Decided: November 15, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 8973 (Sub-84), filed November 3, 1982. Applicant: METROPOLITAN TRUCKING, INC., 75 Broad Ave., Fairview, NJ 07022. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048, (212) 466–0220. Transporting *general commodities* (except classes A and B explosives and household goods), between those points in the U.S. in and west of MT, WY, CO and NM (except AK and HI), on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 115262 (Sub-7), filed November 5, 1982. Applicant: RED LION BUS CO., P.O. Box 271, Red Lion, PA 17356. Representative: Robert J. Brooks, 1828 L St., N.W.—Suite 1111, Washington, DC 20036, (202) 466–3892. Transporting *passengers and their baggage*, in special and charter operations, between points in the U.S. (including AK and HI).

MC 123993 (Sub-100), filed November 8, 1982. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70526. Representative: Austin L. Hatchell, P.O. Box 2023, Austin, TX 78768, 512–472–8355. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 145722 (Sub-3), filed November 4, 1982. Applicant: CAROLINA=PACIFIC DISTRIBUTORS, INC., P.O. Box 2082, High Point, NC 27261. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., N.W., Washington, DC 20005, 202–296–3555. Transporting *such commodities* as are dealt in and distributed by wholesale food service distributors, between points in CA, on the one hand, and, on the other, points in NC, SC, GA and FL.

MC 150492 (Sub-1), filed November 4, 1982. Applicant: DRI-FRI. CO., INC., 410 Inskip Rd., Knoxville, TN. Representative: Jess D. Campbell, 205 Clinch Ave. SW., Knoxville, TN 37902, 615–546–2141. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Weaver Foodservice Specialists, of Knoxville, TN.

MC 151432 (Sub-3), filed November 8, 1982. Applicant: VERNON MARTELL, 2434 Hillview Ave., Bismarck, ND 58501. Representative: Charles E. Johnson, 220 North 4th St., P.O. Box 2056, Bismarck, ND 58502, 701–223–5300. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in ND, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 153883 (Sub-7), filed November 4, 1982. Applicant: HARNIC TRUCKING, INC., P.O. Box 1218, Hammond, IN 46325. Representative: Andrew K. Light, 1301 Merchants Plaza, Indianapolis, IN 46204, 317–638–1301. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CA, and those points in the U.S., in and east of ND, SD, NE, CO, OK, and TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 161523 (Sub-1), filed November 8, 1982. Applicant: PRODUCT DISTRIBUTION CO., 4715 Pinewood Dr., Louisville, KY 40232. Representative: George M. Catlett, Suite 700–702, McClure Bldg., Frankfort, KY 40601, 502–227–7384. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with (a) Witco Chemical Corporation, of Bradford, PA, (b) Quaker State Oil Refining Corporation, of Oil City, PA, and (c) Pennzoil Products Company, of Houston, TX.

MC 164603, filed November 4, 1982. Applicant: GARY D. KILGORE, d.b.a. G & J FREIGHT, 1433 Menlo Avenue, Clovis, CA 93612. Representative: Michael S. Rubin, 100 Bush St., Sute 410, San Francisco, CA 94104, (415) 421–6743. Transporting *general commodities* (except classes A and B explosives and household goods), between points in AZ, CA, CO, ID, NV, OR, UT and WA.

MC 147293 (Sub-3), filed November 2, 1982. Applicant: JAMES LEWIS, d.b.a. AJ TRUCKING CO., 11800 Brookpark Rd., Cleveland, OH 44130. Representative: Richard A. Zellner, 800 National City—E. 6th Bldg., Cleveland, OH 44114, 216–621–0150. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s)

with (1) Dover Conveyor and Equipment Company, Inc., of Midvale, OH, and (2) Towlift, Inc., of Cleveland, OH.

For the following, please direct status inquiries to Team 4, 202–275–7669.

Volume No. OP4–034

Decided: November 15, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 43997 (Sub-2), filed October 28, 1982. Applicant: RANSLER MOVING & STORAGE CO., 1501 Fulford St., Kalamazoo, MI 49003. Representative: B. W. LaTourette, Jr., 11 S. Meramac, Suite 1400, St. Louis, MO 63105, (314) 727–0777. Transporting *household goods and furniture and fixtures,* (1) between points in the lower Peninsula of MI, on the one hand, and, on the other, those points in U.S. in and east of ND, SD, NE, CO, OK, and TX, and (2) between those points in the U.S. in and east of ND, SD, NE CO, OK and TX, on the one hand, and, on the other, those points in MI, on and south of MI Hwy 72, points in OH on, west and northwest of Interstate Hwy 71 and 271, and those points in IN and IL on and north of Interstate Hwy 64.

MC 121197 (Sub-2), filed October 28, 1982. Applicant: NAKANO EXPRESS SERVICE, INC., 18924 S. Laurel Park Rd., Compton, CA 90220. Representative: Robert H. Payne (same address as applicant), (213) 639–6872. Transporting *general commodities* (except classes A and B explosives), between points in Ca.

MC 127187 (Sub-60), filed November 4, 1982. Applicant: FLOYD DUENOW, INC., P.O. Box 86, Savage, MN 55378. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., 10 South 5th St., Minneapolis, MN 55402, (612) 340–0808. Transporting *lumber and wood products,* between points in the U.S. (except AK and HI). Condition: Issuance of a certificate in this proceeding is subject to coincidental cancellation of the Permit in MC 127187 (Sub-55), November 10, 1981. This is a conversion application filed under 49 U.S.C. 10923(e).

MC 144676 (Sub-11), filed November 3, 1982. Applicant: McELROY TRUCKING, INC., 711 N. First St., Yakima, WA 98901. Representative: Jack R. Davis, 1200 IBM Bldg., Seattle, WA 98101, (206) 624–7373. Transporting *chemicals and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Borden, Inc.-Consumer Products Division.

MC 147047 (Sub-11), filed November 3, 1982. Applicant: CAPITAL WIRE & CABLE CORP. d.b.a. C.W.C. TRUCKING CO. 1910 10th St., P.O. Box 7, Plano, TX 75074. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062, (214) 255–6279. Transporting *paper and paper products,* and *printed matter,* between points in AL, CA, IL, KS, ME, MO, MI, NY, OH, PA, TN, TX, and WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 161107 (Sub-1), filed November 3, 1982. Applicant: MILBANK FREIGHTWAYS, INC., P.O. Box 9485, Minneapolis, MN 55440. Representative: Richard L. Gill, 1805 American National Bank Bldg., St. Paul, MN 55101, (612) 224–9454. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with WINKO Warehouse and Distribution Center, Inc. of Minneapolis, MN.

MC 162587, filed November 2, 1982. Applicant: JOHN F. SULLIVAN d.b.a. SULLIVAN ENTERPRISES, P.O. Box 977, St. Albans, VT 05478. Representative: John F. Sullivan (same address as applicant), (802) 524–4684. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in VT, on the one hand, and, on the other, points in VT, NY, MA, CT and RI, under continuing contract(s) with Central Vermont Railway, Incorporated, of St. Albans, VT.

MC 164056, filed November 2, 1982. Applicant: JOHN HOWARD SMITH, d.b.a. SMITH CARTAGE, 8748 S. Cicero, Oak Lawn, IL 60453. Representative: Michael Parisi, 5915 Irving Park Rd., Chicago, IL 60634, (312) 286–3787. Transporting *plastic products,* between points in Cook County, IL, on the one hand, and, on the other, points in IL, IN, WI, MI, OH, and MO, under continuing contract(s) with Blue Island Plastics, Inc., of Calumet Park, IL.

MC 164517, filed October 29, 1982. Applicant: JAMES R. TROLZ d.b.a. J. R. TROLZ CAB CO., 2301 E. Michigan Ave., Jackson, MI 49201. Representative: Kenneth B. Johnson, 414 S. Jackson St., Jackson, MI 49201, (517) 784–0521. Transporting *railroad crews and equipment,* between Jackson, MI, Elkhart, IN, and Toledo, OH, under continuing contract(s) with the Consolidated Rail Corporation (Conrail) of Philadelphia, PA.

MC 164526, filed November 2, 1982. Applicant: THE SERVICE CO., INC., 342 N. Washington, Wichita, KS 67202. Representative: Paul V. Dugan, 2707 W. Douglas, Wichita, KS 67213, (316) 943–2325. Transporting *coin, currency, securities, and other valuables,* (1) between Kansas City, MO and points in KS, (2) between Kansas City, MO, and points in Atchison, Holt, Nodaway, Andrew, Buchanan, Platte, Worth, Gentry, De Kalb, Clinton, Clay, Jackson, Cass, Bates, Vernon, Barton, Jasper, Newton, McDonald, Harrison, Daviess, Caldwell, Ray, Lafayette, Johnson, Henry, St. Clair, Cedar, Mercer, Grundy, Livingston, Carroll, Saline, Pettis, Benton, Hickory, Putnam, Sullivan, Linn, Chariton, Howard, Cooper, and Morgan Counties, MO, and (3) between points in KS and OK (except Marshall, Johnston, Coal, Bryan, Atoka, Choctaw, Pushmataha, and McCurtain Counties).

MC 164527, filed November 2, 1982. Applicant: C T S ENTERPRISES, INC., 15 West 740 Frontage Rd., Hinsdale, IL 60521. Representative: Christopher Parrilli, 5400 Lane Place, Downers Grove, IL 60515, (312) 789–2898. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 164536, filed November 3, 1982. Applicant: ARNOLD PLAISANT and THOMAS E. KUTASSY, d.b.a. P and K EXPRESS, 94 Bishop St., Staten Island, NY 10306. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048, (212) 466–0220. Transporting *general commodities* (except classes A and B explosives and household goods), between points in NJ and NY, on the one hand, and, on the other, points in MA, RI, CT, NY, NJ, PA, DE, MA, VA, NC, SC, and DC.

MC 164537, filed November 3, 1982. Applicant: ALBERT SCHMIDT, dba A AND J CONTRACT CARRIERS, 1201 Frost Ave., Mapelwood, MN 55109. Representative: Marquita J. Finley, AAA Bldg.—Suite 200, 170 E. 7th Pl., St. Paul, MN 55101, (612) 297–8484. Transporting *appliances, carpeting* and *industrial tools,* between points in MN, WI, IA, ND, and SD, under continuing contract(s) with Sears, Roebuck and Co., of Skokie, IL.

For the following, please direct status inquiries to Team 5 at 202–275–7289.

Vol. No. OP5–253

Decided: November 12, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 128648 (Sub-34), filed November 1, 1982. Applicant: TRANS-UNITED, INC., P.O. Box 2081, East Chicago, IL 46312. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603, 312–263–2306. Transporting *general commodities* (except classes A and B explosives,

household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Weyerhaeuser Company of Tacoma, WA.

MC 134798 (Sub-11), filed November 2, 1982. Applicant: BLAIR CARTAGE, INC., 11330 Kinsman Rd., P.O. Box 252, Newbury, OH 44065. Representative: Lewis S. Witherspoon, 2455 North Star Rd., Columbus, OH 43221, 614–486–0448.Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S. (except AK and HI).

MC 141758 (Sub-13), filed November 1, 1982. Applicant: LYDALL EXPRESS, INC., 615 Parker St., Manchester, CT 06040. Representative: Hugh M. Joseloff, 410 Asylum St., Hartford, CT 06103 (203) 728–0700. Transporting (1) *lumber and wood products,* (2) *building materials,* (3) *pulp, paper and related products;* (4) *plastic products,* (5) *textile mill products,* (6) *metal products,* and (7) *adhesives, paints, stains, lacquers, and varnishes,* between points in the U.S. (except AK and HI), under continuing contract(s) with Ply-Gem Industries, Inc., of New York, NY.

MC 141989 (Sub-3), filed November 1, 1982. Applicant: JERZAK TRUCKING, INC., Route 2, Box 202, Almond, WI 54909. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719 (608) 273–1003. Transporting *coal, sand, gravel, steel, concrete and related products* and *chemicals and related products,* between points in IA, IL, MN, WI, and the Upper Peninsula of Michigan.

MC 144889 (Sub-13), filed November 1, 1982. Applicant: RONWAL TRANSPORTATION, INC., 2600 Calumet Ave., Hammond, IN 46320. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204, (317) 638–1301. Transporting (1) *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in IL, IN, MI, and WI, on the one hand, and, on the other, points in IL, IA, IN, KS, KY, MI, MN, MO, OH, PA, TN, WI, and WV, and (2) *metal products* between points in Porter County, IN, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, NE, KS, OK, and TX (except ME, RI, NH, and VT).

MC 157369 (Sub-2), filed October 25, 1982. Applicant: ROLL OUT PRODUCTIONS, INC., 11477 Vanowen, North Hollywood, CA 91605. Representative: Jerry Rappaport, 16530 Ventura Blvd., #208, Encino, CA 91436 (213) 783–882. Transporting *theatrical equipment, materials and supplies used in the operation and maintenance of itinerant theatrical, stage, and television show productions or exhibitions,* between points in the U.S., under continuing contract(s) with Quarterline Productions, Inc., of North Hollywood, CA.

MC 157459 (Sub-3), filed October 26, 1982. Applicant: LEWIS C. HOWARD, INC., 760 E. Vine St., Kalamazoo, MI 49001. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, 616–459–6121. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in DE, GA, IL, IN, KS, KY, MD, MA, MI, MS, NJ, NY, OH, OK, PA, and WI.

MC 160199 (Sub-2), filed November 2, 1982. Applicant: COOKE TRUCKING COMPANY, INC., Rt. 1 Box 128A, Mt. Airy, NC 27030. Representative: D.R. Beeler, P.O. Box 482, Franklin, TN 27064, 615–790–2510. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. under continuing contract(s) with SCM Corporation, Proctor-Silex Group of Lansdowne, MD.

MC 164339, filed October 25, 1982. Applicant: NADBRO ENTERPRISES, INC., 99 Lincoln Blvd., Middlesex, NJ 08846. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517, (717) 344–8030. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between New York, NY, and points in New London County, CT, Morris County, NJ, Lee and Brunswick Counties, NC, Vigo County, IN, and Jackson County, MO, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 164489, filed October 29, 1982. Applicant: MYRON BAGLEY, d.b.a. TRIPLE "B" TRUCKING, 565 Chad Street, Rexburg, ID 83440. Representative: Kevin M. Clark, 2417 Bank Drive, Suite 8, Boise, ID 83705, (208) 344–7714. Transporting (1) *building materials,* between points in WA, ID, MT, OR, WY, CA, NV, UT, CO, AZ, and NM, and (2) *fertilizer, coal* and *salt,* between points in WA, ID, MT, OR, WY, CA, NV, and UT.

MC 164519, filed October 28, 1982. Applicant: HARLAN CHRISTIANSEN TRUCKING, INC., Route 1, Club House Rd., Ringle, WI 54471. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719, (608) 273–1003. Transporting *stone and related products* between points in Schoolcraft County, MI, on the one hand, and, on the other, points in Marathon County, WI.

MC 164508, filed November 1, 1982. Applicant: MAJOR S. GALLOWAY EVER READY SINGING GROUP, d.b.a. PROFESSIONAL BUS SERVICE, 14461 Belvedere Drive, Woodbridge, VA 22193. Representative: Major S. Galloway (same address as applicant), (202) 673–5362. Transporting *passengers and their baggage,* in same vehicle with passengers, in special and charter operations, beginning and ending at points in VA, MD, and DC, and extending to points in the U.S. (except AK and HI).

MC 164538, filed November 2, 1982. Applicant: ASSURANCE TRANSPORTATION, INC., P.O. Box 4705, Medford, OR 97501. Representative: Russell P. Engle (Same address as applicant), (503) 773–5837. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Louisiana-Pacific Corporation of Portland, OR, Williams and Lane, Inc., of San Leandro, CA, Balteau Standard of Medford, OR, New England Log Homes, Inc., of Houston, MO, S. E. Ross Building & Farm Supply of Kalispell, MT, and ZICA Film Company, Inc., of Los Angeles, CA.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-31887 Filed 11-19-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register.** One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount

and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as other wise 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-215

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 146026 (Sub-1–11TA), filed November 4, 1982. Applicant: CROSS COUNTRY FARMING CO., INC., Pine Island Turnpike, P.O. Box 134, Pine Island, NY 10969. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *(1) Candy, cookies, and related products; and (2) Materials, equipment, and supplies used in the manufacture and sale of the commodities named in (1) above,* between Englewood, NJ and Poughkeepsie, NY, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Dalt International, Inc., 454 South Dean Street, Englewood, NJ 07631.

MC 164495 (Sub-1–1TA), filed November 1, 1982. Applicant: FACKS EXPRESS, INC., 30 Railroad Avenue, Revere, MA 02151. Representative: Hughan R. H. Smith, 26 Kenwood Place, Lawrence, MA 01841. *Contract carrier:* irregular routes: *General commodities,* between points in MA, RI, CT, ME, VT, NH, NY, NJ and PA, under continuing contract(s) with Wellington Trading Corp., Malden, MA. Supporting shipper: Wellington Trading Corp., 378 Commercial Street, Malden, MA 02148.

MC 141758 (Sub-1–3TA), filed November 1, 1982. Applicant: LYDALL EXPRESS, INC., 615 Parker Street, Manchester, CT 06040. Representative: High M. Joseloff, 410 Asylum Street, Hartford, CT 06103. *Contract carrier:* irregular routes: *Wood and wood products* between Gloucester, NJ, on the one hand, and, on the other, points and places in OH, IN, IL, PA, and TN, under continuing contract(s) with Ply-Gem Industries, Inc. of New York, NY. Supporting shipper: Ply-Gem Industries, Inc., 919 Third Avenue, New York, NY 10022.

MC 128541 (Sub-1–3TA), filed November 2, 1982. Applicant: WESLEY WAYNE MACOMBER, d.b.a. W. W. MACOMBER TRUCKING, R.F.D. 1A, Pond Road, Gardiner, ME 04345. Representative: Wesley Wayne Macomber (Same as applicant). *General commodities (except classes A and B explosives, household goods as defined by the Commission and commodities in bulk)* between points in the U.S. east of the Mississippi River. Supporting shipper(s): There are 6 statements in support attached to this application which may be examined at the I.C.C. Regional Office in Boston, MA.

MC 151809 (Sub-1–2TA), filed November 2, 1982. Applicant: J. M. MARC TRANSPORTATION, INC., 7 Ladik Street, Piermont, NY 10968. Representative: Bruce J. Robbins, Esq., Robbins & Newman, P.C., 18 East 48th Street, New York, NY 10017. *Contract Carrier:* irregular routes: *Such commodities as are used by or dealt in by manufacturers and distributors of containers, container ends, closures, books and binders (except commodities in bulk),* between points in Vienna, WV; Royersford and Linfield, PA, Newark, NJ, Malden, Natick, Haverhill and Salem, MA, on the one hand and, on the other, points in CT, DE, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VT, WV, and DC, under continuing contract(s) with Diamond Glass Company, Inc. of Royersford, PA; The Newark Group, Newark Boxboard Co. and Book Covers, Inc., of Newark, NJ. Supporting shipper(s): Diamond Glass Company, Inc., First Avenue, Royersford, PA 18468; The Newark Group, Newark Boxboard Co. and Book Covers, Inc., 57 Freeman Street, Newark, NJ 07105.

MC 149309 (Sub-1–2TA), filed November 1, 1982. Applicant: MID ISLAND DELIVERY SYSTEMS, INC., 1044 NORTHERN BOULEVARD, Roslyn, NY 10076. Representative: Arthur J. Piken, ESQ., Piken & Piken, P.C., Queens Office Tower, 95–25 Queens Boulevard, Rego Park, NY 11374. *Contract carrier:* irregular routes: *Printed matter, film and educational materials* between New York, NY, Westchester, Nassau, Suffolk and Rockland Counties, NY, Mercer, Burlington, Bergen, Somerset and Middlesex County, NJ, on the one hand, and, on the other, all points in NY, NJ, and CT, under continuing contract(s) with Publishers Shipping Cooperative Association, Inc., of Westwood, NJ. Supporting shipper: Publishers Shipping Cooperative Association, Inc., 40 Carver Avenue, Westwood, NJ 07675.

MC 144709 (Sub-1–5TA), filed November 3, 1982. Applicant: MINERAL CARRIERS, INC., Main Street, P.O. Box 110, Bound Brook, NJ 08805. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *(1) Coal briquettes, in bulk,* from Palmerton, PA, to Bridgewater, NJ; and *(2) Coal briquettes,* in bags and palletized, from Bridgewater, NJ, to points in CT, RI, MA, VT, NY, ME, and NH. Supporting shipper: Bethlehem Steel Corporation, 1283 Martin Tower, Bethlehem, PA 18016.

MC 164536 (Sub-1–1TA), filed November 3, 1982. Applicant: ARNOLD PLAISANT and THOMAS E. KUTASSY d.b.a. P AND K EXPRESS, 94 Bishop Street, Staten Island, NY 10306. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. *General commodities (except Classes A and B explosives and household goods),* (1) Between the Commercial Zones of New York, NY, Camden, NJ, and Plainview, NY, on the one hand, and, on the other, points in MA, RI, CT, NY, NJ, DE, PA, MD, DC, VA, NC and SC, and (2) Between the ports of Baltimore, MD, Norfolk, VA, Wilmington, NC, Charleston, SC and New London, CT, on the one hand, and, on the other, points in NY and NJ. Supporting shippers: Plywood Specialties, Inc., 4015 1st Avenue, Brooklyn, NY 11232; The Orelube Corporation, 201 E. Bethpage Road, Plainview, NY 11803; North American Maritime Agencies, General Agents for Maritime Company of Philippines, 17 Battery Place, New York, NY 10004.

MC 5723 (Sub-1–2TA) (Republication), filed October 15, 1982. Applicant: VANGUARD INTERSTATE TOURS, INC., 1 Westerly Road, Ossining, NY 10562. Representative: Jeremy Kahn, Suite 733, Investment Bldg., 1511 K Street, NW., Washington, D.C. 20005. *Common carrier:* regular routes: *Passengers and their baggage* (1) Between North Salem, NY, and New York, NY, serving all intermediate points between North Salem and the intersection of NY Hwy 22 and I Hwy 684; from North Salem via NY Hwy 121 to Cross River, NY, then via NY Hwy 35 to its intersection with NY Hwy 124 near South Salem, NY, then via NY Hwy 124 to Pound Ridge, NY, then via NY Hwy 172 to Bedford Village, NY (also from Cross River, NY, via NY Hwy 121 to Bedford Village, NY), then via NY Hwy 22 to its intersection with I Hwy 684, then via I Hwy 684 to its intersection with I Hwy 287, then via I Hwy 287 to its

intersection with I Hwy 87, then via I Hwy 87 to the exit at 138th St., then west on 138th St. over the Madison Ave. Bridge to 5th Ave., then south on 5th Ave. to its intersection with Broadway at 23rd St., then south on Broadway to Battery Park, and return over Greenwich St. to its intersection with Trinity Place, then over Trinity Place to its intersection with Church St., then over Church St. to its intersection with Sixth Ave., then over Sixth Ave. to its intersection with 23rd St., then over 23rd St.. to its intersection with Madison Ave., then over Madison Ave. to 138th St., and then following the same route shown above; and (2) between Croton Falls, NY, and New York, NY, serving all intermediate points between Croton Falls and the intersection of NY Hwy 22 and I Hwy 684; from Croton Falls via NY Hwy 22 to Purdys, NY, then via US Hwy 116 to its intersection with NY Hwy 100, then via US Hwy 202 to Somers, NY, then via NY Hwy 100 to its intersection with NY Hwy 138, then via NY Hwy 138 to Goldens Bridge, NY, then via NY Hwy 22 to its intersection with NY Hwy 35, then via NY Hwy 35 to its intersection with NY Hwy 117, then via NY Hwy 117 to its intersection with NY Hwy 120, then via NY Hwy 120 to Chappaqua, NY, then via NY Hwy 120 to its intersection with NY Hwy 22, then via NY Hwy 22 to its intersection with I Hwy 684, then via I Hwy 684 to its intersection with I Hwy 287, then via I Hwy 287 to its intersection with I Hwy 87, then via I Hwy 87 to the exit at 138th St., then west on 138th St. over the Madison Ave. Bridge to 5th Ave., then south on 5th Ave. to its intersection with Broadway at 23rd St., then south on Broadway to Battery Park, and return over Greenwich St. to its intersection with Trinity Place, then over Trinity Place to its intersection with Church St., then over Church St. to its intersection with Sixth Ave., then over Sixth Ave. to its intersection with 23rd St., then over 23rd St. to its intersection with Madison Ave., then over Madison Ave. to 138th St., and then following the same route shown above. Supporting shippers: There are 15 statements of support with this application which may be examined at the Regional Office of the I.C.C. in Boston, MA. The sole purpose of this republication is to correct the route description.

MC 164555 (Sub-1–1TA), filed November 4, 1982. Applicant: WAGENBRENNER TRANSPORTATION, INC., Pine Hill Industrial Park, P.O. Box 13, Hooksett, NH 03106. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108. (1) *Stainless steel pipe,* between ports of entry on the International Boundary Line between the U.S. and CD located at Buffalo, Niagara Falls, Ogdensburg, Cornwall, and Rouses Point, NY, on the one hand, and, on the other points in the U.S. (including AK and excluding HI); and (2) *Poured masonry liner,* between Hooksett, NH, on the one hand, and, on the other, points in the U.S. (including AK and excluding HI). Supporting shipper: Chimney Relining, Inc., 105 West Merrimack Street, P.O. Box 4035, Manchester, NH 03108.

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106

MC 96931 (Sub-2–1TA), filed October 28, 1982. Applicant: ACADEMY VAN & STORAGE CO., INC., 2517 Alabama Ave., Norfolk, VA 23513. Representative: Marshall Kragen, 1919 Pennsylvania Ave. N.W., Suite 300, Washington, D.C. 20006. *Household goods, restricted to U.S. government traffic,* between the City of Virginia Beach, VA, and points in Northampton County, VA, on the one hand, and, on the other, points in AL, DC, IN, KY, LA, MS, OH, and TN. An underlying ETA seeks 120 days authority. Supporting shipper: Department of Defense; Chief, Regulatory Law Office, U.S. Army Legal Services Agency, 5611 Columbia Pike, Falls Church, VA 22041.

MC 164330 (Sub-II–1TA), filed October 20, 1982. Applicant: BETHEL REPAIR SERVICE, Applicant: P.O. Box 37, Bethel, PA 19507. Representative: John C. Fudesco, Suite 960, 1333 New Hampshire Ave., NW., Washington, D.C. 20036. *Transportation equipment, in towaway service,* between points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): There are six supporting shippers' statements attached to this application which may be examined at the Phila. Regional Office.

MC 99597 (Sub-II–1TA), filed November 3, 1982. Applicant: BETTER TRUCK LINE CO., 1945 W. 112th St., Cleveland, OH 44102. Representative: David A. Turano, 100 East Broad Street, Columbus, OH 43215. *(1) Steel drums and (2) materials, equipment and supplies (except commodities in bulk)* used in the manufacture, sale and distribution of steel drums between Cleveland, OH, including points in its commercial zone, on the one hand, and, on the other, points in WV for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Cortland container Corp., 8806 Crane Ave., Cleveland, OH 44104.

MC 138297 (Sub-II–3TA), filed November 1, 1982. Applicant: CENTRAL FLORIDA COACH LINES, INC., P.O. Box 127, Mountaintop, PA 18707. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517. *Passengers and their baggage, in the same vehicle with passengers, in special and charter operations,* between the following named points and points within ten (10) miles thereof: Cocoa Beach, Orlando, St. Augustine and Tallahassee, FL; Cartersville and Savannah, GA; Lexington, KY; Chicago, IL; New Orleans, LA; Worcester, MA; Minneapolis, MN; St. Louis, MO; Atlantic City, NJ; Lumberton, NC; Boston Heights, Lima and Perrysburg, OH; Buck Horn, Dillsburg, Hazleton, Philadelphia and White Haven, PA; and Fredericksburg, Va. Supporting evidence: Verified statement of applicant.

MC 134924 (Sub-II–1TA), filed November 3, 1982. Applicant: DIRECT VAN LINES, INC., 14720 Southlawn Lane, Rockville, MD 20850. Representative: Thomas R. Kingsley, 10614 Amherst Avenue, Silver Spring, MD 20902. *Household goods,* as defined, (1) between points in the United States in and east of MN, SD, NE, CO, OK and TX, and (2) between those points in the United States in and east of MN, SD, NE, CO, OK and TX, on the one hand, and, on the other, points in the United States west of ND, SD, NE, CO, OK and TX (including AK and HI), for 270 days. An underlying ETA seeks 120 days authority. Applicant intends to interline with other carriers at Jacksonville and Pensacola, FL; Atlanta, Columbus and Macon, GA; Salinas, KS; Kenner, LA; Norfolk and Ralston, NE; Fayetteville, NC; Shawnee, OK; and Norfolk, VA. Supporting shipper: The Department of Defense as represented by the U.S. Army Legal Services Agency, 5611 Columbia Pike, Falls Church, VA. 22041.

MC 163951 (Sub-II–1TA), filed October 19, 1982. Applicant: MASON-DIXON COACH CO., P.O. Box 143, Warminster, PA 18974. Representative: C. L. Haigler (same address as applicant). *Common,* regular route: *Passengers,* from the Trailways Terminal at Philadelphia, PA, over Benjamin Franklin Bridge to Camden, NJ; from Camden, NJ, over I–676 to I–76, over I–76 to I–95, over I–95 to U.S. Route 322, over U.S. Route 322 to U.S. Route 1, over U.S. Route 1 to Baltimore Pike (near Kennett Square), over Baltimore Pike to Rising Sun, Md; from Rising Sun, MD, over Route 273 to Route 272, over Route 272 to Northeast,

MD and return, for 180 days. An underlying ETA seeks 120 days authority. Applicant intends to interline at Camden, NJ, and Phila., PA. Supporting shipper: Lincoln University, Lincoln University, PA.

MC 147465 (Sub-II–2TA), filed October 27, 1982. Applicant: MOORE & SON CO., 1101 Cable Ave., Columbus, OH 43222. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215. *Metal products* between points in Marion County, OH, on the one hand, and, on the other, points in IN, KY, MI, PA, and WV, for 270 days. Supporting shipper: Container Recovery Corp., 1550 Cascade Dr., Marion, OH 43302.

MC 163508 (Sub-II–2TA), filed November 1, 1982. Applicant: NORRIS TRANSPORT, INC., White Horse Road, Devault, PA 19432. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113. *Food and related products, materials, equipment and supplies used in the manufacture and distribution of food and related products,* between points in Chester County, PA on the one hand, and, on the other, points in AK, IA, IL, IN, KY, MI, MD, PA, TN. An underlying ETA seeks 120 days authority. Supporting shipper: Devault Packing Co., Inc., Devault Lane, Devault, PA 19432.

MC 107012 (Sub-II–246TA), filed November 8, 1982. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). *Contract,* irregular: *household goods* between points in the United States, under continuing contract(s) with E-Systems, Inc., Dallas, Texas, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: E-Systems, Inc., P.O. Box 226118, Dallas, Texas 75266.

MC 107012 (Sub-II–247TA), filed November 9, 1982. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Margaret S. Vegeler (same address as applicant). *Contract,* irregular: *General commodities* (except household goods classes A & B explosives and commodities in bulk) between points in the United States under continuing contract(s) with D.E.A. Equipment Co., Inc. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: D.E.A. Equipment Co., Inc., 1027 West 23rd St., Tempe, AZ 85281.

MC 164029 (Sub-II–1-TA), filed October 27, 1982. Applicant: OK MOVING & STORAGE CO., INC., 1129 Harmony Rd., Norfolk VA 23502. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW, Suite 1200, Washington, DC 20036. *Household goods, as defined by the Commission and General Commodities (except classes A and B explosives and commodities in bulk) restricted to transportation for the U.S. Government,* Between points in AL, CA, CT, DE, DC, FL, GA, IL, IN, ME, MD, MA, MI, MS, NH, NJ, NY, NC, OH, PA, IR, SC, TN, VT, FA, WV, and WI. Supporting shippers: (a) Arpin World forwarders, Inc., West Warwick Industrial Park, Box 1302, East Greeenwich, RI, (2) Sentry Household Shipping, Inc., 5406 Harriet St., Jacksonville, FL 32205.

MC 125168 (Sub-II–1TA), filed November 1, 1982. Applicant: OIL TANK LINES, INC., Box 190, Darby, PA 19023. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19100. *Contract,* irregular: *Petroleum, natural gas and their products* between Marcus Hook and Philadelphia, PA; Perth Amboy and Newark, NJ, on the one hand, and, on the other, points in PA and NY, under continuing contract(s) with Sun Refining & Marketing Co. An underlying ETA seeks 120 days authority. Supporting shippers: Sun Refining & Marketing Co., Wayne, PA.

MC 160520 (Sub-II–2TA), filed November 1, 1982. Applicant: OWENS & MINOR, INC., 2727 Enterprise Parkway, Richmond, VA. 23229. Representative: Paul D. Collins, 7761 Lakeforest Drive, Richmond, VA. 23235. *Contract* irregular: *Intravenous solutions, intravenous sets, and related hospital supplies, between,* (1) Capitol Heights, MD, on the one hand, and, on the other, points in DE, DC, NJ, PA and VA; (2) Columbia, SC, on the one hand, and, on the other, points in GA and NC; (3) Knoxville, TN, on the one hand, and, on the other, points in KY, VA and WV. (4) Norfolk, VA, on the one hand, and, on the other, points in MD and NC; (5) Richmond, VA, on the one hand, and, on the other, points in DC, MD, and NC; (6) Raleigh, NC, on the one hand, and, on the other, points in SC and VA, under continuing contract(s) with Abbott Laboratories, North Chicago, IL. Underlying ETA seeks authority for 120 days. Supporting shipper: Abbott Laboratories, N. Chicago, IL.

MC 157595 (Sub-II–2TA), filed October 27, 1982. Applicant: PM TRANSPORT, INC., 2459 Campbell Ave., Lynchburg, VA 24501. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. *Toluene and xylene, in bulk, in tank vehicles,* from Durham, NC to points in VA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Southchem, Inc., P.O.B. 831, Lynchburg, VA 24505.

MC 164508 (Sub-II–1TA), filed November 1, 1982. Applicant: MAJOR S. GALLOWAY, EVER READY SINGING GROUP d.b.a. PROFESSIONAL BUS SERVICE, 14461 Belvedere Dr., Woodbridge, VA 22193. Representative: Major S. Galloway (same address as applicant). *Passengers and their baggage, in charter operations,* beginning and ending in Prince Williams, Louisa and Arlington Counties, Va; Washington, DC; and Prince Georges County, MD, and extending to Philadelphia, Lancaster and Reading, PA; Atlantic City and Englishtown, NJ; Charlestown, WV; Atlanta, GA; Milwaukee, WI, Williamsburg, Richmond and Luray Caverns, VA and New York, NY, for 180 days. Supporting shippers: There are 12 supporting statements to this application which may be examined at the Philadelphia Regional office.

MC 152640 (Sub-2–13TA), filed October 27, 1982. Applicant: RAPID DISTRIBUTION SERVICE, INC., 2392 N. Dupont Hwy., Dover, DE 19901. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., N.W., Washington, DC 20005. *Such merchandise as is dealth in and distributed by retail department stores and discount houses, and materials and supplies used in the manufacture and distribution of the aforementioned commodities,* between NC, on the one hand, and, on the other, points in CA, for 270 days. Supporting shipper: Badger Sportswear West, Inc., Suite A, 10015 Muirland Parkway, Irvine, CA 92714.

MC 164438 (Sub-II–1TA), filed October 27, 1982. Applicant: SCHNEIDER'S LEASING & REPAIR, INC., d.b.a. SCHNEIDER'S TRANSPORT, 7027 Three Chopt Rd., Village Shopping Center, Richmond, VA 12116. Representative: Paul D. Collins, 7761 Lakeforest Dr., Richmond, VA 23235. *Alcoholic beverages, and materials, equipment and supplies used in the manufacture, sale and distribution of above commodity,* between York County, VA and Williamsburg, VA, on the one hand, and, on the other, Norfolk, VA and its commercial zone, having a prior or subsequent movement by water. An underlying ETA seeks 120 days authority. Supporting shippers: Anheuser-Busch Companies, Inc., St. Louis, MO.

MC 133367 (Sub-II–1TA), filed November 1, 1982. Applicant: WATSONTOWN TRUCKING CO., P.O. Box 187, Watsontown, PA 17777. Representative: Wilmer B. Hill, Suite

366, 1030 Fifteenth St. NW., Washington, D.C. 20005. (1) *Building materials and supplies, (2) equipment, materials, and supplies used in the production and distribution thereof, and (3) ground coal and ground shale, in bags,* between points in PA, on the one hand, and, on the other, points in the U.S., on and east of the Mississippi River. Supporting shippers: Masonite Corp., 12th & Mathew St., Watsontown, PA 17777; Watsontown Brick Company, P.O. Box 68, Watsontown, PA 17777; Keystone Filler & Mfg. Co. (Watsontown Products Co.), 214 Railroad St., Muncy, PA 17756.

MC 147282 (Sub-II–1TA), filed October 28, 1982. Applicant: SCOTT WEBSTER TRUCKING CO., 209 Valley Park Dr., Pittsburgh, PA 15216. Representative: Scott Webster (same address as applicant). *Contract,* irregular: *tires and/or inner tubes,* between points in DC, MD, NJ, NY, OH, PA, WV. An underlying ETA seeks 120 days authority. Supporting shipper: Titan Rubber Co., 92 19th St., Wheeling, WV 26003.

The following applications were filed in Region 3. Send protests to: ICC, Regional Authority Center, Room 300, 1776 Peachtree Street, NE., Atlanta, GA 30309.

MC 141870 (Sub-3–5TA), filed November 9, 1982. Applicant: DIVERSIFIED TRUCKING CORP., 309 Williamson Avenue, Opelika, AL 36801. Representative: Calvin R. Tuner, Jr., P.O. Box 517, Evergreen, AL 36401. *Contract,* Irregular, *General commodities (except household goods as defined by the Commission, commodities in bulk, classes A and B explosives)* between points in the United States (except AK and HI), under a continuing contract(s) with Flying H Enterprises, Inc. Supporting shipper: Flying H Enterprises, Inc.; 120 Industrial Road, P.O. Drawer 1128; Tupelo, MS 38801.

MC 157384 (Sub-3–5TA), filed November 9, 1982. Applicant: BENNY WHITEHEAD, INC., P.O. Box 46, Eufaula, AL 36027. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Contract,* irregular, *Fruit juices, including materials, equipment and supplies* used in the manufacture, sale and distribution thereof, between Lodi, NY, including its commercial zone, on the one hand, and, on the other, points in the U.S. (except AK and HI), under a continuing contract(s) with Venture Vineyards, Inc. Supporting shipper: Venture Vineyards, Inc., Upper Lake Rd., Lodi, NY 14860.

MC 105457 (Sub-3–4TA), filed November 9, 1982. Applicant: THURSTON MOTOR LINES, INC., 600 Johnston Road, Charlotte, NC 28206. Representative: John V. Luckadoo (same address as applicant). *Contract Carrier:* Irregular: *General Commodities (except Classes A & B explosives, household goods and commodities in bulk),* between points in the U.S. (except AK and HI). Supporting shipper: E. I. DuPont de Nemours & Co., Inc., 1007 Market Street, Wilmington, DE 19898.

MC 152987 (Sub-3–4TA), filed November 9, 1982. Applicant: MAGANN EQUIPMENT, INC., Gapway Road, P.O. Box 1242, Georgetown, SC 29440. Representative: W. F. Magann, Jr. (same address as applicant). *Pulp, paper, lumber, wood flour, related products.* Between Georgetown and Dorchester Counties, SC, except corporate City Limits of Georgetown, SC, on the one hand and points and places in the U.S., except AK and HI, on the other hand. Supporting shipper: Westvaco, P.O. Box 2078, Summerville, SC 29483.

MC 164461 (Sub-3–1TA), filed November 10, 1982. Applicant: JOHN YOUNG MCDANIELS d.b.a. MCDANIELS TRUCKING, Post Office Box 166, 906 North Washington, Quitman, GA 31643. Representative: Thomas F. Panebianco, P.O. Box 1200, Tallahassee, FL 32302. *Lumber and plywood,* between Havana, FL, on the one hand, and, on the other, points in GA, AL, SC and NC. Supporting shipper: Coastal Lumber Co., P.O. Box 1128, Havana, FL 32333.

MC 164631 (Sub-3–1TA), filed November 10, 1982. Applicant: DILLS AND CARPENTER TRANSIT, Route 1, Box 146, Vale, NC 28168. Representative: Gerald Dean Carpenter (same as above). *Passengers,* between Lincoln and Gaston Counties, NC, on the one hand, and, on the other, Catawba Project, York County, SC. Supporting shipper(s): There are six statements in support of this application which may be examined at the ICC Regional Office, Atlanta, GA.

MC 29904 (Sub-3–1TA), filed November 10, 1982. Applicant: SUDDATH VAN LINES, INC., P.O. Box 60069, Jacksonville, FL 32205. Representative: Robert J. Gallagher, 1000 Connecticut Avenue, NW, Suite 1200, Washington, DC 20036. *Household goods, as defined by the Commission and general commodities (except class A & B explosives and commodities in bulk),* restricted to transportation for the United States Government, between points in AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WV, WI, and WY. Supporting shippers: There are seven statements in support of this application which may be examined at the I.C.C. Regional Office, Atlanta, GA.

MC 78728 (Sub-3–1TA), filed November 10, 1982. Applicant: EVERETT EXPRESS, INC., Highway 258, North, Tarboro, NC 27886. Representative: J. D. Dorn, P.O. Box 6274, 3153 S. Military Hwy, Chesapeake, VA 23323. *Iron or steel articles and building materials,* between points in the states of NC and VA on the one hand, and, points in the states of CT, MA and RI on the other. Supporting shipper: Bristol Steel & Iron Works, Inc., P.O. Box 27532, Richmond, VA 23261.

MC 164146 (Sub-3–1TA), filed November 10, 1982. Applicant: SLOW FREIGHT LINES, INC., 7810 Rideout Road, Tampa, FL 33619. Representative: Archie B. Culbreth, Suite 570, 2200 Century Parkway, Atlanta, GA 30345. *Structural steel, bars, tubing and pipe,* between Duval, Hillsborough and Orange Counties, FL, on the one hand, and, on the other, points in AL, AR, GA, KY, LA, MS, NC, SC, TN and TX. Supporting shippers: Aetna Steel Co., P.O. Box 2090, Jacksonville, FL 32203; General Equipment Service Co., 5209 24th Avenue, South, Tampa, FL 33619; Industrial Supply Corporation, 2620 No. 35th St., Tampa, FL 33675; Tampa Bay Steel Corporation, 8419 Sabal Industrial Blvd., Tampa, FL 33619.

MC-140902 (Sub-3–18TA), filed November 10, 1982. Applicant: DPD, INC., 3600 N.W. 82nd Avenue, Miami, FL 33166. Representative: Dale A. Tibbets (same address as applicant). *Contract;* irregular; *bandsaw blades, chopper plates and knives, and related materials, equipment and supplies* from St. Louis, MO to points in the contiguous United States under continuing contract(s) with Keene Corporation: Cutting Services Division. Supporting Shipper: Keene Corporation: Cutting Services Division, 1569 Tower Grove Avenue, St. Louis, MO 63110.

The following applications were filed in region 4: Send Protests To: ICC, Complaint and Authority Branch P.O. Box 2980, Chicago, IL 60604.

MC 19778 (Sub-4–2TA), filed November 2, 1982. Applicant: THE MILWAUKEE MOTOR TRANSPORTATION COMPANY, 516 W. Jackson Blvd., Suite 286, Chicago, IL 60606. Representative: Robert F. Munsell, 516 W. Jackson Blvd., Suite 286, Chicago, IL 60606. *General Commodities* (except Classes A and B Explosives), between Chicago, IL and Milwaukee, WI on the one hand, and on the other Racine, WI. Supporting Shipper: Chicago, Milwaukee, St. Paul and Pacific

Railroad Company, 516 W. Jackson Blvd., Chicago, IL 60606.

MC 113855 (Sub-4–6TA), filed November 2, 1982. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE, Rochester, MN 55901. Representative: Thomas J. Van Osdel, 15 Broadway—Suite 502, Fargo, ND 58102. *Contract* irregular; *general commodities* (except household goods, commodities in bulk and classes A and B explosives), between points in the U.S. (except HI), under a continuing contract(s) with American Standard, Inc., its subsidiaries and affiliates. Supporting shipper: American Standard, Inc., P.O. Box 2003, New Brunswick, NJ 08903.

MC 125543 (Sub-4–1TA), filed November 5, 1982. Applicant: PERISHABLE SERVICES, INC., 770 North Springdale Road, Waukesha, WI 53186. Representative: Richard A. Westley, Attorney, 4506 Regent Street, Suite 100, P.O. Box 5086, Madison, WI 53705–0086. *Food and related products* from the facilities utilized by M & M Mars, Division of Mars, Inc. at or near Melrose Park, IL to all points in WI and the Upper Peninsula of MI. Supporting Shipper, M & M Mars, Division of Mars, Inc., High Street, Hackettstown, NJ 07840.

MC 141951 (Sub-No. 4–2), filed November 2, 1982. Applicant: MARY DICK and HOLLIS DICK, d.b.a. H. O. DICK TRANSFER CO., P.O. Box 307, Bethany, IL 61914. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. *Contract,* irregular, *Sulphuric acid and alcohol,* between Tuscola, IL on the one hand and on the other, points in IN, KY, MI, MO, OH, TN and WI. Restricted to traffic moving under continuing contract(s) with U.S. Industrial Chemicals Company, a Division of National Distillers & Chemical Corp. Supporting shipper: U.S. Industrial Chemicals Company, a Division of National Distillers & Chemical Corp., P.O. Box 218, Tuscola, IL 61953.

MC 150247 (Sub-4–5), filed November 3, 1982. Applicant: VAN EeRDEN TRUCKING COMPANY, INC., 1150 Freeman, S.W., Grand Rapids, MI 49503. Representative: J. Michael Smith, 800 Calder Plaza Building, Grand Rapids, MI 49503. *Transporting food and related products* from points in the State of MI, on the one hand, to points in the States of AL, AZ, AR, CA, CO, FL, GA, IA, ID, IL, IN, KS, KY, LA, MN, MO, MS, NE, NM, NV, NC, OH, OK, OR, SC, TN, TX, UT, VA, WA, WV, WI and WY, on the other hand. There are thirteen supporting shippers.

MC 150273 (Sub-4–2TA), filed November 5, 1982. Applicant: TRANSIT SERVICING, INC., 8121–C East 34 Road, Cadillac, MI 49601. Representative: Burton A. Hines, Sr., 121 North Mitchell Street, Cadillac, MI 49601, Tele. No. (616) 775–8513. *General commodities (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment)* from, trucking terminals of common carriers at or near Grand Rapids, MI on the one hand and on the other, points north of Grand Rapids, MI in the lower Peninsula of MI and the entire upper peninsula of MI, restricted to traffic having a prior or subsequent interstate movement and destined to or originating at K Mart stores. "An underlying ETA granted November , 1982 for 90 days effective November , 1982 under Docket No. MC–150273 R4 ." Supporting shipper: K Mart Corporation, International Headquarters, 3100 W. Big Beaver Road, Troy, MI 48084.

MC 155300 (Sub-4–3TA), filed November 4, 1982. Applicant: WIARD'S TRUCKING, INC., 5565 Merritt Road, Ypsilanti, MI 48197. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Contract Irregular: Miscellaneous Products of Manufacturing,* between Taylor, MI on the one hand, and, on the other, points in the United States except AK, HI. Restricted to traffic moving under continuing contract with Circus World Toy Stores, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Circus World Toy Stores, Inc., 21120 Trolley Industrial Drive, Taylor, MI 48180.

MC 162380 (Sub-4–2TA), filed November 3, 1982. Applicant: CMM TRANSPORTATION, INC., Abbott Park, North Chicago, IL 60064. Representative: Edward G. Bazelon, 135 South LaSalle Street, Chicago, IL 60603. *Contract,* Irregular: (1) *Frozen bakery products,* from King of Prussia, PA to Syracuse, NY; Atlanta, GA; Chicago, IL, and Dallas, TX, under continuing contract(s) with Chief Bakeries of King of Prussia, PA; (b) *lens products and saline solutions,* from Baltimore, MD, and Lakewood, NJ, to Chicago, IL, and points in its commercial zone, under continuing contract(s) with Bausch & Lomb, Inc., of Rochester, NY; (c) *vegetable oil and vegetable oil shortenings,* from Columbus, OH, to points in NC and VA, under continuing contract(s) with Stokely Van Camp of Columbus, OH, and (d) *food and related products,* from Franklin Park, IL, to Rocky Mount, NC, under continuing contract(s) with Fearn International Inc. of Franklin Park, IL, for 270 days. Supporting shippers: Chef Bakeries, Hansen Access Road, King of Prussia, PA 19406; Bausch & Lomb, Inc., 50 Spencerport Road, Rochester, NY 14606; Stokely Van Camp, Industrial Products Groups, P.O. Boc 569, Columbus, OH 43216, and Fearn International Inc., 9353 Belmont Avenue, Franklin Park, IL.

MC 163655 (Sub-4–2TA), filed November 3, 1982. Applicant: T.S.R. INC., Suite 225, 26400 Van Born Road, Dearborn Heights, MI, 48125. Representative: P. L. Graham, Sr., c/o Redd & Grey—PO Box 37, Lincoln Park, MI, 48146. *Metal products, building* and *construction materials* (except commodities in bulk), between Wayne, County, MI, and Alameda County, CA, on the one hand, and, on the other, points in the United States (except AK and HI) An underlying ETA seeks 90 days authority. Restricted to the Supporting Shipper: Unistrut Division of G.T.E. Products Corporation, 35005 Michigan Ave. West, Wayne, MI 48184.

MC 163873 (Sub-4–2TA), filed November 2, 1982. Applicant: TIM'S MOTOR SERVICE, INC., P.O. Box 501, Bensenville, IL 60106. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603. Paper and paper articles, from the facilities of Akers Packaging Service, Inc. located at or near Chicago, IL, to points in IN and OH. Supporting shipper: Akers Packaging Service, Inc., 1037 East 87th Street, Chicago, IL 60619.

MC 164537 (Sub-4–1TA), filed November 3, 1982. Applicant: ALBERT SCHMIDT, d.b.a. A AND J CONTRACT CARRIERS, 1201 Frost Ave., Maplewood MN 55109. Representative: Marquita J. Finley, James F. Finley & Associates, P.A., AAA Bldg., Suite 200, 170 E. 7th Place, St. Paul, MN 55101. *Contract* irregular, *Residential appliances, carpeting and industrial tools,* between all points in MN, WI, IA, ND & SD under a continuing contract with Sears, Roebuck and Co. Supporting shipper: Sears, Roebuck and Co., 7447 Skokie Blvd., Skokie, IL 60077.

MC 164545 (Sub-4–1TA), filed November 2, 1982. Applicant: MAUSTON FARMERS TRANSPORT COOPERATIVE, 310 Prairie St., Mauston, WI 53948. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Contract;* irregular; *petroleum, chemicals, fertilizer and related products* between Dubuque and Clinton, IA and LaSalle, Ottawa, Peru and Chicago, IL on the one hand, and, on the other hand, points within Juneau

County, WI. Restriction: restricted to transportation performed under continuing contract(s) with Mauston Farmers Cooperative Association. Supporting shipper: Mauston Farmers Cooperative Association, 310 Prairie St., Mauston, WI 53948.

MC 164546 (Sub-4–1TA), filed November 3, 1982. Applicant: C.U. TRANSIT COOPERATIVE, 218 South Main Street, Cottage Grove, WI 53527. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Contract;* irregular; *petroleum, chemicals, fertilizer and related products* between Dubuque and Clinton, IA and LaSalle, Ottawa, Peru and Chicago, IL, on the one hand, and, on the other hand, points within Dane, Columbia, Jefferson, Rock and Green Counties, WI. Restriction: restricted to transportation performed under continuing contract(s) with Dane County Farmers Union Coop. Supporting shipper: Dane County Farmers Union Coop, 218 South Main Street, Cottage Grove, WI 53527.

MC 164559 (Sub-4–1TA), filed November 4, 1982. Applicant: CHICAGO STEEL SERVICE, INC., 4344 West 45th Street, Chicago, IL 60632. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Contract;* irregular; *metal and related products* between Chicago, IL, on the one hand, and, on the other hand, points within IA, IN, MI, MN, MO and WI. Restriction: restricted to transportation performed under continuing contracts(s) with Metal Source, Inc., Great Western Division, Triumph Industries, Division of Metal Source, Inc. and House of Stainless, Inc. Supporting shippers: Metal Source, Inc., Great Western Division, 2310 West 58th Street, Chicago, IL 60638; Triumph Industries, Division of Metal Source, Inc., 8687 South 77th Avenue, Bridgeview, IL 60455; House of Stainless, Inc., 4444 South Kildare Road, Chicago, IL 60632.

MC 2990 (Sub-6–1), filed November 8, 1982. Applicant: BLUE ARROW, INC., 525 Burton St., S.W., Grand Rapids, MI 49507. Representative: George Willemstein, 525 Burton St., S.W., Grand Rapids, MI 49507. *General Commodities* between Chicago, IL, on the one hand, and, on the other hand, points in the State of WI located in the Counties of Dane, Dodge, Fond Du Lac, Green, Jefferson, Kenosha, Milwaukee, Ozawke, Racine, Rock, Sheboygan, Walworth, Washington and Waukesha. Supporting shippers: 50.

MC 15735 (Sub-4–38TA), filed November 8, 1982. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Richard V. Merrill, P.O. Box 4403, Chicago, IL 60680. *Contract* irregular: *Household goods* between points in the U.S. (except AK and HI) under a continuing contract with Ford Motor Company and its subsidiaries and affiliates. Supporting shipper: Ford Motor Company of Dearborn, MI and its subsidiaries and affiliates.

MC 111496 (Sub-4–7TA), filed November 8, 1982. Applicant: TWIN CITY FREIGHT, INC., 2550 Long Lake Road, Roseville, MN 55113. Representative: Thomas J. Van Osdel, 15 Broadway, Suite 502, Fargo, ND 58102. *General commodities* (except household goods, commodities in bulk and classes A and B explosives), between points in MN, ND, SD, MT, WY, CO, ID, OR, and WA, on the one hand, and, on the other, points in the U.S. (except HI). There is no supporting shipper.

MC 134167 (Sub-4–2TA), filed November 9, 1982. Applicant: CARRIER SERVICE CO. OF WISCONSIN, INC., 2621 South 5th Place, Milwaukee, WI 53207. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. *Contract* irregular: *Metal parts* from Milwaukee, WI to Chicago, IL; Raleigh, Wendell, Research Triangle Park and Durham, NC, under continuing contract(s) with Geuder Paeschke & Frey Company. Authority sought for 270 days. Underlying ETA seeks 120 days authority. Supporting shipper: Geuder Paeschke & Frey Company, 324 North 15th Street, Milwaukee, WI 53201.

MC 143230 (Sub-4–6TA), filed November 9, 1982. Applicant: LUCK TRUCKING, INC., Rural Route 1, Box 190, Wolcott, IN 47995. Representative: Norman R. Garvin, Scopelitis & Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204. (1) *Lawn and garden products* (except in bulk), from Marysville, OH to points in the U.S. (except AK and HI); (2) *Machine tools,* from Ft. Wayne, IN to points in KY, MI, and OH; (3) *Insecticides, fungicides and herbicides in packages,* liquid or dry, from Ft. Madison, IA to points in the U.S. (except AK and HI); (4) *Drugs, medicine, toilet prepatories and chemcials No. 1,* from Elkhart, IN and Dayton, OH to Los Angeles and San Franciso, CA; Dallas and Houston, TX; Atlanta and Savannah, GA; and Knoxville, TN; (5) *Adhesives and caulking materials,* and materials, equipment and supplies used in manufacture and distribution, between Columbus, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI). Five supporting shippers.

MC 151664 (Sub-4–3TA), filed November 9, 1982. Applicant: SPRINT, INC., 3108 Gilead Ave., Zion, IL 60099. Representative: Alan J. Wolf, of Robbins, Coe, Ruebenstein & Shafran Ltd., 69 W. Washington St., Chicago, IL 60602. *Health care products, health care related products, printed matter, blood* and *blood components, lithographic materials, offset films, machine parts,* except in bulk and in tank vehicles, between points in North Chicago, Waukegan, and Zion, IL and the counties of Kenosha, Racine, Milwaukee, Waukesha and Dane Counties of WI. Supporting Shippers: Abbott Laboratories, 1400 Sheridan Rd., North Chicago, IL 60604, Jacob Blumberg Memorial Blood Bank, 1350 N. Sheridan Rd., Waukegan, IL 60085, Charles Munder Co., 2771 Galilee Ave., Zion, IL 60099.

MC 151886 (Sub-4–2TA), filed November 9, 1982. Applicant: BERGER TRANSPORT, INC., 3856 Knapp Street Road, Oshkosh, WI 54901. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Contract;* irregular; *petroleum and related products* from Green Bay, WI to points within the Upper Peninsula of Michigan. Restriction: restricted to transportation performed under continuing contract(s) with Marathon Petroleum Company. Supporting shipper: Marathon Petroleum Company, 539 South Main Street, Findlay, OH 45840.

MC 152257 (Sub-4–4TA), filed November 10, 1982. Applicant: LORDCO TRUCKING, INC., 535–F Tollgate Road, Elgin, IL 60120. Representative: Paul J. Maton, 27 East Monroe Street, Suite 1000, Chicago, IL 60603. *Contract;* irregular: *Food and Related Products* between La Crosse, WI and Toledo, OH under continuing contract(s) with Z & Z Distributing Company of Toledo, OH. An underlying ETA seeks 120 days authority. Supporting shipper: Z & Z Distributing Company, 4401 LaGrange Street, Toledo, OH 43612.

MC 157240 (Sub-4–1TA), filed November 9, 1982. Applicant: KOTTKE TRUCKING, INC., P.O. Box 206, Buffalo Lake, MN 55314. Representative: Robert D. Gisvold, 121 South 8th Street, 1600 TCF Tower, Minneapolis, MN 55402. *Polyethylene septic and agricultural storage tanks,* from points in Hennepin County, MN to points in AZ and CO. Supporting shipper: Norwesco, Inc., 4365 Speiner St, St. Bonifacius, MN 55375.

MC 160706 (Sub-4–1), filed November 9, 1982. Applicant: CHARLES FOLKENS, Rural Route #1, Big Lake, MN 55309.

Representative: Samuel Rubenstein, Post Office Box 5, Minneapolis, MN 55440. *Contract,* irregular route, Plumbing and Heating Supplies, between points in the U.S. (except AK and HI) under continuing contract(s) with Roberts Hamilton Co., Golden Valley, MN. Supporting shipper: Roberts Hamilton Co., 800 Turners Cross Rts, Golden Valley, MN.

MC 164539 (Sub-4–1), filed November 9, 1982. Applicant: BRUMATH HORSE TRANSPORT, INC., 7022 N. Highway 83, Hartland, WI 53029. Representative: Bernie Traurig (address same as above). *Show horses* between points in AR, AZ, CA, CO, CT, DC, DE, FL, IA, IL, IN, KY, MD, MI, MN, MO, NJ, NY, OH, PA, TN, TX, VA, WI, for 270 days. An underlying ETA seeks 180 days authority. Supporting shippers are: Brumath, 7022 N. Highway 83, Hartland, WI 53029; Windie Hill Farm, 810 Panorama Drive 2–B, Palatine, IL 60067; Eastern States Horse Transport, Inc., Box 451, 495 Old York Road, Jenkintown, PA 19046; and Hunterdon, Inc., R.D. #1, Box 319, Pittstown, N.J. 08867.

MC 164622 (Sub-4–1), filed November 9, 1982. Applicant: TERRY MARCH d.b.a. RED LINE TRUCKLINE, 723 E. Second St., Redwood Falls, MN 56283. Representative: Wolfgang Sarrazin of Foreman & Ebbesen, Attorneys at Law, P.O. Box 127, Redwood Falls, MN 56283. *Contract,* irregular: *Transporting automotive supplies and parts* and other automotive related merchandise between points in the U.S. under continuing contract with NAPA Owatonna Distribution Center, 3000 Park Drive, Owatonna, MN 55060. Supporting shipper: NAPA Owatonna Distribution Center, 3000 Park Drive, Owatonna, MN 55060.

The following applications were filed in Region 5. Send Protest to: Consumer Assistance Center, Interstate Commerce Commission, 411 West 7th Street, Suite 500, Fort Worth, TX 76102.

MC 61440 (Sub-5–17TA), filed November 8, 1982. Applicant: LEE WAY MOTOR FREIGHT, INC., P.O. Box 12750, Oklahoma City, OK 73157. Representative: T. M. Brown (same as above). *Contract,* irregular: *General Commodities (except HHG's, Classes A & B explosives, and commodities in bulk)* between points in the U.S. (except AK and HI) under continuing contracts with E. I. duPont de Nemours and Co., of Wilmington, DE, and its subsidiaries: Remington Arms Co., Inc.; Endo Labs, Inc.; Endo, Inc.; Endo Pharmaceuticals, Inc.; New England Nuclear Corp.; Conoco, Inc.; Fairmont Supply Co.; Douglas Oil Co. of CA; Continental Carbo Co.; Kayo Oil Co.; Pitt-Concol. Chemical Co.; and Western Oil and Fuel Co.

MC 138104 (Sub-5–14TA), filed November 8, 1982. Applicant: MOORE TRANSPORTATION CO., INC., 3509 N. Grove Street, Fort Worth, TX 76106. Representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. *Coal, and Petroleum or Coal Products,* (1) between points in TX, LA, AR, OK, and NM, and (2) between points in TX, LA, AR, OK, and NM, on the one hand, and, on the other, points in the US except AK and HI. Supporting shipper(s): Gifford-Hill & Co., Inc., Dallas, TX, Texas Industries, Inc., Arlington, TX, Chemical Lime, Inc., Ft. Worth, TX, Round Rock Lime Co., Blum, TX.

MC 146336 (Sub-5–20TA), filed November 8, 1982. Applicant: WESTERN TRANSPORTATION SYSTEMS, INC., 1609–109th Street, Grand Prairie, TX 75050. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. *Contract,* irregular: *Synthetic resin granules* (1) from Atlanta, GA to Detroit, MI, Cranford, NJ and Forest City, NC; (2) from Houston, TX to Atlanta, GA, Nashville, TN and Detroit, MI; (3) from Lake Charles, LA to Atlanta, GA and Nashville, TN; (4) from Cranford, NJ to Forest City, NC, under continuing contract(s) with Dansco Corporation. Supporting shipper(s): Dansco Corporation, Atlanta, GA.

MC 162005 (Sub-5–2TA), filed November 8, 1982. Applicant: MORRIS THOMPSON d.b.a. MORRIS THOMPSON TRUCKING, Box 43, Route #3, Tecumseh, OK 74873. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154. (1) *Axles and brake parts* from the facilities of Kelsey Axle and Brake Division, Kelsey Hayes Company, at or near Seminole, OK to Cheno, CA and McMinville, OR; and (2) *materials and supplies used in the manufacture of axles and brake parts* from Fairfield, AL to the facilities of Kelsey Axle and Brake Division, Kelsey Hayes Company at or near Seminole, OK. Supporting shipper: Kelsey Axle and Brake Division, Kelsey Hayes Company, Seminole, OK.

MC 164320 (Sub-5–1TA), filed November 8, 1982. Applicant: JACK E. WASHBURN d.b.a. WASHBURN WHEAT FLOUR CO., 4149 Clarendon, Wichita, KS 67220. Representative: Jack E. Washburn (same as applicant). *Contract,* irregular: *Bulk and Sacked Flour,* between Wichita, KS on the one hand, and on the other, points in the U.S. under continuing contract with Ross Ind., Dept. of Cargill, Inc., Wichita, KS.

MC 164426 (Sub-5–1TA), filed November 9, 1982. Applicant: ALBERT MOVING & STORAGE, P.O. Box 1919, Wichita Falls, TX 76307–1919. Representative: David Earl Tinker, 1000 Connecticut Ave., NW., Suite 1112, Washington, DC 20036–5391. *Household Goods,* between points in the U.S. (including AK and HI, but excluding VT), restricted to the transportation of traffic handled for or on behalf of the U.S. Government.

MC 164598 (Sub-5–1TA), filed November 5, 1982. Applicant: K.C. CHAMBLESS d.b.a. CHAMBLESS ENTERPRISES, P.O. Box 386, Texarkana, AR 75504. Representative: William R. Chambless, (same as applicant). *General commodities (except Classes A and B explosives, commodities in bulk and uncrated household goods).* Between points in AR, LA, OK, TX and TN (Memphis only). Supporting shippers: Ark-La Concrete, Magnolia, AR. Buzzie's Repair Service, Inc., Texarkana, TX, Archery World, Texarkana, AR, Texarkana Wood Preserving Co., Texarkana, TX, Fouke Food Center Feed and General Merchandise, Fouke, AR.

MC 164604 (Sub-5–1TA), filed November 8, 1982. Applicant: W.A. FERGUSON AND TOMMY FERGUSON d.b.a. FERGUSON FARMS TRANSPORTATION, P.O. Box AB, Green Forest, AR 72638. Representative: Don Garrison, Post Office Box 1065, Fayetteville, AR 72702. *Malt Beverages and Empty Beverage Containers*— Between Pulaski, Sebastian and Washington Counties, AR, on the one hand, and on the other, points in AL, GA, IA, MN, MO, MS, NE, TN and WA. Supporting shippers: Midwest Beverage Company, Ft. Smith, AR; Malczycki Beverages, Inc., Fayetteville, AR.

MC 164617 (Sub-5–1TA), filed November 9, 1982. Applicant: RUSSELL D. VASSAR, d.b.a. VASTONE CO., R.R. #2, Tonganoxie, KS 66086. Representative: Russell D. Vassar (same as applicant). *Contract,* irregular: *General commodities (except Classes A & B explosives),* between Kansas City, KS, on the one hand, and on the other, points in IA, KS, MO, NE and OK. Supporting shipper: KRJ Systems, Inc., Shawnee Mission, KS.

The following applications were filed in Region 6, Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, 211 Main St., Suite 501, San Francisco, CA 94105.

MC 164624 (Sub-6–1TA), filed November 8, 1982. Applicant: PEGGY ANN THRONSON d.b.a. CHUCK–A–LUCK COMPANY, 3717 Locarno Dr.,

Anchorage, AK 99504. Representative: Peggy Ann Thronson, 3717 Locarno Dr., Anchorage, AK 99504. (1) *General commodities* (except class A & B explosives and household goods), between all points in the U.S. including AK and HI, for 270 days.

MC 164638 (Sub-6–1TA), filed November 10, 1982. Applicant: COMMODITY CARRIERS, INC., P.O. Box 11040, Denver, CO 80211. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St. NW., Washington, D.C. 20005. *Food and related products,* between Denver, Sterling and Fort Morgan, CO, and points in their respective commercial zones, on the one hand, and, on the other, points in the U.S. (except AK and HI), for 270 days. Supporting shipper: Sterling Beef Company, Inc., P.O. Box 487, Fort Morgan, CO 80701.

MC 144806 (Sub-6–1TA), filed November 8, 1982. Applicant: FRED M. ANDERSON d.b.a. DELTA VALLEY TRUCKING, POB 51, Delta, UT 84624. Representative: Bruce W. Shand, Ste. 280, 311 S. State St., Salt Lake City, UT 84111. *Contract carrier,* irregular routes, *Such commodities as are dealt in by wholesale and retail groceries, and food business houses,* from points in WA, OR, ID, MT, CO, and CA to points in Salt Lake County, UT for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: American Strevell, Inc., P.O. B. 26587, 2505 W. 1500 S., Salt Lake City, UT.

MC 123602 (Sub-6–1TA), filed November 5, 1982. Applicant: FASTEST WAY MOTOR FREIGHT, INC., East 3417 Springfield, Spokane, WA 99202. Representative: James E. Wallingford, P.O. Box 2647, Spokane, WA 99220. *General commodities (excluding household goods)* which have had prior or subsequent movement in interstate commerce to and from Spokane, WA, and State of WA counties of Chelanm, Douglas, Ferry, Grant, Okanogan, Spokane and Stevens; for a period of 270 days. Supporting shippers:—Best Way Motor Freight, 6440 So. 143rd St., Seattle, WA 98168; Nabisco, Inc., E. 4000 Broadway, Spokane, WA 99202; Amfac Electric Supply Co., E. 3420 Ferry, Spokane, WA 99202; Prudential Distributors, Inc., E. 3304 Ferry, Spokane, WA 99202.

MC 164626 (Sub-6–1TA), filed November 10, 1982. Applicant: HATHAWAY MEATS, INC., d.b.a. HATHAWAY TRUCKING, P.O. Box 13347, Spokane, WA 99213. Representative: James E. Wallingford, P.O. Box 2647, Spokane, WA 99220. *Food and related products,* between points in ID, MT, and WA for 270 days. Supporting shippers: B & C Meats, Inc., 1021 Bryden Ave., Lewiston, ID 83501; Arctic Meats, Inc., 1007 E. Idaho, Kalispell, MT; Produce Supply Co.; Hathaway Meats, Inc., P.O.B. 13347, Spokane, WA 99213.

MC 164605 (Sub-6–1TA), filed November 8, 1982. Applicant: JOSEPH & JEARLDENE FARIA, d.b.a. J & J TRUCKING CO., 41623 W. Valeria, Dos Palos, CA 93620. Representative: Jack L. Schiller, 111–56 76th Dr., Forest Hills, NY 11375. *Contract,* irregular: *Industrial fasteners* from Los Anglese, CA, to Seattle, WA, under account with John Perine Co. of Seattle, WA; Northwest Bolt and Nut Co. of Seattle, WA; and Tacoma Screw Products, Inc. of Tacoma, WA for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: John Perine Co., 820 S. Adams St., Seattle, WA; Northwest Bolt and Nut Co., P.O.B. 70648, Seattle, WA; Tacoma Screw Products, Inc., 2001 Center St., Tacoma, WA.

MC 164625 (Sub-6–1TA), filed November 8, 1982. Applicant: SHAEN MAGAN TRUCKING, 7580 Rasmussen Rd., Visalia, CA 93278. Representative: Shaen Magan (same address as applicant). *Contract Carrier,* Irregular routes: (1) *Sulphur,* from points in Los Angeles County, CA. to points in Nye County, NV., for the account of Chevron Chemical Co.; (2) *petroleum oil,* from points in Nye County, NV to points in Los Angeles County, CA, for the account Crest Trading Co.; (3) *flat glass,* from points in Fresno County, CA to points in Clark County, NV, for the account of Guardian Industries Corp., for 270 days. Supporting Shipper(s): Chevron Chemical Co., 1052 E. Shaw, Fresno, CA 93710 (2) Crest Trading Co., 1601 Skyway Dn., Bakersfield, CA 93308 and (3) Guardian Industries Corp., 11535 E. Mountain View, Kingsburg, CA 93631.

MC 149100 (Sub-6–15TA), filed November 5, 1982. Applicant: JIM PALMER TRUCKING (a corporation), 9730 Derby Dr., Missoula, MT 59801. Representative: John T. Wirth, 717–17th St., Ste. 2600, Denver, CO 80202–3357. *Contract Carrier,* irregular routes: *Lumber and wood products,* from points in WA, OR, CA, ID and TX to points in the U.S. (except AK and HI), under continuing contract(s) with Old Town Lumber & Millwork, Inc. of Folsam, CA, for 270 days. Supporting Shipper: Old Town Lumber & Millwork, Inc., P.O. Box 763, Folsom, CA 95630.

MC 159831 (Sub-6–2TA), filed November 4, 1982. Applicant: ROLAND I. NISEWANDER, JR. d.b.a. R & E TRUCKING, 1906 W. Oak—POB 2214, Fullerton, CA 92633. Representative: Donald R. Hedrick, POB 4334, Santa Ana, CA 92702. *Contract Carrier,* irregular routes: *Paper and related products;* and, *printed matter,* between points in Los Angeles and Orange County, CA, on the one hand, and, on the other, points in CA, AZ, NV, OR, WA, UT, ID, CO, NM and TX, for the account of Georgia Pacific Corporation, International Paper Company and S.C.M. Walton Printing, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting Shippers: Georgia Pacific Corporation, 6300 Regio Ave., Buena Park, CA, 90620; International Paper Company, 1350 E. 223rd St., Carson, CA, 90745; and, S.C.M. Walton Printing, Inc., 6400 Artesia Blvd., Buena Park, CA, 90620.

MC 164104 (Sub-6TA), filed November 5, 1982. Applicant: SITTER'S TRANSPORT LIMITED, 406 1st Ave., Kindersley, Saskatchewan S0L1S0. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Contract* irregular: *uranium oxide* (U308) from North Portal, ND International Boundary Line to Gore, OK or Metropolis, IL, under continuing contract with Uranerz Exploration & Mining Ltd. of Saskatoon, CD. Supporting shipper: Uranerz Exploration & Mining Ltd., 229 4th Ave., S. No. 204, Saskatoon, CD S7K4K3.

MC 164578 (Sub-6–1TA), filed November 4, 1982. Applicant: TRUCK CONTROL SERVICE, INC., 7017 N. 56th Avenue, Glendale, AZ 85301. Representative: Phil B. Hammond, 3003 N. Central, Suite 2201, Phoenix, AZ 85012. *Contract Carrier:* Irregular routes: *wire, cable, paint, spools and rubber and plastic products* between Phoenix, AZ; Wallingford, CT; and Chatham, VA, on the one hand, and, on the other, points in AZ, LA, CA, IL, IA, WI, CO, TX, IN, NY, NJ, WA, OH, NM, CT, OR, MO, MA, MI, TN, NV, RI, OK, VA, UT, PA, MD, FL, MN, NH and ND, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Times Wire and Cable Co., 358 Hall Avenue, Wallingford, CT 06492.

MC 153480 (Sub-6–4TA), filed November 10, 1982. Applicant: RICHARD P. WARD d.b.a. WARD, DISTRIBUTING COMPANY, P.O. Box 713, Alamosa, CO 81101. Representative: Jean Paul Jones, P.O. Box 1034, Alamosa, CO 81101. *Malt beverages and related advertising materials and empty used beverage containers and materials and supplies* used in and dealt with by breweries from, to, or between the following points: Fort Worth, TX to all points in CO, for 270 days. Supporting shipper: High Country Sales, Inc., 4110

High Country Road, Colorado Springs, CO 80907.

MC 152785 (Sub-6–2TA), filed November 4, 1982. Applicant: WILLIAM H. CHAMBERS and WILLIAM J. CHAMBERS, a partnership, d.b.a. WESTWAY TRANSPORTATION CO., 153 Valencia Dr., Camarillo, CA 93010. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306. *Such commodities as are dealt in or used by distributors of meat, frozen foods, hotel supplies, and bakery goods,* from Vancouver, WA, on the one hand, to Scottsdale, AZ and San Jose, CA, on the other, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: M & P Meat Supply, Inc., 4011 Maine St., Vancouver, WA 98663.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–31889 Filed 11–19–82; 8:45 am]

BILLING CODE 7035–01–M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Advisory Committee on Voluntary Foreign Aid; Meeting

Pursuant to the Federal Advisory Committee Act, notice is hereby given of a meeting sponsored by the Advisory Committee on Voluntary Foreign Aid which will be held on December 15, 1982 (From 10:00 a.m. to 12:00) in the Board Room of the Cooperative League of the USA (CLUSA), 1828 L Street, NW., Suite 1100, Washington, D.C.

This will be an informal briefing for the PVOs and Corporations interested in working in Jamaica.

At this meeting, plans will also be made for PVO-Corporate subcommittee meeting in Jamaica during the March ACVFA meeting, 6–10, 1983.

It is suggested that those desiring further information contact Karla Milanette (202) 638–5368 or by mail c/o the Advisory Committee on Voluntary Foreign Aid, Agency for International Development, Washington, D.C. 20523.

Dated: November 10, 1982.

Julia Chang Bloch,

Assistant Administrator, Bureau for Food for Peace and Voluntary Assistance.

[FR Doc. 82–31877 Filed 11–19–82; 8:45 am]

BILLING CODE 6116–01–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 80–36]

Jefferson Drugs; Revocation of Registration; Denial of Application

This proceeding before the Drug Enforcement Administration [DEA] was initiated by issuance of an Order to Show Cause which proposed to revoke DEA Certificate of Registration AS0589258, previously issued to Jefferson Drugs [Respondent], of 929 Walnut Street, Philadelphia, Pennsylvania, and to deny the Respondent's pending application for renewal of its registration. This action was predicated upon the felony conviction of David Schwartz, the proprietor of the Respondent pharmacy. Mr. Schwartz requested a hearing on the issues raised by the Order to Show Cause and this matter was placed on the docket of Administrative Law Judge Francis L. Young.

Following the completion of prehearing procedures, two evidentiary hearing sessions which were held in Washington, D.C., and additional procedures and filings after the hearing sessions, the Administrative Law Judge issued his Opinion and Recommended Ruling, Findings of Fact, Conclusions of Law and Decision, hereinafter referred to as the Administrative Law Judge's "opinion." Pursuant to the provisions of 21 CFR 1316.65, the Administrative Law Judge caused copies of his opinion to be served on counsel for the Government and counsel for the Respondent. The Respondent filed exceptions to the Administrative Law Judge's opinion and simultaneously filed a petition to be heard by the Administrator with respect to "imposition of penalty." Counsel for the Government filed a letter supporting the Administrative Law Judge's opinion and opposing the Respondent's petition. These documents were made part of the record of this proceeding. The Respondent also filed a separate letter relating to the medical condition of Mr. Schwartz's wife. This letter has also been incorporated into the record.

Pursuant to the provisions of 21 CFR 1316.65, the Administrative Law Judge has certified the entire record of this proceeding to the Acting Administrator. Now, pursuant to 21 CFR 1316.67, the Acting Administrator hereby publishes his final order in this matter.

The Administrative Law Judge devoted some seven pages of his opinion to specific findings of fact. These findings are relevant and are supported by the preponderance of the evidence. There is no need to repeat them here at length. The Acting Administrator adopts the recommended rulings, findings of fact and conclusions of law of the Administrative Law Judge in their entirety.

The record establishes that from early 1975 until some time in 1978, Mr. Schwartz, the owner and operator of the Respondent pharmacy, illegally sold Schedule II controlled substances without prescriptions. He sold Preludin [phenmetrazine] tablets on essentially a weekly basis, 100, 200 or 300 tablets at a time, to one Ivy Taylor. Mr. Schwartz charged Ms. Taylor $100 to $150 per 100 tablets. Schedule II substances, like Preludin, are subject to the requirements of 21 U.S.C. 829(a) and 21 CFR 1306.11. Except in certain emergency situations, a pharmacist may dispense such substances only pursuant to a written prescription.

In November of 1978, Ms. Taylor began to cooperate with law enforcement authorities investigating Mr. Schwartz and others. Thereafter, on November 28, 1978, December 13, 1978, and January 10, 1979, under the control and direct surveillance of DEA agents and personnel of the Pennsylvania Bureau of Drug Control, Ms. Taylor again purchased Preludin from Mr. Schwartz in the Respondent pharmacy without prescriptions. On each of these occasions, Ms. Taylor purchased 100 Preludin or phenmetrazine tablets and was charged $200 per 100 tablets. Following the last buy, Mr. Schwartz was arrested and $200 in marked official funds were found on his person.

On June 26, 1979, following his plea of *nolo contendere* to the charges arising from his three final sales of Preludin to Ms. Taylor, Mr. Schwartz was convicted of the three felony offenses referred to in the Order to Show Cause. A conviction entered upon a plea of *nolo contendere* is a conviction for purposes of revoking a registration under 21 U.S.C. 824(a)(2). *Sokoloff* v. *Saxbe,* 501 F.2d 571 (2nd Cir., 1974); *Noell* v. *Bensinger,* 586 F.2d 554 (5th Cir., 1978).

This agency has consistently held that the conviction of the owner of a pharmacy registrant is sufficient ground for the revocation of its DEA registration. *Nicholas G. Gakidas, t/a New Seabury Pharmacy,* Docket No. 76–2, 41 FR 52555 (1976); *William G. Walston, dba Karl Plaza Pharmacy,* Docket No. 80–32, 45 FR 82761 (1980); *Gold Drugs, Inc.,* Docket No. 80–11, 45 FR 85844 (1980). Furthermore, where grounds exist for the revocation of a registration, an application for such registration can, *a fortiori,* be denied, since the law will not be read to require the useless and meaningless act of

granting a registration on one day, only to revoke it on the next. *Serling Drug Co.*, Docket No. 74–12, 40 FR 11918 (1975); affirmed without published opinion, 524 F.2d 1406 (6th Cir., 1975); *Rafael C. Cilento, M.D.*, Docket No. 79–2, 44 FR 30466 (1979). There are, therefore, statutory grounds for the revocation of this pharmacy's DEA registration and for the denial of its application for renewal of such registration.

Mr. Schwartz's conduct is clearly of the kind that Congress had in mind when it enacted the Controlled Substances Act. The Congress was particularly concerned with the diversion of controlled substances from legitimate channels into the illicit marketplace. It was aware that registrants who have the greatest access to controlled substances and, therefore, the greatest opportunity for diversion, were responsible for a large part of the illegal drug traffic. *United States* v. *Moore*, 96 S.Ct. 335, 340 (1975). With this in mind, Congress provided for a regulatory framework under which a person who had been convicted of felony offenses relating to controlled substances could be denied future access to the instrumentalities of his crime.

After considering Mr. Schwartz's health problems, as well as the likelihood that economic factors related to the pharmacy's declining business situation may well have played a role in inducing Mr. Schwartz to violate the law, the Administrative Law Judge nevertheless recommended that this pharmacy's registration be revoked and its pending application denied. As Judge Young so clearly viewed the problem of diversion, and related it to this case, if every pharmacist who found himself in economic straits were allowed to sell his drugs illegally with virtual impunity, a torrent of dangerous, addictive substances would soon engulf the country. Mr. Schwartz abandoned his professional and legal responsibilities. He did so regularly and profitably, on almost a weekly basis, for about three years. After considering the record as a whole, Judge Young recommended the revocation and denial actions discussed above. The Acting Administrator has also considered this record, as well as the posthearing filings, and has reached the same conclusion. The Respondent's registration must be revoked and its pending application for renewal must be denied.

The Respondent has petitioned the Acting Administrator for an additional hearing or meeting for the purpose of discussing, or presenting additional evidence with respect to, the imposition of penalty. First, "penalties" are not assessed here; only remedies designed to protect the public. Second, the hearing procedures are designed for fairness and efficiency. The Respondent has had a number of opportunities to put its case for mitigation into the record. There were two hearing sessions and the Respondent filed extensive exceptions to the Administrative Law Judge's opinion. All of this evidence has been considered by the Acting Administrator. The Acting Administrator sees nothing to be gained from, nor any precedent for, granting Respondent's petition for an extraordinary posthearing meeting. It is the function of the Administrative Law Judge to provide the Acting Administrator with a full and complete record on which to base a decision. Judge Young has done just that. The Respondent's petition for a further hearing on "imposition of penalty" is hereby denied.

Accordingly, pursuant to the authority vested in the Attorney General by Section 304 of the Controlled Substances Act, 21 U.S.C. 824, as redelegated to the Acting Administrator of the Drug Enforcement Administration, the Acting Administrator hereby orders that DEA Certificate of Registration AS0589258, previously issued to Jefferson Drugs, be, and it hereby is, revoked. Consequently, all applications for renewal of such registration must be, and they hereby are, denied. The revocation of Respondent's registration is effective December 22, 1982.

Dated: November 10, 1982.

John C. Lawn,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 82–31932 Filed 11–19–82; 8:45 am]

BILLING CODE 4410–09–M

NATIONAL COMMUNICATIONS SYSTEM

National Security Telecommunications Advisory Committee; Closed Meeting

A meeting of the National Security Telecommunications Advisory Committee (NSTAC) Industry Executive Subcommittee will be held at 9:00 a.m. on Tuesday, November 30, 1982 in the Westgate Building of the MITRE Corporation, 1820 Dolley Madison Boulevard, McLean, Virginia. The agenda is as follows:

A. Opening Remarks.
B. Review of NSTAC Agenda.

The Agenda Review session is devoted to the discussion of classified telecommunications issues as they relate to national security communications and therefore will be closed to the public in the interest of National Defense. Any person desiring information about the meeting may telephone (Area Code 202–692–9274) or write the Manager of the National Communications System, 8th Street and South Courthouse Road, Arlington, Virginia 22204.

M. H. Hoever,

Captain, U.S. Navy, National Communications Joint Secretariat.

November 16, 1982.

[FR Doc. 82–31792 Filed 11–19–82; 8:45 am]

BILLING CODE 3610–05–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Advisory Circular on Emergency Evacuation Demonstrations From Small Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Draft Advisory Circular availability and request for comments.

SUMMARY: The draft Advisory Circular (AC) sets forth an acceptable means, but not the only means, of showing compliance with the Federal Aviation Regulations applicable to required emergency evacuation demonstrations from small airplanes with a passenger seating capacity, excluding pilots seats, of 10 or more.

DATE: Commenters must identify file AC 20–X, Subject: Emergency Evacuation Demonstrations from Small Airplanes, and comments must be received on or before January 2, 1983.

ADDRESS: Send all comments on the draft Advisory Circular to: Federal Aviation Administration, ATTN: Regulations and Policy Office (ACE–110), 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. J. Robert Ball, Aerospace Engineer, Regulations and Policy Office (ACE–110), Aircraft Certification Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. Commercial telephone (816) 374–5688 or FTS 758–5688.

SUPPLEMENTARY INFORMATION: Any person may obtain a copy of this draft Advisory Circular by writing to: Federal Aviation Administration, Aircraft Certification Division, Regulations and Policy Office (ACE–110), 601 East 12th Street, Kansas City, Missouri 64106.

COMMENTS INVITED: Interested parties are invited to submit comments on the draft AC. Comments received on the draft AC may be inspected at the offices of the Regulations and Policy Office (ACE-110), Room 1656, Federal Office Building, 601 East 12th Street, Kansas City, Missiouri, between the hours of 7:30 a.m. and 4 p.m. on weekdays, except Federal holidays.

Issued in Kansas City, Missouri, November 8, 1982.

Murray E. Smith,

Director, Central Region.

[FR Doc. 82-31842 Filed 11-19-82; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; City of Colonial Heights, Chesterfield and Prince George Counties, Va.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in the City of Colonial Heights, Chesterfield and Prince George Counties, Virginia.

FOR FURTHER INFORMATION CONTACT: Robert B. Welton, District Engineer, Federal Highway Administration, P.O. Box 10045, Richmond, Virginia 23240-0045, telephone (804) 771-2682.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Virginia Department of Highways and Transportation (VDH&T), will prepare an environmental impact statement (EIS) on a proposal to construct a two-lane facility on a four-lane right of way for an ultimate four-lane divided facility from the East Corporate Limits of Colonial Heights to Route 36 in Prince George County, Virginia. The environmental study limits of the project are from 0.595 mile west of the East Corporate Limits of Colonial Heights to Route 36. The proposed (Temple Avenue Extension) project will be a commuter route providing a vital link for traffic on Route 1 in the City of Colonial Heights to interconnect with Route 36 in Prince George County.

There are six alternatives under consideration for the proposed project: (1) Taking no action (no-build), (2) mass transit, and (3) through (6) four alignments involving the construction of two lanes on new location between the ECL of Colonial Heights and Route 36.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State and local agencies and to private organizations and citizens who have previously expressed interest in this proposal. No formal scoping meeting is planned at this time. The Draft EIS will be available for public and agency review and comment. Following publication of the Draft EIS, a public hearing will be held. Public notice will be given of the time and place of the hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments and suggestions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and Federally assisted programs and projects apply to this program.

Issued on November 10, 1982.

Robert B. Welton,

District Engineer, Richmond, Virginia.

[FR Doc. 82-31787 Filed 11-19-82; 8:45 am]

BILLING CODE 4910-22-M

Maritime Administration

[Docket No. S-727]

Aeron Marine Shipping Co., Aries Marine Shipping Co., Atlas Marine Co., Aquarius Marine Co., American Shipping, Inc., Pacific Shipping, Inc., and Worth Oil Transport Co.; Joint Application for Section 805(a) Permission Concerning Affiliation With Argus Shipping Corporation

The subject companies—parties to long-term operating-differential subsidy contracts in the foreign bulk trade of the United States—are affiliates of Argus Shipping Corporation (Argus) which, upon delivery, expects to become the bareboat charterer and operator of the NEW YORK. The subject companies request written permission under section 805(a) of the Merchant Marine Act, 1936, as amended (Act), to be affiliated with Argus, the intended bareboat charter and operator of the NEW YORK.

Second Tug/Barge Corporation is a wholly-owned subsidiary of Amerada Hess Corporation. The NEW YORK is an approximately 50,000 DWT, CATUG design, integrated tug/barge crude oil and product carrier, the barge portion of which is not complete at Bethlehem Steel Sparrows Point and the tug portion of which is nearing completion at Halter Marine's Chickasaw yard.

At the same time Argus enters into the bareboat charter with Second Tug/Barge Corporation, it will time charter the NEW YORK on a "hell-or-high water" basis to Amerada Hess Corporation. Argus expects that the NEW YORK will operate primarily in the Virgin Islands to U.S. trade, which does not require permission under section 805(a). However, under the time charter, Amerada Hess will control the trading of the vessel and probably will require that the vessel be utilized from time to time in the Gulf Coast to East Coast trade, and other domestic trades, during the period of the Berger subsidized companies' operating-differential subsidy contracts. Accordingly, the permission requested would cover domestic trade operations of the NEW YORK for the period of each subsidy contract.

The Berger subsidized companies have a request pending dated February 23, 1982 (Docket S-715) to be affiliated with any other operator which owns, operates or charters vessels in the coastwise or intercoastal trades. Clearly, the instant request is also covered in Docket S-715. However, since the coastwise operations of the NEW YORK are scheduled to commence by the end of the year, perhaps as early as December 15, 1982, and Docket S-715 has been scheduled for a hearing, this request is separately submitted. The applicants aver that it in no way derogates from the full breadth of the permission requested in Docket S-715.

Any person, firm, or corporation having any interest in such application (within the meaning of section 805(a) of the Act) and desiring to submit comments concerning the application must file written comments in triplicate with the Secretary, Maritime Administration, Room 7300, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590, by close of business on December 1, 1982, together with petition for leave to intervene. The petition shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operations (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be

prejudicial to the objects and policy of the Act relative to domestic trade operations.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 20.804, Operating-Differential Subsidies (ODS))

By order of the Maritime Administrator.

Dated: November 17, 1982.

Georgia P. Stamas,

Assistant Secretary.

[FR Doc. 82-31980 Filed 11-19-82; 8:45 am]

BILLING CODE 4910-81-M

[Docket No. S-726]

Equity Carriers, Inc., et al.; Application

Notice is hereby given that Equity Carriers, Inc. (Carriers), and Equity Bulkship I–III Companies L.P. and Equity Maritime I–III Companies L.P. (collectively, Maritime) have filed an application dated November 9, 1982, for amendment of the Operating-Differential Subsidy Agreement (ODSA) held by Carriers, Contract No. MA/MSB–439.

The applicants have requested that Carriers be permitted to withdraw the dry bulk vessels STAR OF TEXAS and SPIRIT OF TEXAS from ODSA MA/MSB–439 and that the six 80,000 DWT OBOs to be constructed for the Maritime companies be substituted in lieu of those vessels. Subsidy payments for the operation of the OBOs are proposed to be fixed at a yearly lump sum of $1.8 million per vessel for a period of six and one-half years commencing at the date of delivery of each vessel, with a maximum aggregate payment of $54 million for all six vessels. Once the $54 million is reached, the contract will terminate. During the period of the ODS Contract, as amended pursuant to this application, the proposed OBO's will be used exclusively for the carriage of commercial dry bulk cargoes not subject to the cargo preference laws of the United States including, but not limited to 10 U.S.C. 2631, 46 U.S.C. 1241 and 15 U.S.C. 616a, unless the agencies administering such statutes determine that the cargoes involved would be otherwise waived to, or allocated for, foreign-flag carriage, and that the cargoes would be lifted at rates comparable to the rates offered by foreign-flag vessels and the tonnage lifted by the Applicants would not be computed by the agencies involved in a manner which would adversely affect the availability of cargo-preference cargoes which are usually carried by U.S.-flag vessels at premium rates.

The vessels operated by Carriers will be withdrawn in favor of the proposed OBO's as of the date of approval of this application by the Maritime Administration, and completion of all financing and contractual arrangements necessary to commence construction of the OBO vessels.

This application amends and restates the applications for Operating-Differential Subsidy filed by the Maritime companies on September 14, 1982, as amended September 23, 1982. Interested parties may inspect this amended and restated application in the Office of the Secretary, Maritime Subsidy Board, Room 7300, Department of Transportation Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

Any person, firm or corporation having an interest in such application who desires to offer views and comments thereon for consideration by the Maritime Subsidy Board should submit such views and comments in writing, in triplicate, to the Secretary, Maritime Subsidy Board, at the address given above, by December 2, 1982. Any party desiring a hearing on the application should set forth with specificity the authority under which such hearing is requested, its interest in the application, the issues which are to be the subject of such hearing and what such party expects to demonstrate at the requested hearing. The Maritime Subsidy Board will consider all views and comments and will take such action with respect thereto as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504, Operating-Differential Subsidy (ODS))

By Order of the Maritime Subsidy Board.

Dated: November 16, 1982.

Georgia P. Stamas,

Assistant Secretary.

[FR Doc. 82-31876 Filed 11-19-82; 8:45 am]

BILLING CODE 4910-81-M

National Highway Traffic Safety Administration

Rulemaking, Research and Enforcement Programs; Public Meetings

The National Highway Traffic Safety Administration (NHTSA) will hold a meeting on January 18, 1983, to answer questions from the public and industry regarding the Agency's rulemaking, research and enforcement programs. The meeting will begin at 10:30 a.m., run until 1:00 p.m., and reconvene at 2:00 p.m. if necessary. It will be held in the Conference Room of the Environmental Protection Agency's Laboratory Facility, 2565 Plymouth Road, Ann Arbor, Michigan.

At the January meeting, representatives of DOT will answer questions received from the industry and the public relating to NHTSA's rulemaking, research and enforcement programs (including defects). The purpose of this is to focus on those phases of these NHTSA activities which are technical, interpretative or procedural in nature. (Questions regarding the Agency's fuel economy program will continue to be addressed at the EPA's meetings on vehicle emissions).

Questions for the January 18 meeting should be submitted in writing by December 28 to Courtney M. Price, Associate Administrator for Rulemaking, Room 5401, 400 Seventh Street, S.W., Washington, D.C. 20590. If sufficient time is available, questions received after the December 28 date may be answered at the meeting. The individual, group, or company submitting a question does not have to be present for the question to be answered. A consolidated list of the questions submitted by December 28 and the issues to be discussed will be mailed to interested persons an or before January 14, 1983, and will be available at the meeting. This list will serve as the agenda.

A transcript of the meeting will be available for public inspection in the NHTSA Technical Reference Section in Washington, D.C., within four weeks after the meeting. Copies of the transcript will then be available at twenty-five cents for the first page and five cents for each additional page (length has varied from 100 to 150 pages) upon receipt to HHTSA, Technical Reference Section, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590.

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

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 82-31801 Filed 11-19-82; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Customs Service

[T. D. 82-222]

Reimbursable Services—Excess Cost of Preclearance Operations

November 17, 1982.

Notice is hereby given that pursuant to § 24.18(d), Customs Regulations (19 CFR 24.88(d)), the biweekly reimbursable excess costs for each preclearance installation are determined to be as set forth below and will be effective with the pay period beginning November 28, 1982.

Installation	Biweekly excess cost
Montreal, Canada	$16,265
Toronto, Canada	29,365
Kindley Field, Bermuda	6,661
Nassau, Bahama Islands	21,382
Vancouver, Canada	13,450
Winnipeg, Canada	2,162
Freeport, Bahama Islands	14,843
Calgary, Canada	8,001
Edmonton, Canada	4,803

Mitchell A. Levine,

Comptroller.

[FR Doc. 82-31922 Filed 11-19-82; 8:45 am]

BILLING CODE 4820-02-M

Office of the Secretary

[Department Circular; Public Debt Series—No. 32-82]

November 17, 1982.

1. Invitation For Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $5,000,000,000 of United States securities, designated Treasury Notes of February 15, 1988, Series G-1988 (CUSIP No. 912827 NX 6). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The securities will be dated December 2, 1982, and will bear interest from that date, payable on a semiannual basis on August 15, 1983, and each subsequent 6 months on February 15 and August 15 until the principal becomes payable. They will mature February 15, 1988, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attacked, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Tuesday, November 23, 1982. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, November 22, 1982, and received no later than Thursday, December 2, 1982.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tender will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 98.750. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g.,

99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Bank will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section in final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Thursday, December 2, 1982. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Tuesday, November 30, 1982. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made is securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisins

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

[FR Doc. 82-32048 Filed 11-18-82; 2:37 pm]

BILLING CODE 4810-40-M

VETERANS ADMINISTRATION

Review of Regulations Under the Regulatory Flexibility Act

AGENCY: Veterans Administration.

ACTION: Notice of Plan for Periodic Review of Regulations.

SUMMARY: The Regulatory Flexibility Act (5 U.S.C. 610) requires that the Veterans Administration (VA) review periodically its existing regulations that have or may have a significant economic impact on a substantial number of small entities. This plan describes how the VA will perform this review.

ADDRESS: Comments should be submitted to the following address: Information & Regulations Staff (004A1), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420

FOR FURTHER INFORMATION CONTACT: Nancy McCoy, (202) 389-2308.

SUPPLEMENTARY INFORMATION: On September 19, 1980, the Regulatory Flexibility Act, Pub. L. 96-354, 5 U.S.C. 601 et seq., was signed into law. It became effective on January 1, 1981. This statute requires that Federal agencies take into account how their proposed and final regulations affect "small entities", including small businesses, small governmental jurisdictions and small organizations. For regulations proposed after January 1, 1981, an agency must either prepare a Regulatory Flexibility Analysis or certify that the regulations, if promulgated, will not have a significant economic impact on substantial number of small entities. Section 602 of the Act requires that each agency issue an

Agenda of Regulations identifying rules which the agency is developing that are likely to have a significant economic impact on a substantial number of small entities. The VA includes this identification in the Unified Agenda of Federal Regulations (formerly the Semiannual Agenda of Federal Regulations). The VA published its most recent agenda on October 28, 1982, at 47 FR 48860.

Such identification will continue to be made in future Unified Agendas.

Section 610 of the Regulatory Flexibility Act mandates that Federal agencies review existing regulations. It requires that the VA publish a plan in the **Federal Register** explaining how it will review those of its existing regulations which have or will have a significant economic impact on a substantial number of small entities. Regulations in effect January 1, 1981 must be reviewed within 10 years. Regulations that became effective after January 1, 1981 must be reviewed within 10 years of their publication as final rules.

Section 610(c) requires the VA to publish annually in the **Federal Register** a list of its rules, having a significant economic impact on a substantial number of small entities, which it will review during the succeeding 12 months. The list must describe the rule, explain the need for it, give the legal basis for it and invite public comment. Given the minimal number of VA regulations which significantly affect a substantial number of small entities, in economic terms, this listing shall also be incorporated into the Unified Agenda.

Criteria for Review of Existing Regulations

The purpose of the review is to determine whether existing rules should be left unchanged, or whether they should be revised or rescinded in order to minimize significant economic impacts on a substantial number of small entities. In deciding whether change is necessary, the Regulatory Flexibility Act establishes several factors that must be considered:

(1) Whether the rule is still needed;

(2) What type of complaints or comments were received from the public concerning the rule;

(3) The complexity of the rule;

(4) How much the rule overlaps, duplicates or conflicts with other Federal rules, and, to the extent feasible, with State and local governmental rules; and

(5) How long it has been since the rule has been evaluated or how much the technology, economic conditions, or other factors have changed in the area affected by the rule.

Plan for the Periodic Review of Rules

The VA began screening certain of its new and existing regulations in accordance with section 610 of the Act during the last fiscal year. Since October 1981, one group of regulations has been singled out as possibly having a significant economic impact on small entities. Pursuant to Pub. L. 96–466 changes are needed to Veterans Education Assistance regulations which will subject some independently owned small schools and school districts with small populations to additional recordkeeping or compliance requirements. This regulatory action was reported in VA's Semiannual Agendas of October 23, 1981 (46 FR 51935), April 26, 1982 (47 FR 17833) and October 28, 1982 (47 FR 48860).

After identifying regulations that may have a significant economic impact on a substantial number of small entities, the VA reviews those regulations based on available information. In deciding whether a regulation has a significant economic impact, VA looks at such factors as the extent of reporting or recordkeeping burden, the relationship of compliance costs to benefits received, and the anticompetitive effects on small businesses. The result of the review will be a decision to: (1) Revise the regulation; (2) rescind the regulation; or (3) leave the regulation unchanged.

As part of the implementation of periodic enactment of reauthorizing legislation (e.g., Pub. L. 96–466, Veterans Rehabilitation and Education Amendments of 1980) the VA will review most of the existing department program regulations in accordance with section 610 of the Act before the statutory deadline of January 1, 1991. Notices of Proposed Rulemakings will be issued in the process of conforming existing regulations to the new legislation or to set forth new regulations.

To help us select additional regulations which should be reviewed in future years, we welcome suggestions from the public. If any member of the public thinks that specific existing Veterans Administration regulations have a significant economic impact on a substantial number of small entities (especially if the regulation has a disproportionately negative effect on small entities), we would appreciate receiving suggestions that we review those regulations. We would also welcome detailed comments or data to support suggestions.

Dated: November 12, 1982.

By direction of the Administrator:

Everett Alvarez, Jr.,

Deputy Administrator.

[FR Doc. 82–31760 Filed 11–19–82; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 225
Monday, November 22, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10 a.m., Tuesday, November 23, 1982.

LOCATION: Room 456, Westwood Towers, 5401 Westbard Avenue, Bethesda, Md.

STATUS: Closed to the public.

MATTERS TO BE CONSIDERED:

Compliance Status Report
The staff will brief the Commission on the status of various compliance activities.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207; (301) 492-6800. For a recorded message concerning the latest Agenda information, call (301) 492-5709.

[S-1684-82 Filed 11-18-82; 3:32 pm]

BILLING CODE 6355-01-M

2

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11 a.m., Friday, November 26, 1982.

PLACE: 2033 K Street, N.W., Washington, D.C., Eigth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-1681-82 Filed 11-18-82; 11:29 am]

BILLING CODE 6351-01-M

3

FEDERAL HOME LOAN BANK BOARD .

TIME AND DATE: 9:45 a.m., Thursday, November 18, 1982.

PLACE: Board room, sixth floor, 1700 G Street, NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Lockwood, (202-377-6679).

MATTERS TO BE CONSIDERED: Amendment Concerning Branch Offices Acquired from a Receiver.

[No. 78, November 18, 1982]

[S-1677-82 Filed 11-18-82; 10:01 am]

BILLING CODE 6720-01-M

4

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

November 17, 1982.

TIME AND DATE: 10 a.m., Tuesday, November 23, 1982.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Closed (Pursuant to 5 U.S.C. 522(c)(10)).

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Mathies Coal Company, Docket Nos. PENN 80-260-R and PENN 81-35. (Issues include whether the judge properly concluded that the operator violated 30 CFR 75.1722(a), which deals with the safeguarding of machine parts that may cause injury to persons.)

2. Monterey Coal Company, Docket Nos. LAKE 80-413-R and LAKE 81-59. (Issues include whether the judge erred in vacating a citation alleging a violation of 30 CFR 77.216(c), dealing with impoundments.)

3. Council of the Southern Mountains, Inc. v. Martin County Coal Corp., Docket No. KENT 80-222-D. (Issues include whether there is a right for miner's representatives to monitor training classes under the 1977 Mine Act.)

It was determined by a majority vote of Commissioners that Commission business required that a meeting be held on these items and no earlier announcement of the meeting was possible.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653-5632.

[S-1683-82 Filed 11-18-82; 2:39 pm]

BILLING CODE 6735-01-M

5

INTERNATIONAL TRADE COMMISSION

[USITC SE-82-51]

TIME AND DATE: 10 a.m., Wednesday, December 1, 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.
5. Investigation 104-TAA-10. (Dairy Products from the European Community)—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-1680-82 Filed 11-18-82; 11:29 am]

BILLING CODE 7020-02-M

6

NATIONAL TRANSPORTATION SAFETY BOARD

[NM-82-27]

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 51032, November 10, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9 a.m., Tuesday, November 16, 1982.

CHANGE IN MEETING: A majority of the Board has determined by recorded vote that the business of the Board requires revising the agenda of this meeting and that no earlier announcement was possible. The agenda as now revised is set forth below:

STATUS: The first two items will be open to the public; the last item will be closed under Exemption 10 of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. *Letters* to Air Line Pilots Association and Delta Air Lines, Inc., regarding Near Collision of Delta Air Lines, Inc., Boeing 727-200, N467DA, and Flying Tiger, Inc., Boeing 474-F, N804FT, O'Hare International Airport, Chicago, Illinois, February 15, 1979.

2. *Marine Accident Report:* Collision of the U.S. Barge Carrier SS *Delta Norte* and the Liberian Freighter M/V *African Pioneer* in the Gulf of Mexico about 115 nautical miles

southwest of Galveston, Texas, February 19, 1982, and Recommendations to Delta Steamship Lines, Inc.

3. *Opinion and Order:* Administrator v. Mitchem, Dkt. SE–5144; disposition of respondent's appeal.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming (202); 382–6525.

November 15, 1982.

[S–1679–82 Filed 11–18–82; 11:02 am]

BILLING CODE 4910–58–M

7

NEIGHBORHOOD REINVESTMENT CORPORATION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Sent to Federal Register on November 15, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2:30 p.m., Monday, November 22, 1982.

CHANGES IN THE MEETING: The meeting will be held at 3:30 p.m.

CONTACT PERSON FOR MORE INFORMATION: Tim McCarthy, Associate Director, Communications, 653–2705.

Dated: November 17, 1982.

[No. 25, November 15, 1982]

Deborah W. Smith,

Assistant Secretary of the Board.

[S–1678–82 Filed 11–18–82; 11:01 am]

BILLING CODE 0000–00–M

8

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 51272, November 12, 1982.

STATUS: Open meetings.

PLACE: Room 1C30, 450 5th Street, NW., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Monday, November 8, 1982.

CHANGES IN THE MEETING: Additional meetings/additional items. Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following additional meetings during the week of November 15, 1982.

The subject matter of the open meeting scheduled for Tuesday, November 16, 1982, at 3:00 p.m., will be:

The Commission will discuss various aspects of the National Association of Securities Dealers, Inc.'s (NASD) self-regulatory program (including surveillance programs), the NASD's interaction with other self-regulatory organizations, and anticipated new products. For further information, please contact Diane G. Klinke at (202) 272–2014 or Barbara N. Brandon at (202) 272–2407.

The subject matter of the open meeting scheduled for Thursday, November 18, 1982, at 3:00 p.m., will be:

The Commission will discuss various aspects of the New York Stock Exchange's self-regulatory program (including surveillance programs), the NYSE's interaction with other self-regulatory organizations, and anticipated new products. For further information, please contact Diane G. Klinke at (202) 272–2014 or Barbara N. Brandon at (202) 272–2407.

The subject matter of the opening meeting scheduled for Monday, November 29, 1982, at 3:00 p.m., will be:

The Commission will discuss various aspects of the American Stock Exchange Inc.'s self-regulatory program (including surveillance programs), the Amex's interaction with other self-regulatory organizations, and anticipated new products. For further information, please contact Diane G. Klinke at (202) 272–2014 or Barbara N. Brandon at (202) 272–2407.

The following additional items will be considered at the open meeting scheduled for Thursday, November 18, 1982, at 10:00 a.m.:

1. Consideration of whether to issue an order approving proposed rule changes filed by (1) the American Stock Exchange, Inc. ("Amex"); (2) the Chicago Board Options Exchange, Incorporated ("CBOE"); and (3) the New York Stock Exchange, Inc. ("NYSE") to provide for the listing and trading of options on stock indices as well as an order approving a proposed rule change filed by the Amex to provide for the listing and trading of options on certificates of deposit. For further information, please contact Sharon K. Zackula at (202) 272–2843 regarding options on stock indices and Thomas V. Sjoblom at (202) 272–7345 regarding options on certificates of deposit.

2. Consideration of whether to issue an interpretive release about disclosure considerations relating to foreign operations and foreign currency translation effects. For further information, please contact Robert K. Herdman at (202) 272–2141.

Chairman Shad and Commissioners Evans, Longstreth and Treadway determined by vote that Commission business required the above changes 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 Bob Zutz at (202) 272–2091.

November 17, 1982.

[S–1682–82 Filed 11–18–82; 1:05 pm]

BILLING CODE 8010–01–M

federal register

Monday
November 22, 1982

Part II

Environmental Protection Agency

Aluminum Forming Point Source Category; Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards; Proposed Regulations

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 467

[WH-FRL-2225-1]

Aluminum Forming Point Source Category; Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards

AGENCY: Environmental Protection agency (EPA).

ACTION: Proposed regulation.

SUMMARY: EPA proposes regulations to limit effluent discharges to waters of the United States and limit the introduction of pollutants into publicly owned treatment works from facilities engaged in aluminum forming. The purpose of this proposal is to provide effluent limitations guidelines based on "best practicable technology," "best available technology," and to establish new source performance standards and pretreatment standards for new and existing facilities under the Clean Water Act. After considering comments received in response to this proposal, EPA will promulgate a final rule.

DATE: Comments on this proposal must be submitted by January 18, 1983.

ADDRESS: Send comments to: Ms. Janet K. Goodwin, Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460, Attention: EGD Docket Clerk, Proposed Aluminum Forming Rules (WH-552). The supporting information and all comments on this proposal will be available for inspection and copying at the EPA Public Information Reference Unit, room 2404 (EPA Library Rear) PM-213. Copies of technical documents may be obtained from the Distribution Officer at the above address or by calling (202) 382-7115. The economic analysis may be obtained from Mr. Joseph Yance, Economic Analysis Staff (WH-586), Environmental Protection Agency, 401 M St. S.W., Washington, D.C. 20460, or by calling (202) 382-5379.

FOR FURTHER INFORMATION CONTACT: Technical information may be obtained from Mr. Ernst P. Hall, at the address listed above, or by calling (202) 382-7126.

SUPPLEMENTARY INFORMATION:

Overview

This preamble describes the legal authority and background, the technical and economic bases, and other aspects of the proposed regulations. It also summarizes comments on a draft technical document circulated in September 1080, and solicits comments on specific areas of interest. The abbreviations, acronyms, and other terms used in the Supplementary Information section are defined in Appendix A to this notice.

This proposed regulation is supported by three major documents available from EPA. Analytical methods are discussed in *Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants.* EPA's technical conclusions are detailed in the *Development Document for Proposed Effluent Limitations Guidelines, New Source Performance Standards and Pretreatment Standards for the Aluminum Forming Point Source Category.* The Agency's economic analysis is found in *Economic Impact Analysis of Proposed Effluent Standards and Limitations for the Aluminum Forming Industry.*

Organization of This Notice

I. Legal Authority.
II. Background.
A. The Clean Water Act.
B. Prior EPA Regulations.
C. Overview of the Industry.
III. Scope of this Rulemaking and Summary of Methodology.
IV. Data Gathering Efforts.
V. Sampling and Analytical Program.
VI. Industry Subcategorization.
VII. Available Wastewater Control and Treatment Technology.
A. Control Technologies Considered.
B. Status of In-Place Technology.
VIII. Best Practicable Technology (BPT) Effluent Limitations.
IX. Best Available Technology (BAT) Effluent Limitations.
X. New Source Performance Standards (NSPS).
XI. Pretreatment Standards for Existing Sources (PSES).
XII. Pretreatment Standards for New Sources (PSNS).
XIII. Regulated Pollutants.
XIV. Pollutants and Subcategories Not Regulated.
XV. Costs and Economic Impacts.
XVI. Non-Water Quality Aspects of Pollution Control.
XVII. Best Management Practices (BMPs).
XVIII. Upset and Bypass Provisions.
XIX. Variances and Modifications.
XX. Relationship to NPDES Permits.
XXI. Summary of Public Participation.
XXII. Solicitation of Comments.
XXIII. Availability of Technical Assistance.
XXIV. Appendices:
A—Abbreviations, Acronyms and Other Terms Used in This Notice.
B—Toxic Pollutants Not Detected.
C—Toxic Pollutants Detected Below the Analytical Quantification Limit.
D—Toxic Pollutants Detected in the Effluent From Only a Small Number of Sources.
E—Toxic Pollutants Detected in Amounts Too Small To Be Effectively Reduced by Technologies Considered in Preparing this Guideline.
F—Toxic Pollutants Effectively Controlled by Technologies Upon Which Are Based Other Effluent Limitations and Guidelines.
G—Toxic Organic Pollutants Which Are Not Regulated At BAT Because They Are Effectively Controlled by BPT Limitations.

I. Legal Authority

The regulations described in this notice are proposed under authority of Sections 301, 304, 306, 307, 308, and 501 of the Clean Water Act (the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1251 *et seq.*, as amended by the Clean Water Act of 1977, Pub. L. 95-217) (the "Act"). These regulations are also proposed in response to the Settlement Agreement in *Natural Resources Defense Council, Inc.* v. *Train,* 8 ERC 2120 (D.D.C. 1976), *modified,* 12 ERC 1833 (D.D.C. 1979).

II. Background

A. The Clean Water Act

The Federal Water Pollution Control Act Amendments of 1972 established a comprehensive program to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." Section 101(a). By July 1, 1977, existing industrial dischargers were required to achieve "effluent limitations requiring the application of the best practicable control technology currently available" ("BPT"), Section 301(b)(1)(A). By July 1, 1983, these dischargers were required to achieve "effluent limitations requiring the application of the best available technology economically achievable—which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants" ("BAT"), Section 301(b)(2)(A). New industrial direct dischargers were required to comply with Section 306 new source performance standards ("NSPS"), based on best available demonstrated technology; and new and existing dischargers to publicly owned treatment works ("POTW") were subject to pretreatment standards under Sections 307(b) and (c) of the Act. The requirements for direct dischargers were to be incorporated into National Pollutant Discharge Elimination System (NPDES) permits issued under Section 402 of the Act. Pretreatment standards were made enforceable directly against dischargers to POTW (indirect dischargers).

Although Section 402(a)(1) of the 1972 Act authorized the setting of requirements for direct dischargers on a case-by-case basis, Congress intended that, for the most part, control

requirements would be based on regulations promulgated by the Administrator of EPA. Section 304(b) of the Act required the Administrator to promulgate regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of BPT and BAT. Moveover, Sections 304(c) and 306 of the Act required promulgation of regulations for NSPS, and Sections 304(f), 307(b), and 307(c) required promulgation of regulations for pretreatment standards. In addition to these regulations for designated industry categories, Section 307(a) of the Act required the Administrator to promulgate effluent standards applicable to all dischargers of toxic pollutants. Finally, Section 501(a) of the Act authorized the Administrator to prescribe any additional regulations "necessary to carry out his functions" under the Act.

EPA was unable to promulgate many of these regulations by the dates contained in the Act. In 1976, EPA was sued by several environmental groups, and in settlement of this lawsuit, EPA and the plaintiffs executed a "Settlement Agreement" which was approved by the Court. This Agreement required EPA to develop a program and adhere to a schedule for promulgating for 21 major industries BAT effluent limitations guidelines, pretreatment standards, and new source performance standards for 65 "priority" pollutants and classes of pollutants. See *Natural Resources Defense Council, Inc.* v. *Train*, 8 ERC 2120 (D.D.C. 1976), *modified*, 12 ERC 1833 (D.D.C. 1979).

On December 27, 1977, the President signed into law the Clean Water Act of 1977. Although this law makes several important changes in the Federal water pollution control program, its most significant feature is its incorporation into the Act of several of the basic elements of the Settlement Agreement program for toxic pollution control. Sections 301(b)(2)(A) and 301(b)(2)(C) of the Act now require the achievement by July 1, 1984 of effluent limitations requiring application of BAT for "toxic" pollutants, including the 65 "priority" pollutants and classes of pollutants which Congress declared "toxic" under Section 307(a) of the Act. Likewise, EPA's programs for new source performance standards and pretreatment standards are now aimed principally at toxic pollutant controls. Moreover, to strengthen the toxics control program, Section 304(e) of the Act authorizes the Administrator to prescribe "best management practices" ("BMP") to prevent the release of toxic and hazardous pollutants from plant site runoff, spillage or leaks, sludge or waste disposal, and drainage from raw material storage associated with, or ancillary to, the manufacturing or treatment process.

The 1977 Amendments added Section 301(b)(2)(E) to the Act establishing "best conventional pollutant control technology" [BCT] for discharges of conventional pollutants from existing industrial point sources. Conventional pollutants are those defined in Section 304(a)(4) [biological oxygen demanding pollutants (BOD5),total suspended solids (TSS), fecal coliform, and pH], and any additional pollutants defined by the Administrator as "conventional" [oil and grease, 44 FR 44501, July 30, 1979].

BCT is not an additional limitation but replaces BAT for the control of conventional pollutants. In addition to other factors specified in section 304(b)(4)(B), the Act requires that BCT limitations be assessed in light of a two part "cost-reasonableness" test. *American Paper Institute* v. *EPA*, 660 F.2d 954 (4th Cir. 1981). The first test compares the cost for private industry to reduce its conventional pollutants with the costs to publicly owned treatment works for similar levels of reduction in their discharge of these pollutants. The second test examines the cost-effectiveness of additional industrial treatment beyond BPT. EPA must find that limitations are "reasonable" under both tests before establishing them as BCT. In no case may BCT be less stringent than BPT.

EPA published its methodology for carrying out the BCT analysis on August 29, 1979 (44 FR 50732). In the case mentioned above, the Court of Appeals ordered EPA to correct data errors underlying EPA's calculation of the first test, and to apply the second cost test. (EPA had argued that a second cost test was not required.)

On October 29, 1982, the Agency proposed a revised BCT methodology. We are deferring proposal of BCT limitations for this category until we can apply the revised methodology to the technologies available for the control of conventional pollutants in this category.

For non-toxic, nonconventional pollutants, Sections 301(b)(2)(A) and (b)(2)(F) require achievement of BAT effluent limitations within three years after their establishment or July 1, 1984, whichever is later, but not later than July 1, 1987.

The purpose of these proposed regulations is to provide effluent limitations guidelines for BPT and BAT, and to establish NSPS, pretreatment standards for existing sources (PSES), and pretreatment standards for new sources (PSNS), under Sections 301, 304, 306, 307, and 501 of the Clean Water Act.

B. Prior EPA Regulations

EPA has not previously proposed or promulgated regulations for the aluminum forming point source category.

C. Overview of the Industry

The aluminum forming industry is generally included within SIC 3353, 3354, 3355 and 3463 of the *Standard Industrial Classification Manual*, prepared in 1972 and supplemented in 1977 by the Office of Management and Budget, Executive Office of the President.

EPA studied 279 aluminum forming plants distributed throughout the United States, with the majority located east of the Mississippi River. There are 58 direct dischargers, 66 indirect dischargers, 153 plants that do not discharge wastewater and two plants that have subsequently ceased forming aluminum.

Aluminum forming has become ever more widespread since the commercial development of aluminum in the 1880s. The demand for formed aluminum products has increased greatly in the past 30 years. Two of the larger markets for aluminum formed products are in the manufacturing of aeronautical and automobile components where aluminum reduces weight and increases fuel efficiency.

Aluminum forming is the deformation of aluminum into specific shapes by hot or cold working. Many of the final products manufactured at aluminum forming facilities are sold to other manufacturers for further fabrication or incorporation into consumer goods. The aluminum forming operations include rolling, extruding, forging and drawing of aluminum. Associated operations, such as the casting of aluminum alloys for subsequent forming, heat treatment, cleaning or etching (when performed as an integral part of the forming process), and solvent degreasing, are also included.

Rolling transforms cast aluminum ingot by exerting pressure on the aluminum as it passes between rollers, reducing the thickness and cross-sectional area of the metal. Hot rolling is usually followed by cold rolling which further reduces thickness. Square ingots are usually rolled to produce rod, bar, or wire.

A cooling and lubricating compound is used during rolling to prevent excessive wear on the rolls, to prevent adhesion of aluminum to the rolls, and to maintain a

suitable uniform rolling temperature. Oil-water emulsions are used for this purpose in hot rolling. Most cold rolling operations use mineral oil or kerosene based lubricants.

The steel rolls used in the rolling operations require periodic machining to remove aluminum build-up in an operation called rolling grinding. The common lubricant used in this operation is an oil-water emulsion which is recycled and discharged periodically with other emulsion waste streams.

Extrusion is the application of force to an aluminum billet causing the metal to flow through a die orifice. The resulting product is an elongated shape or tube of uniform cross-sectional area.

Aluminum can be extruded cold, but is usually first heated to a temperature ranging from 375°C to 525°C. Heat treatment is frequently done after extrusion. At some plants, the extrusion is cooled by direct contact with water as it leaves the press. This is called press heat treatment and can be done one of three ways; with a water spray near the die, by immersion in a water tank adjacent to the run-out table, or by passing the aluminum through a water wall.

The steel dies used in the extrusion process require frequent dressing and repairing to insure the necessary dimensional precision and surface quality of the product. The aluminum that has adhered to the die orifice is typically removed by soaking the die in a caustic solution that is frequently followed by a water rinse of the dies. This is called die cleaning.

Forging is the application of impact force to dies or rolls forcing heated aluminum to take the desired shape. Closed die forging, the most commonly used method, is the process of hammering or impacting the aluminum between two steel dies.

Proper lubrication of the dies is essential in forging aluminum alloys. Colloidal graphite in either a water or an oil medium is usually sprayed onto dies. Frequently, it is necessary to use some type of air pollution control with the forging press due to the volume of lubricant that volitilizes. The two types of air pollution control devices used at aluminum forming facilities are baghouses and wet scrubbers.

Drawing refers to the pulling of aluminum through a die or succession of dies to reduce its diameter, alter the cross-sectional shape, or increase its hardness.

To ensure uniform drawing temperatures and avoid excessive wear on the dies and mandrels a suitable lubricant is applied during drawing. A wide variety of lubricants are used for this purpose. Heavier draws, which greatly reduce the cross-sectional areas, may require oil-based lubricants. Oil-water emulsions are used for many applications, and soap solutions may also be used for some lighter draws. Drawing oils are usually recycled until their lubricating properties are exhausted.

Heat treatment is an integral part of aluminum forming practiced at nearly every plant in the category. It is fequently used both in-process and as a final step in forming to give the aluminum alloy the desired mechanical properties. The general types of heat treatment applied are: homogenizing, annealing, solution heat treatment, and artificial aging.

Homogenizing, annealing, and aging are dry processes, while solution heat treatment typically involves significant quantities of contact cooling water.

The quenching techniques used in solution heat treatment are usually critical to achieving the desired mechanical properties. Although alloy sensitivity to quenching varies, delays in transferring the product from the furnace to the quench, a quenching rate that is incorrect or not uniform, and the quality of the quenching medium used can all have serious detrimental effects. Contact cooling water is commonly used to quench solution heat treated products, usually performed by immersing the aluminum formed products into a water bath. Spray or flush quenching is sometimes used to quench thick products. Air or glycol can also be used to cool certain products.

All surface treatment operations performed as an integral part of the forming process are considered to be within the scope of the aluminum forming category.

Solvent cleaners are used to remove oil and grease compounds from the surface of aluminum products. This process is principally used to remove cold rolling and drawing lubricants before products are annealed, finished or shipped. The three basic methods of solvent degreasing are vapor degreasing, cold cleaning and emulsified solvent degreasing.

Vapor degreasing, the predominant method of solvent cleaning, uses the hot vapors of chlorinated solvents to remove oils, greases and waxes. Trichloroethylene, 1,1,1-trichloroethane and perchloroethylene are the solvents most commonly used. Vapor degreasing solvents are frequently recovered by distillation. The sludge generated in the recovery process is toxic and may be flammable.

Alkaline cleaning is the most common method of cleaning aluminum surfaces. The alkaline solutions vary in pH and chemical composition. Inhibitiors are frequently added to minimize or prevent corrosion of the metal. Alkaline cleaners can emulsify vegetable and animal oils and greases to a certain degree and are effective in the removal of lard, oil and other such compounds. Mineral oil and grease are not emulsified by alkaline cleaning solutions.

Aluminum products can be cleaned with an alkaline solution either by immersion or spray. Rinsing, preferably with warm water, may follow the alkaline cleaning process to prevent the solution from drying on the product.

Acid solutions can also be used for aluminum cleaning but they are less effective than either alkaline or solvent cleaning. Their use is generally limited to the removal of oxides and smut. The acid solutions typically contain nitric, sulfuric, phosphoric, chromic, hydrofluoric or a mixture of two of these acids. Surface treatment shall include conversion coating and chemical or electrochemical anodizing when practiced as an integral part of aluminum forming. Surface treatment of aluminum prior to painting in the coil coating category is similar to the surface treatments of cleaning or etching in the aluminum forming category. Both employ the same chemical treatments on the same basis material to achieve the same results, thus the wastewater characteristics are very similar. Seventeen aluminum forming plants reported that they also do aluminum coil coating. To simplify compliance with two regulations at these 17 plants, we have established mass limitations for both categories based on the application of the same treatment. Permissible discharge would be calculated by simply adding the masses that may be discharged for each category. In addition the same pollutants are limited for both aluminum coil coating and aluminum forming, thus making it easier for plants to co-treat wastewaters from these processes.

There are three methods that are used in aluminum forming plants to cast aluminum, direct chill, stationary or pig, and continuous casting. Casting aluminum is the final operation in the process of producing primary aluminum. An aluminum ingot or billet is the material on which forming operations begin. Usually casting of ingots and billets is performed at the primary aluminum plant. However, a number of aluminum forming plants perform casting to recycle scrap, to obtain a useable ingot or billet, or to make a desired alloy. The equipment and methods of casting used at aluminum

forming plants are the same as those employed by primary aluminum plants and the water requirements and waste characteristics are also very similar. Therefore, the Agency has pooled the casting flow and waste characteristics data from primary aluminum plants and aluminum forming plants to develop limitations and characterize the raw wastewater. The two sets of limitations are based on the same flows. Casting done at a plant which does both primary aluminum reduction and aluminum forming will be subject to the casting limitations for the primary aluminum subcategory if they cast the aluminum directly without cooling. If the aluminum is a remelted primary aluminum product then the casting subsequent to the remelting will be subject to the aluminum forming limitations. The limitations for casting in the primary aluminum subcategory of the nonferrous metals manufacturing category will be proposed in the future.

Of the three casting methods, direct chill is the most widely used method of casting aluminum for subsequent forming. The molten aluminum is tapped from the melting furnace and flows through a distributor channel into a shallow mold. Noncontact cooling water circulates within this mold causing the aluminum to solidify. The base of the mold is attached to a hydraulic cylinder which is gradually lowered as pouring continues. As the solidified aluminum leaves the mold it is sprayed with contact cooling water reducing the temperature of the ingot. The cylinder continues to lower into a tank of water, further cooling the ingot as it is immersed. When the cylinder has reached its lowest position, pouring stops and the ingot is lifted from the pit.

A relatively new technology, continuous casting of aluminum first came into practice in the 1950's. Current applications include the casting of plate, sheet, and rod. Because continuous casting affects the mechanical properties of the aluminum cast, the use of continuous casting is limited by the alloys used, the nature of subsequent forming operations and the desired properties of the finished product.

The continuous casting process has been found to significantly reduce the energy requirements by replacing the more conventional direct chill casting and rolling operation and can reduce or eliminate the use of contact cooling water and oil lubricants.

Stationary or pig casting is generally used to recycle in-house aluminum scrap. In this process molten aluminum is poured into cast iron molds and allowed to air cool. Lubricants and cooling water are not required. Although water may be sprayed onto the molten aluminum to increase the cooling rate, this should not result in any discharge.

The characteristics of the wastewater generated by an aluminum forming facility may vary depending on the operations performed. The most important pollutants or pollutant parameters are:

(1) Toxic priority pollutants—cadmium, chromium, copper, cyanide, lead, nickel, and zinc, (2) conventional pollutants—oil and grease, suspended solids, and pH, and (3) nonconventional pollutants—aluminum.

Toxic organics were found at significant concentrations in concentrated oily waste streams and the forging air pollution scrubber wastewater.

III. Scope of This Rulemaking and Summary of Methodology

This proposed regulation is a part of a new chapter in water pollution control requirements. For most industries the 1973–1976 round of rulemaking emphasized the achievement of best practicable technology (BPT) by July 1, 1977. In general, this technology level represented the average of the best existing performances of well-known technologies for control of familiar (or "classical") pollutants. However, for this category, BPT was not proposed or promulgated.

In this round of rulemakings EPA is emphasizing the achievement by July 1, 1984, of the best available technology economically achievable (BAT), which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants. In general, this technology level represents the very best economically achievable performance in any industrial category or subcategory. Moreover, as a result of the Clean Water Act of 1977, the emphasis of EPA's program has shifted from "classical" pollutants to the control of a lengthy list of toxic substances.

In developing this regulation, EPA studied the aluminum forming category to determine whether differences in raw materials, final products, manufacturing processes, equipment, age and size of plants, water use, wastewater constituents, or other factors required the development of separate effluent limitations and standards for different segments (or subcategories) of the industry. This study included the identification of raw waste and treated effluent characteristics, including: The sources and volume of water used, the processes employed, and the sources of pollutants and wastewaters. Sampling and analysis of specific waste streams enabled EPA to determine the presence and concentration of priority pollutants in wastewater discharges.

EPA also identified both actual and potential control and treatment technologies (including both in-process and end-of-process technologies). The Agency analyzed both historical and newly generated data on the performance, operational limitations, and reliability of these technologies. In addition, EPA considered the impacts of these technologies on air quality, solid waste generation, water scarcity, and energy requirements.

The Agency then estimated the costs of each control and treatment technology using cost equations developed by standard engineering analyses. EPA derived unit process costs for 104 discharging plants using data and characteristics (production and flow) applied to each treatment process (i.e., hexavalent chromium reduction, metals precipitation, sedimentation, granular bed—multi-media filtration, etc.). These unit process costs were added to yield the total cost at each treatment level.

After confirming the reasonableness of this methodology by comparing EPA cost estimates to treatment system costs supplied by the industry, the Agency evaluated the economic impacts of these costs.

On the basis of these factors, EPA identified various control and treatment technologies, as BPT, BAT, NSPS, PSES and PSNS. The proposed regulation, however, does not require the installation of any particular technology. Rather, it requires achievement of effluent limitations equivalent to those achieved by the proper operation of these or equivalent technologies.

Except for pH requirements, the effluent limitations for BPT, BAT, and NSPS are expressed as mass limitations—a mass of pollutant per unit of production (mg/kkg). They were calculated by combining three figures: (1) Treated effluent concentrations determined by analyzing control technology performance data; (2) production-weighted wastewater flow for the "core" and "ancillary" operations in each subcategory ("core" operations are basic aluminum forming operations; "ancillary" operations are operations often associated with the core operations; see the discussion of subcategorization further in this document for more details); and (3) any relevant process or treatment variability factor (e.g., mean versus maximum day). This basic calculation was performed for each regulated pollutant or pollutant paramter for each core and ancillary operation of each subcategory.

Pretreatment standards-PSES and PSNS—are also expressed as mass limitations rather than concentration limits to ensure a reduction in the total quantity of pollutant discharges by reducing the volume of process wastewater treated. Regulation on the basis of concentration only is not appropriate because it will not adequately control the amount of toxic pollutants released. Therefore, the Agency is not proposing concentation based pretreatment standards (40 CFR 403.6).

IV. Data Gathering Efforts

The data gathering program is described briefly in Section III and in substantial detail in Section V of the Development Document. A data collection portfolio (DCP) was developed to collect information about the industry and was mailed, under the authority of section 308 of the Clean Water Act, to each company known or believed to perform aluminum forming in the United States. Data were received from 279 aluminium froming plants. Analytical data were collected from 20 sampled plants. Supplemental data were obtained from NPDES permit files and engineering studies on treatment technologies, used in the aluminum forming category. The Agency used all available pertinent data solicited from all known aluminum forming sources in developing these limitations. However, the analytical data from aluminum forming is limited, especially data across a treatment system such as raw waste influent to treatment and treated effluent. Therefore, the Agency evaluated and established the effectiveness of treatment technologies by examining their performance on aluminum forming and other similar wastewaters. A detailed discussion of these data and their use is included under Control Technologies Considered further in this preamble and in Section VII of the technical development document.

V. Sampling and Analytical Program

EPA focused its sampling and analysis on the toxic pollutants designated in the Clean Water Act. However, we also sampled and analyzed conventional and nonconventional pollutants. We have explained our analysis methods for toxic organic pollutants in the preamble to the proposed regulation for the Leather Tanning Point Source Category, 40 CFR Part 425 (44 FR 38749 (July 2, 1979)). Before proceeding to analyze aluminum forming wastes, we had to isolate specific toxic pollutants for analysis. The list of 65 pollutants and classes of pollutants potentially includes thousands of specific pollutants; analyses for all of them would overwhelm private and government laboratory resources. To make the task more manageable, therefore, EPA has selected 129 specific toxic pollutants for study in this rulemaking and other industry rulemakings.

In addition to the 129 pollutants, EPA checked for the presence, frequency, and concentration of xylenes, aluminum, magnesium, calcium, sodium, boron, barium, cobalt, iron, manganese, molybdenum, tin, titanium, vanadium, ytrium, TSS, oil and grease, pH, chemical oxygen demand, total phenols, total organic carbon, and total dissolved solids.

Screen samples were collected from at least one plant for each major forming operation, and these samples were analyzed (screened) for the presence and magnitude of each of the 129 specific toxic pollutants plus conventional and selected nonconventional pollutants.

VI. Industry Subcategorization

In developing this regulation, it was necessary to determine whether different effluent limitations and standards were appropriate for different segments (subcategories) of the industry. The major factors considered in identifying subcategories included: waste characteristics, basis material used, manufacturing processes, products manufactured, water use, water pollution control technology, treatment costs, solid waste generation, size of plant, age of plant, number of employees, total energy requirements, non-water quality characteristics, and unique plant characteristics. Section IV of the Development Document contains a detailed discussion of these factors and the rationale for subcategorization.

The aluminum forming manufacturing processes of rolling, extruding, forging, and drawing are universally recognized in the industry. They also provide a convenient basis for normalizing limitations from one plant to another based on mass of aluminum passed through the processes. EPA has subcategorized the aluminum forming industry based primarily on manufacturing processes. The subcategories are defined as (1) rolling with neat oils, (2) rolling with emulsions, (3) extrusion, (4) forging, (5) drawing with neat oils, and (6) drawing with emulsions or soaps.

Each subcategory is divided into two segments. The first segment, called the core, consists of the specific forming operation and related operations that almost always occur in conjunction with the forming operation. The core also includes operations that are not always found in conjunction with the forming operation, but do not discharge wastewater. The effluent flow from the core for each of the subcategories is production normalized, i.e., related to the mass of aluminum processed through the forming operation, and the limitations are based on the effluent flow and the treatment effectiveness.

The second segment of each subcategory consists of ancillary operations that generate wastewater and when practiced are an integral part of the aluminum forming process. These ancillary operations, such as solution heat treatment, cleaning or etching, and casting, are practiced to achieve desired characteristics or finishes on the aluminum products and are characterized by the generation of large volumes of wastewater. Because they are not found at every plant in a subcategory and they are not always unique to a specific subcategory, they were not included in the core. Instead, a separate limitation is proposed for ancillary operations based on the waste streams generated by these operations and normalized by the mass of aluminum processed through the ancillary operation. An aluminum forming plant would be permitted to discharge pollutants equivalent to the sum of the limitations established for the core and the individual ancillary operation(s) practiced at the plant.

VII. Available Wastewater Control and Treatment Technology

A. Control Technologies Considered

The control and treatment technologies available for this category include both in-process and end-of-pipe treatments. These technologies were considered appropriate for the treatment of aluminum forming wastewater and formed the basis of the regulatory options.

In-process treatment includes a variety of water flow reduction steps and major process changes. The following in-process treatments are considered for this proposal:

Countercurrent rinsing: Countercurrent rinsing is a mechanism commonly encountered in metal processing operations. The cleanest water is used for final rinsing of an item, preceded by rinse stages using water with progressively more contaminants to partially rinse the item. Clean make-up water is added at the final rinse and contaminated rinse water is discharged from the initial rinse stage. The make-up water for all but the final rinse is from the following rinse stage.

Recycle: Recycling of process water is the practice of treating and returning water to be used again for the same purpose. Total recycle can be employed, although build up of dissolved solids may make it necessary to discharge a bleed stream or to discharge periodically to allow for clean out of the tank.

Regeneration of chemical baths: Regeneration of chemical baths consists of treating and purifying a spent or used bath to restore its chemical properties, thus allowing a bath to be used indefinitely. This process of regeneration may be carried out with, advanced technologies such as reverse osmosis or simple pH adjustment to allow precipitation and settling of dissolved impurities. Some plants report that the addition of chemicals to make up for losses by drag out on the product is all that is necessary to maintain the bath indefinitely.

Alternate degassing methods: Aluminum in a molten state prior to casting requires degassing to remove air and some impurities from the melt. In the past one of the agents used to degas aluminum was chlorine. The reaction of chlorine with the molten aluminum produced corrosive off-gases that required scrubbing usually with a wet scrubber. Most plants have replaced the chlorine rich degassing agent with a mixture of inert gases and a much lower proportion of chlorine. The result is that a wet scrubber can be replaced with a dry system thus zero discharge.

End-of-pipe treatments that were considered appropriate for application on aluminum forming wastewaters include technologies that are common for the treatment of metal bearing wastewaters, and some less commonly used technologies.

Chemical precipitation. Chemical precipitation generally involves adjusting the pH and adding a flocculating agent to precipitate out of solution metal ions and certain anions. The chemical commonly associated with this treatment is lime.

Sedimentation. Sedimentation is a process which removes solid particles from a liquid matrix by gravitational force. This is done by reducing the velocity of the feed stream in a large volume tank or lagoon so that gravitational settling can occur. This treatment when combined with chemical precipitation is frequently referred to as lime and settle treatment.

Chromium reduction. The addition of a strong reducing agent produces a chemical reaction reducing hexavalent chromium to trivalent chromium. The reduction allows removal of chromium from solution in conjunction with other metallic salts by chemical precipitation.

Cyanide destruction or removal. With the addition of oxidizing agents or complexing agents cyanide can either be oxidized (destroyed) or complexed. Complexed cyanide can be precipitated out of solution.

Oil skimming. Oil and other materials with a specific gravity less than water often float unassisted to the surface of the wastewater. Skimming removes these floating wastes usually in a tank designed to allow floating debris to rise while the water flows to an outlet located below the floating layer. A variety of devices are used to remove the floating layer from the surface.

Chemical emulsion breaking. Chemical emulsion breaking is used to break stable oil and water emulsions. By adding chemicals, and adjusting the pH, the oil to water attraction induced in the emulsion is diminished thus allowing the oil fraction to separate and float on the water fraction where it can be skimmed off.

Thermal emulsion breaking. Dispersed oil droplets in a spent emulsion can be destabilized by the application of heat to the waste. Thermal emulsion breaking separates an emulsion into distilled water, oils and other floating materials and sludge. The oils and sludge can be disposed of and the water can be reused.

Carbon adsorption. The use of activated carbon to remove dissolved organics is one of the most efficient organic removal processes available. The carbon removes contaminants from water by the process of adsorption or the attraction and accumulation of one substance on the surface of another. Activated carbon preferentially adsorbs organic compounds and because of this selectivity is particularly effective in removing organic compounds from aqueous solution.

The Agency examined data from aluminum forming and four other categories and made the technical judgment that wastewaters from aluminum forming, copper forming, coil coating, battery manufacturing, and porcelain enameling are similar in all material respects and that lime and settle treatment was equally applicable to all such wastewaters. This judgment was further confirmed by a statistical analysis of variance which showed that the combined or pooled data set was homogeneous and that homogeneity was unaffected by the removal of data from any one category. We attempted to add electroplating wastewater data to the pooled data but found that it substantially reduced the homogeneity of the data set and, therefore, electroplating was not included in the pooled data set. We supplemented aluminum forming lime and settle data with data from the other four categories forming a larger and more substantial data pool for analysis and use. Based on this substantial data base, the Agency concludes that aluminum forming wastewaters can be effectively treated by lime and settle technology to achieve the treatment performance derived from the pooled data set.

The Agency also examined the performance of lime, settle and filter based on the performance of full scale commercial systems treating porcelain enameling wastewaters. One aluminum forming plant reported that they are using a filter thus, this technology is demonstrated on aluminum forming wastewaters. However, we do not have data on the performance of this technology on aluminum forming wastewaters. The Agency requests data from aluminum forming plants that use lime settle and filter technology. The Agency made the determination that wastewaters from porcelain enameling and aluminum forming are similar in all material respects based on the analysis of the combined data set, therefore, the performance of lime, settle and filter can be applied to the aluminum forming wastewaters.

The treatment performance data is used to obtain maximum daily and monthly average pollutant concentrations. These concentrations (mg/l) along with the aluminum forming production normalized flows (1/kkg of aluminum processed) are used to obtain the maximum daily and monthly average values (mg/kkg) for effluent limitations and standards. The monthly average values are based on the average of ten consecutive sampling days. The ten day average value was selected as the minimum number of consecutive samples which need to be averaged to arrive at a stable slope on a statistically based curve relating one day and 30 day average values and it approximates the most frequent monitoring requirement of direct discharge permits. The monthly average numbers shown in the regulation are to be used by plants with combined waste streams that use the "combined waste stream formula" set forth at 40 CFR 403.6(e) and by permit writers in writing direct discharge permits.

B. Status of In-Place Technology

Current wastewater treatment practices in the aluminum forming category range from no treatment at 65 plants to treatment with chemical precipitation, sedimentation and

filtration at one aluminum forming plant. Of the 124 discharging plants for which data are available, 58 are direct dischargers. Thirteen of these plants have treatment to remove metals and suspended solids, twelve have technologies for oil removal, four remove suspended solids, two remove oil and suspended solids, and nine have technologies capable of removing all three groups. The remainder of the direct dischargers did not report any treatment for their aluminum forming wastewaters. Out of the 66 indirect discharging plants, 47 have no treatment for their aluminum forming wastewaters, three have oil removal technologies, two have technologies to remove oil and suspended solids, seven have technologies to remove metals and suspended solids, four remove suspended solids and three plants have the technology capable of removing metals, suspended solids, and oil and grease.

VIII. Best Practicable Technology (BPT) Effluent Limitations

The factors considered in defining best practicable control technology currently available (BPT) include the total cost of applying technology in relation to the effluent reduction benefits derived, the age of equipment and facilities involved, the processes employed, non-water quality environmental impacts (including energy requirements), and other factors the Administrator considers appropriate. In general, the BPT level represents the average of the best existing performances of plants of various ages, sizes, processes or other common characteristics. Where existing performance is uniformly inadequate, BPT may be transferred from a different subcategory or category. Limitations based on transfer technology must be supported by a conclusion that the technology is, indeed, transferable and a reasonable prediction that it will be capable of achieving the prescribed effluent limits. See *Tanners' Council of America* v. *Train*, 540 F.2d 1188 (4th Cir. 1976). BPT focuses on end-of-pipe treatment rather than process changes or internal controls, except where such are common industry practice.

The cost-benefit inquiry for BPT is a limited balancing, committed to EPA's discretion, which does not require the Agency to quantify benefits in monetary terms. See, e.g. *American Iron and Steel Institute* v. *EPA*, 526 F.2d 1027 (3rd Cir. 1975). In balancing costs in relation to effluent reduction benefits, EPA considers the volume and nature of existing discharges, the volume and nature of discharges expected after application of BPT, the general environmental effects of the pollutants, and the cost and economic impacts of the required pollution control level. The Act does not require or permit consideration of water quality problems attributable to particular point sources or industries, or water quality improvements in particular water bodies. Accordingly, water quality considerations were not the basis for selecting the proposed BPT. See *Weyerhaeuser Company* v. *Costle*, 590 F.2d 1011 (D.C. Cir. 1978).

In developing the proposed BPT limitations, the Agency considered the amount of water used per unit production in each waste stream. These data were used to determine the average water discharge for each subcategory core and ancillary operation. Aberrant flows were excluded from mean calculations. In that the proposed BPT limitations were based on the average water discharge, plants with greater than average discharge flows may have to implement some method of flow reduction in order to achieve the effluent limits of BPT.

Next, the end-of-pipe treatment technology appropriate for BPT level treatment was selected. The proposed BPT level treatment consists of hexavalent chromium reduction, and chemical emulsion breaking, where applicable; oil skimming, chemical precipitation and sedimentation to remove the resultant precipitate and other suspended solids. All aspects of BPT technology are demonstrated at aluminum forming plants and, BPT performance is known to be achieved for all pollutant parameters at three aluminum forming plants sampled by the Agency.

Cyanide removal, where applicable, is also included in BPT. Significant amounts of cyanide were detected in process wastewater from aluminum forming plants. Existing in-place technology for the aluminum forming category is uniformly inadequate; in fact, cyanide removal is not demonstrated within the category. However, cyanide removal is used on similar wastes from the aluminum subcategory of the coil coating point source category by some of the same companies that also do aluminum forming. Because the processes and raw wastewater characteristics are similar and because the Agency believes that cyanide removal technology as used in the coil coating category will perform as effectively for aluminum forming, the Agency is proposing cyanide removal at BPT. See *Tanners' Council of American* v. *Train*, 540 F.2d 1188 (4th Cir. 1976).

The effluent expected to result from the application of these technologies was evaluated against the known performance of some of the best plants in the category and was found to be consistent. BPT technology as outlined above applies to five of the aluminum forming subcategories. The sixth subcategory, forging is excluded from BPT and BAT limitations because there are no direct discharge forging plants (see Section XIV of this preamble). The effluent concentrations resulting from the application of the technology are identical in each subcategory, however, the mass limitations vary due to different water uses among the subcategories.

Fifty-eight plants are direct dischargers. The Agency estimates that investment costs in 1982 dollars for these plants would be $43.7 million and that total annual costs would be $22.5 million. Removal of toxic pollutants over estimates of current removals would be 92,900 kg/yr (205,000 lb/yr). EPA expects no plant closures, unemployment, or changes in industry production capacity as a result of this BPT limitation. If all costs were passed on to consumers, price increases would be minimal. The Agency has determined the effluent reduction benefits associated with compliance with BPT limitations justify the costs.

IX. Best Available Technology (BAT) Effluent Limitations

The factors considered in assessing best available technology economically achievable (BAT) include the age of equipment and facilities involved, the process employed, process changes, non-water quality environmental impacts (including energy requirements) and the costs of applying such technology (Section 304(b)(2)(B) of the Clean Water Act). At a minimum, the BAT technology level represents the best economically achievable performance of plants of various ages, sizes, processes or other shared characteristics. As with BPT, where the Agency has found the existing performance to be uniformly inadequate, BAT may be transferred from a different subcategory or category. BAT may include feasible process changes or internal controls, even when not common industry practice.

The required assessment of BAT "considers" costs, but does not require a balancing of costs against effluent reduction benefits (see *Weyerhaeuser* v. *Costle, supra*). In developing the proposed BAT, however, EPA has given substantial weight to the reasonableness of cost. The Agency has considered the

volume and nature of discharges expected after application of BAT, the general environmental effects of the pollutants, and the costs and economic impacts of the required pollution control levels.

Despite this expanded consideration of costs, the primary determinant of BAT is still effluent reduction capability. As a result of the Clean Water Act of 1977, the achievement of BAT has become the principal national means of controlling toxic water pollution. The aluminum forming processes discharge approximately 45 different toxic pollutants. These toxics include seven toxic metals, cyanide, and some 37 toxic organics, which are contained in the emulsified lubricants used throughout the category. EPA has selected BAT technology options which will reduce this toxic pollution by a significant amount.

The Agency has considered six major sets of technology options which might be applied at the BAT level. Each of these options would substantially reduce the discharge of toxic pollutants. These options are described in detail in Section X of the Development Document and are outlined below. Briefly, the following technology options were considered for BAT.

Option 1: Consists of chromium reduction, cyanide removal, chemical emulsion breaking, where applicable; oil skimming, chemical precipitation, and sedimentation; with flow normalization to the mean. This option is equivalent to the technology selected for the proposed BPT limits.

Option 2: Option 1 plus flow reduction. Specifically consists of chromium reduction, cyanide removal, chemical emulsion breaking, where applicable; oil skimming, chemical precipitation, and sedimentation; with flow reduction through the application of recycle, countercurrent rinsing, hauling or regeneration of chemical baths, and alternate degassing methods.

Option 3: Option 2 plus a filter. Specifically consists of chromium reduction, cyanide removal, chemical emulsion breaking, where applicable; oil skimming; chemical precipitation, sedimentation, and filtration; with flow reduction through the application of recycle, countercurrent rinsing, regeneration of chemical baths, and alternate degassing methods. EPA's treatment model is based on the gravity mixed-media type filter, although other filters such as rapid sand or pressure would perform satisfactorily as well.

Option 4: Option 2 plus thermal emulsion breaking. Specifically consists of chromium reduction, cyanide removal, thermal emulsion breaking, where applicable; oil skimming, chemical precipitation, and sedimentation, with flow reduction through the application of recycle, countercurrent rinsing, regeneration of chemical baths, and alternate degassing methods.

BAT limitations based on Option 4 build on the requirement of Option 2 by requiring zero discharge of emulsified lubricants. One plant currently achieves zero discharge from its concentrated emulsion waste stream using chemical emulsion breaking, ultrafiltration and clarification with recycle or reuse of the treated effluent. Another plant uses land application of emulsions to achieve zero discharge. Thermal emulsion breaking can also achieve zero discharge of pollutants by recovering the water content and recycling the oil for salvage. The Agency has used the thermal emulsion breaking process for control technology and costing although other zero discharge options are available.

Option 5: Option 4 plus filter. Specifically consists of chromium reduction, cyanide removal, thermal emulsion breaking, where applicable; oil skimming, chemical precipitation, sedimentation, and filtration; with flow reduction through the application of recycle, countercurrent rinsing, regeneration of chemical baths, and alternate degassing methods.

Option 6: Option 5 plus activated carbon. Specifically consists of chromium reduction, cyanide removal, thermal emulsion breaking, and activated carbon, where applicable; oil skimming, chemical precipitation, sedimentation, filtration, with flow reduction through the application of recycle, countercurrent rinsing, regeneration of chemical baths, and alternate degassing methods.

BAT Selection and Decision Criteria—EPA has selected Option 2 as the basis for proposed BAT effluent limitations. This option was selected becuase it provides protection of the environment consistent with proven operation of in-process controls and treatment effectiveness. The reduction of pollutants in the effluent especially toxic metals is substantial and economically achievable; there are minimal economic impacts on the industry (see Section XVI of this preamble).

Option 2 builds upon the technologies established for BPT. Flow reduction measures are the principal mechanisms for reducing pollutant discharges at Option 2. Flow reduction measures result in eliminating some wastewater streams and concentrating the pollutants in others. Treatment of a more concentrated stream allows a greater net removal of pollutants and a reduced flow may reduce the size of the treatment equipment and hence the cost of treatment. Methods for reducing process wastewater generation include:

- Heat treatment contact cooling water recycle through cooling towers;
- Scrubber liquor recycle;
- Continuous rod casting contact cooling water recycle;
- Hauling or regeneration of cleaning or etch line chemical baths;
- Countercurrent rinsing applied to cleaning or etch line and die cleaning rinses; and
- Alternative fluxing methods for molten aluminum.

The Agency considered establishing a Total Toxic Organics (TTO) limitation at BAT for the toxic organic pollutants listed in Appendix G. However, data from aluminum forming plants shows a 97 percent reduction in the concentrations of toxic organics with the effective treatment and removal of oil and grease (see Section X of the technical development document). Thus, the Agency has determined that the oil and grease limitation at BPT will provide adequate control of the toxic organics and, therefore, is not establishing a TTO limit at BAT. The basis for this decision are the provisions set forth under Paragraph 8(a)(iii) of the Revised Settlement Agreement, which allows the Administrator to exclude from regulation toxic pollutants effectively controlled by technologies upon which are based other effluent limitations and guidelines.

All of the technologies or control methods recommended for BAT are presently employed in one or more aluminum forming plant with the exception of cyanide removal as discussed previously. The application of technologies such as countercurrent rinsing to cleaning or etch lines is not expected to cause serious interruptions in production since these operations tend to be used intermittently allowing process changes to be scheduled.

The Agency recommends that cleaning or etching chemical baths be either contract hauled or regenerated to avoid discharge. The Agency based cost estimates on contract hauling as a means of achieving zero discharge. However, fifteen plants presently are not discharging their chemical baths by applying the chemical principles of regeneration which are to precipitate unwanted metal salts out of solution, achievable through a shift in temperature, adding makeup chemical to the bath to restore its properties, and periodically removing the solids. Two of the plants contacted indicated that their

regeneration technologies are either patented or proprietary. Although the Agency knows that regeneration is an effective and efficient means of treating these wastes, it may not be universally available. We therefore, request comments on the availability of this technology and the assumption that the costs of its application are balanced by the savings in formulations for a new bath and the disposal of spent chemical baths.

The incremental mass of toxic pollutants removed in going from Option 1 or BPT to Option 2 is 16,000 kg/yr (35,000 lb/yr) with an associated cost of $11.7 million capital investment and $4.1 million annually.

The Agency examined the addition of a polishing filter, which is known to be in use at one aluminum forming plant, as Option 3. Although EPA is proposing effluent limitations based on technology Option 2, the Agency will give equivalent consideration to promulgating final limitations based on technology Option 3. Option 3 consists of Option 2 plus filtration and would remove 4,200 kg/yr (9,200 lb/yr) toxic pollutants above Option 2 at a capital cost of $7.3 million and annual costs of $2.0 million. Section VII of the Development Document contains a discussion of the treatment effectiveness that can be achieved using Option 3 and Section II of the Development Document contains effluent limitations tables based on Option 3 technology. The Agency requests comment of these two options. See section XXII of this preamble for a discussion of the type of information the Agency specifically requests.

The Agency decided not to propose BAT based on Options 4 and 5 because of the extremely high energy requirements and costs associated with retrofitting thermal emulsion breaking technology into existing aluminum forming plants. In addition there is a small difference in pollutant reduction benefits achieved over Option 2.

The incremental mass of pollutants removed in going from Option 2 technology to Option 4 technology is 240 kg/yr (530 lb/yr) of toxic pollutants. The incremental capital cost for Option 4 above Option 2 is $89.2 million, the incremental annual cost is $19.1 million/yr.

The incremental mass toxic pollutants removed in going from Option 2 to Option 5 is 4,500 kg/yr (9,900 lb/yr). The incremental capital costs in going from Option 2 to Option 5 is $97.6 million, and the incremental annual cost is $21.6 million/yr.

Option 6 is applicable only to the forging subcategory because the forging scrubber liquors may contain significant concentrations of organics from the volatilization of forging lubricants. Activated carbon was eliminated from consideration early in the decision process due to the high cost ($41,700 capital and $65,000/yr) associated with its application and the minimal incremental removals (15.1 kg/yr, or 33 lb/yr) of toxic organics achieved.

X. New Source Performance Standards (NSPS)

The basis for new source performance standards (NSPS) under Section 306 of the Act is the best available demonstrated technology. New plants have the opportunity to design and use the best and most efficient aluminum forming processes and wastewater treatment technologies, without facing the added costs and restrictions encountered in retrofitting an existing plant. Therefore, Congress directed EPA to consider the best demonstrated process changes, in-plant controls, and end-of-pipe treatment technologies which reduce pollution to the maximum extent feasible.

EPA examined Options 1 through 5 identical to the BAT options for selection of NSPS technology. The option selected for NSPS is Option 3 which consists of flow reduction, and end-of-pipe treatment of oil skimming, lime, settle and filter, plus preliminary treatment when necessary of chemical emulsion breaking, chromium reduction, and cyanide removal. Option 3 is selected because it provides greater protection of the environment than either Option 1 or 2 and because it is based on technology that is fully demonstrated and is in use at one existing aluminum forming plant. The Agency did not select Option 4 or 5 because of the very high costs and high energy requirements for thermal emulsion breaking technology and the small incremental removal of toxic pollutants over Option 3. The data relied upon for selection of NSPS were primarily the data developed for existing sources which included costs on a plant-by-plant basis along with retrofit costs where applicable. The Agency believes that compliance costs could be lower for new sources than our cost estimates for equivalent existing sources, because production processes can be designed on the basis of lower flows and there will be no costs associated with retrofitting the in-process controls. Furthermore, since Option 3 when applied to existing sources is not expected to cause any plant closures or job losses, the Agency does not believe that applying this level of technology to new sources will create a barrier to entry into the category.

XI. Pretreatment Standards For Existing Sources (PSES)

Section 307(b) of the Act requires EPA to promulgate pretreatment standards for existing sources (PSES) to prevent the discharge of pollutants which pass through, interfere with, or are otherwise incompatible with the operation of POTW. These standards must be achieved within three years of promulgation.

Before proposing pretreatment standards, the Agency examines whether the pollutants discharged by the industry pass through the POTW or interfere with the POTW operation or its chosen sludge disposal practices. In determining whether pollutants pass through a POTW, the Agency compares the percentage of a pollutant removed by POTW with the percentage removed by direct dischargers applying the best available technology economically achievable. A pollutant is deemed to pass through the POTW when the average percentage removed nationwide by well-operated POTW meeting secondary treatment requirements, is less than the percentage removed by direct dischargers complying with BAT effluent limitations guidelines for that pollutant.

This definition of pass through satisfies two competing objectives set by Congress: (1) That standards for indirect dischargers be equivalent to standards for direct dischargers, while, at the same time, (2) that the treatment capability and performance of the POTW be recognized and taken into account in regulating the discharge of pollutants from indirect dischargers. The Agency compares percentage removal rather than the mass or concentration of pollutants discharged because the latter would not take into account the mass of pollutants discharged to the POTW from non-industrial sources nor the dilution of the pollutants in the POTW effluent to lower concentrations due to the addition of large amounts of non-industrial wastewater.

In the aluminum forming category, the Agency has concluded that the toxic metals that would be regulated under these proposed standards pass through the POTW. The average percentage of toxic metals removed by well-operated POTW meeting secondary treatment requirements nationwide is about 50 percent (ranging from 20 to 65 percent), whereas the percentage that can be removed by an aluminum forming direct discharger applying the best available technology economically achievable is

expected to be about 91 percent (ranging from 79 to 97 percent). Accordingly, these pollutants pass through POTW.

As mentioned previously under BAT, there are some 37 toxic organics associated with the emulsified lubricants used in aluminum forming. At BAT, these toxic organics are not specifically regulated, since the oil and grease limitation proposed at BPT should provide adequate removal, approximately 97 percent. As demonstrated in the Development Document, direct dischargers who comply with the BPT limitation for oil and grease will remove a greater percentage of the toxic organics than a well operated POTW achieving secondary treatment. Accordingly, the Agency believes that there may be pass through of toxic organic pollutants associated with oil waste streams. Given the mix of toxic organic pollutants found in these waste streams, for example tetrachloroethylene and PCB's, and the fact that they may pass through POTW, we propose to establish a pretreatment standard for total toxic organics (TTO) to control these pollutants. The proposed TTO standard is based on the application of oil and grease removal technology to achieve the same removal of TTO as BPT level of treatment. Oil and grease removal is a relatively inexpensive technology which may be used to control toxic organics as compared with more conventional treatment technologies such as biological treatment or activated carbon. In addition, oil and grease removal may be an important part of good treatment for metals removal.

The Agency considered five options for the proposed PSES technology which parallel Options 1 through 5 previously described. The technology option selected as the basis of proposed standards is Option 2 which consists of end-of-pipe treatment with oil skimming, lime and settle; and cyanide removal, hexavalent chromium reduction, and chemical emulsion breaking, where applicable. The option selected includes wastewater flow reduction by countercurrent rinsing and major in-process changes (See Section X of the technical Development Document for a detailed discussion of Option 2 technology).

The application of Option 2 technology to the indirect dischargers would remove 109,000 kg/yr (240,000 lb/yr) of toxic pollutants above current removals; and would have an investment cost of $32.3 million and an annual cost of $15.7 million.

Although, the Agency is proposing PSES based on Option 2, we will give equivalent consideration to Option 3 which includes filtration as the basis for PSES. The technologies associated with Option 3 are set forth in Sections X and XII and the standards which would apply if Option 3 is selected as the basis for PSES are set forth in Section II of the technical development document. We urge interested persons to study these data and comment on the pollutant limitations, environmental benefits and costs resulting from this option. See section XXII of this preamble for a discussion of the type of information the Agency specifically requests.

If the proposed pretreatment standards were applied to all indirect discharging facilities, the Agency estimates that there would be five potential closures in the extrusion and drawing with emulsions or soaps subcategories. To avoid this adverse affect the Agency is proposing to exclude from compliance with these categorical pretreatment standards, plants in the extrusion subcategory that produce less than three million pounds per year and plants in the drawing with emulsions or soaps subcategory that produce less than one million pounds per year. (General pretreatment standards remain applicable.) This exclusion is necessary to avoid excessive economic impacts on this segment of the industry. The Agency was unable to identify any technologies less costly than the one chosen which would remove significant amounts of toxic pollutants in these subcategories. Accordingly, the small plant cut-off in these two subcategories is the only option available to avoid severe economic impacts on these subcategories.

EPA proposes to establish a Total Toxic Organics (TTO) limitation based on the data presented in Section X of the technical development document. The list of organics included under TTO is also presented in Section X of the Development Document. Analysis of toxic organics is costly and requires delicate and sensitive equipment. Therefore, the Agency proposes to establish as an alternative to monitoring for total toxic organics, an oil and grease limit equivalent to the BPT limit, for which the analysis is much less costly and frequently can be done at the plant. Data indicate that the toxic organics are in the oil and grease, and by removing the oil and grease the toxic organics will also be removed. We request comment on the TTO limit and the alternate monitoring parameter of oil and grease. EPA also requests comment on whether we should simply promulgate an oil and grease limitation to effectively control toxic organics.

The limitations and standards set forth in this proposed regulation are expressed in terms of mass limitations rather then concentration limitations. Mass limitations are necessary because flow reduction is an important part of the PSES technology basis for the standards. For this reason, no alternative concentration standards are proposed for indirect dischargers. The Agency requests comment on whether it would be more appropriate to promulgate pretreatment standards on concentration basis.

A POTW could easily monitor compliance by calculating a "personalized" concentration limit for each plant through the following procedure: The POTW would measure the influent flow to the aluminum forming plant, and, through the use of flow meters inserted at appropriate places in the process wastewater lines, measure the process flow for each regulated process. The POTW would then obtain from the plant the average daily mass of aluminum processed by the plant. With these data, the POTW could calculate a concentration limit for the plant. First, the pretreatment standard for the core is multiplied by the mass of aluminum formed to obtain the mass of the pollutant that can be discharged daily for a core regulated process stream. This operation is repeated for any other core or ancillary process streams in the plant. The total masses for all process streams are then added together and divided by the total plant influent flow to obtain a concentration limit for the plant. Dividing by total influent flow rather than process flow accounts for non-process streams that would dilute the wastewater, and thus lower without treatment the concentration of pollutants. Once an end-of-plant concentration limit is obtained, this limit can be applied routinely to the plant. The influent flow could be monitored monthly and compared to the flow used in this calculation to ensure that no major changes had taken place in plant water use. If a major change had occurred, the above procedure could be repeated to obtain a new "personalized" concentration limit for the plant.

Monitoring requirements for pretreatment standards are proposed on the basis of a one day maximum not to be exceeded and a monthly average which shall apply for use in the combined waste stream formula.

The Agency proposes that these standards shall become effective three years after the date of promulgation. We estimate that plants will need that time to install the treatment needed to

comply with these standards, since few indirect discharge aluminum forming plants have installed treatment technology. The Agency invites comment on this proposed date.

XII. Pretreatment Standards For New Sources (PSNS)

Section 307(c) of the Act requires EPA to promulgate pretreatment standards for new sources (PSNS) at the same time that it promulgates NSPS. New indirect dischargers will produce wastes having the same pass through problems as described for existing dischargers. New indirect dischargers, like new direct dischargers, have the opportunity to incorporate the best available demonstrated technologies including process changes, in-plant controls, and end-of-pipe treatment technologies, and to use plant site selection to ensure adequate treatment system installation.

For these reasons the Agency is proposing PSNS based on the same technology as NSPS which includes flow reduction, oil skimming, lime, settle, and filter, plus preliminary treatment with chemical emulsion breaking, chromium reduction, and cyanide removal when necessary. The Agency believes that compliance costs could be lower for new sources than our cost estimates for equivalent existing sources, because production processes can be designed on the basis of lower flows and there will be no costs associated with retrofitting the in-process controls. Since, as discussed under NSPS, new source costs should be no greater than that for equivalent existing sources, we do not expect PSNS to cause a barrier to entry.

The mass limitations set forth as PSES are presented here as the only method of designating pretreatment standards for new sources for the reasons set for the above. As with PSES requirements the Agency requests comment on the appropriateness of mass based limitations.

XIII. Regulated Pollutants

The basis upon which the controlled pollutants were selected, as well as the general nature and environmental effects of these pollutants, is set out in Sections V, VI, IX and X of the Development Document. Some of these pollutants are designated as toxic under Section 307(a) of the Act. Three pollutants have been deleted from the list of 129. These are dichlorodifluoromethane, trichlorofluoromethane 46 FR 2266 (January 8, 1981) and bis(chloromethyl)ether 46 FR 10723 (February 4, 1981).

A. *BPT*—The pollutants controlled by the BPT limitations are chromium, cyanide, zinc, aluminum, oil and grease, TSS, and pH. The discharge is controlled by maximum daily and monthly average mass effluent limitations stated in milligrams (mg) per metric ton (kkg) of aluminum processed.

B. *BAT and NSPS*—The toxic and nonconventional pollutants specifically limited by BAT and NSPS are the same as those limited by BPT. The conventional pollutants of oil and grease, TSS and pH are also limited at NSPS.

C. *PSES and PSNS*—The toxic pollutants specifically limited by PSES and PSNS are Total Toxic Organics (TTO), which includes acenaphthene, p-chloro-m-cresol, 2-chlorophenol, 2,4-dinitrotoluene, 1,2-diphenylhydrazine, ethylbenzene, fluoranthene, isophorone, naphthalene, N-nitrosodiphenylamine, phenol, benzo(a)pyrene, 3,4-benzofluoranthene, benzo(k)fluoranthene, chrysene, acenaphthylene, anthracene, benzo(ghi)perylene, fluorene, phenanthrene, dibenzo(a,h)anthracene, indeno(1,2,3-c,d)pyrene, pyrene, tetrachloroethylene, toluene, trichloroethylene, vinyl chloride, endosulfan sulfate, endrin, endrin aldehyde, PCB–1242, PCB–1254, PCB–1221, PCB–1232, PCB–1248, PCB–1260, and PCB–1016. Also limited by PSES and PSNS are chromium, cyanide, and zinc. Aluminum is not limited because aluminum in its hydroxide form is used by POTW as a flocculant to aid in the settling and removal of suspended solids. Therefore, aluminum in limited quantities, does not pass through or interfere with POTW; rather it is a necessary aid to its operation.

XIV. Pollutants and Subcategories Not Regulated

The Settlement Agreement contains provisions authorizing the exclusion from regulation, in certain instances, of toxic pollutants and industry subcategories.

A. Exclusion of Pollutants

Paragraph 8(a)(iii) of the Settlement Agreement allows the Administrator to exclude from regulation toxic pollutants not detectable by Section 304(h) analytical methods or other state-of-the-art methods. The toxic pollutants not detected and therefore, excluded from regulation are listed in Appendix B to this notice—first those excluded from all subcategories, then by subcategory those not excluded in all subcategories.

Paragraph 8(a)(iii) also allows the Administrator to exclude from regulation toxic pollutants detected in amounts too small to be effectively reduced by technologies known to the Administrator. Appendix C to this notice lists the toxic pollutants in each subcategory which were detected in the effluent in amounts at or below the nominal limit of analytical quantification, which are too small to be effectively reduced by technologies and which, therefore, are excluded from regulation.

Paragraph 8(a)(iii) also allows the Administrator to exclude from regulation toxic pollutants detectable in the effluent from only a small number of sources within the subcategory because they are uniquely related to those sources. Appendix D to this notice lists for each subcategory the toxic pollutants which were detected in the effluents of only one plant, are uniquely related to that plant, and are not related to the manufacturing processes under study.

Paragraph 8(a)(iii) also allows the Administrator to exclude from regulation, toxic pollutants present in amounts too small to be effectively reduced by technologies considered applicable to the category. Appendix E lists those toxic pollutants which are not treatable using technologies considered.

Paragraph 8(a)(iii) also allows the administrator to exclude from regulation toxic pollutants which will be effectively controlled by the technologies upon which are based other effluent limitations and guidelines, or pretreatment standards. Appendix F list those toxic pollutants which will be effectively controlled by the BAT limitations and pretreatment standards, even though they are not specifically regulated. Appendix G lists those toxic organic pollutants which are not regulated at BAT because they are effectively controlled by BPT limitations.

Indicator pollutants. The difficulty and cost of analyses for toxic pollutants found in the aluminum forming category wastewaters has prompted EPA to develop an alternative method of regulating certain toxic pollutants. Instead of proposing specific effluent limitations for each of the six toxic metals found in the category's raw wastewaters above treatability levels, the Agency is proposing effluent limitations for certain "indicator" pollutants. These include chromium, cyanide, and zinc. The data available to EPA generally show that control of the selected "indicator" pollutants will result in comparable control of other toxic pollutants found in the wastewaters but not specifically limited. By establishing specific limitations and standards for only the "indicator"

pollutants, the agency will reduce the difficulty, high cost, and delays of pollutant monitoring and analyses that would result if pollutant limitations were established for each toxic pollutant. Appendix G lists the pollutants which will be effectively controlled by the "indicator" pollutants for which specific limitations are proposed.

B. Exclusion of Subcategories

Additionally, Paragraph 8(a)(iv) of the Settlement Agreement authorizes the exclusion of subcategories in which the amount and toxicity of each pollutant in the discharge do not justify developing national regulations. The forging subcategory has no direct discharging plants and therefore, meets the requirement of paragraph 8(a)(iv) for direct dischargers. Accordingly, no BPT and BAT limitations are established for the forging subcategory.

XV. Costs and Economic Impacts

Executive Order 12291 requires EPA and other agencies to perform regulatory impact analyses of certain regulations. See 46 FR 13193 (February 19, 1981). The Executive Order requires a regulatory impact analysis for major regulations which are likely to have an annual effect on the economy of $100 million or more or which meet other special criteria (Section 1(b)). The proposed regulations for the aluminum forming industry do not require a formal regulatory impact analysis because this proposed rulemaking is expected to have an annual effect on the economy of less than $100 million and the other criteria for a regulatory impact analysis are not met. The economic impact analysis prepared for this proposed rulemaking meets the requirements for non-major rules.

EPA's economic impact assessment is set forth in *Economic Impact Analysis of Proposed Effluent Standards and Limitations for the Aluminum Forming Industry*, EPA. This report details the investment and annual costs for the industry as a whole and for typical plants covered by the proposed aluminum forming regulation. The report also estimates the probable impact of compliance costs in terms of plant closures, production changes, price changes, employment changes, local community impacts, and imports and exports of aluminum forming productions.

EPA has identified 277 plants that perform aluminum forming. Of these 277 plants, 153 do not discharge process wastewater, 58 are direct dischargers and 66 are indirect dischargers. Total investment for BAT and PSES is projected to be $87.7 million with annual costs of $42.3 million, including depreciation and interest. These costs are in 1982 dollars and are based on the determination that plants will build on existing treatment. No potential plant closures are projected as a result of this regulation. Price increases differ somewhat among the product groups ranging from 0.2 to 0.7 percent. Balance of trade effects are insignificant.

The costs of implementing the regulations were estimated on a plant-by-plant basis for a sample of 238 plants including 104 dischargers. The cost estimates were derived by a computerized costing program using 1977 plant data resulting in 1978 dollar estimates which have been updated to 1982. The costing program accounted for plant size and for treatment in place to develop an estimate of capital and annual costs, which were grouped by subcategory and summed. For purposes of measuring the economic impacts, the industry was subcategorized by the type of product. The economic impacts were estimated through a microeconomic model which projects the price and output behavior of each major industry segment. It is used, in conjunction with compliance cost estimates, to determine post-compliance price and production levels for each industry segment and for each regulatory option.

A financial profile was developed for each of the sample plants based on average ratios for the industry segment in which the plant competes. The primary variables of interest in analyzing individual plants were profitability, as measured by return on sales and return on investment; and the ability of individual plants to raise capital, as measured by the ratios of compliance investment costs to plant assets and revenues. Other factors considered in judging the likelihood of closure include the degree of integration, and market characteristics such as the degree of competition and the existence of specialty markets. Given the plant-specific compliance cost estimates, the industry-segment-specific financial ratios, and other factors, the impact on industrial plants was projected.

In addition, EPA has conducted an analysis of the incremental removal cost per pound equivalent for each of the proposed technology-based options. A pound equivalent is calculated by multiplying the number of pounds of pollutant discharged by a weighting factor for that pollutant. The weighting factor is equal to the water quality criterion for a standard pollutant (copper), divided by the water quality criterion for the pollutant being evaluated. The use of "pound equivalent" gives relatively more weight to removal of more toxic pollutants. Thus, for a given expenditure, the cost per pound-equivalent removed would be lower when a highly toxic pollutant is removed than if a less toxic pollutant is removed. This analysis is included in the record of this rulemaking, and is entitled *Cost-Effectiveness Analysis of Effluent Standards and Limitations for the Aluminum Forming Industry*. EPA invites comments on the methodology used in this analysis.

BPT: Fifty-eight plants are direct dischargers. Data on 49 of these 58 plants were used to estimate the impacts of the regulation. The cost estimates were based on treatment in place, and the regulatory flows.

Since the Option 1 regulatory flow is on the whole larger than the Option 2 flow, and the in-process controls tend to be relatively inexpensive, the cost of Option 2 was less than Option 1 for a number of plants and for the subcategories and category as a whole. Thus for the purpose of evaluating the economic impacts it was assumed that the plants would install the least expensive treatment either Option 1 or 2, to meet the requirements of Option 1. Therefore, the BPT costs are based on the lowest cost either Option 1 or Option 2. The BPT regulation is projected to cost $43.7 million in investment costs and $22.5 million in annual costs for these plants. The analysis of economic impact was based on a sample of 49 out of 58 plants and concluded that there is little potential for plant closure associated with the BPT treatment option. If all costs were passed on to consumers, price increases would range from 0.2 to 0.7 percent.

BAT: Aluminum forming plants that do not have BPT installed and discharge directly are expected to move to Option 2 technology without first installing BPT technology. The flow reduction included in proposed BAT allows for smaller treatment systems than those associated with the proposed BPT treatment technology. Therefore, compliance costs and resulting impacts discussed below are based on the total effects of going from existing treatment to installing BAT. Investment costs are estimated to be $55.4 million, with annual costs of $26.6 million, including depreciation and interest. This option also would not result in any closures. If all costs were passed on to consumers, price increases would range from 0.2 to 0.7 percent, not significantly greater than the BPT increases.

The Agency is considering the promulgation of BAT limitations on the basis of technology Option 3 which

includes filters. The investment costs of this option are expected to be $144.6 million and $45.7 million annually. This level of technology is not expected to cause any plant closures or job losses.

PSES: Sixty-six plants are identified as indirect dischargers and 55 of these were included in the sample. The pollution control technology for the proposed pretreatment standards is identical to the proposed BAT treatment technology. Investment costs for the 66 indirect dischargers are estimated to be $32.3 million and annual costs are estimated at $15.7 million. The Agency's initial estimate of potential plant closures indicated that there could be five closures associated with PSES among the 55 sampled plants. Of those potential closures two were closures of entire aluminum forming plants and three were closures of aluminum forming operations in plants primarily doing other things. In terms of unemployment, these potential closures could have affected approximately 120 employees.

However, as discussed above to avoid excessive economic impacts of this requirement EPA proposes to exempt indirect discharging plants in the extruding subcategory producing less than 3 million pounds of product and plants in the drawing with emulsions or soaps subcategory producing less than 1 million pounds of product per year from these categorical pretreatment standards. By so doing EPA estimates that there will be no closures from these PSES categorical requirements.

The Agency is considering the promulgation of PSES limitations on the basis of technology Option 3 which includes filters. The investment costs of this option are expected to be $32.6 million and $16.5 million annually. This level of technology is not expected to cause any additional plant closures or job losses over those predicted for Option 2.

NSPS—PSNS: Aluminum formed products have been available for many years. The versatility of the product has been responsible for its long-term growth. Recent trends in the U.S. economy, especially the increase in energy prices has increased the use of aluminum formed products. This is especially true in the transportation business. The current recession and the downturn in the automotive industry have reduced the demand for aluminum formed products. EPA believes that this is a temporary condition, and that demand for aluminum formed products will continue to increase in the years ahead. This projected increase in demand should result in the opening of new plants.

EPA is proposing NSPS and PSNS based on technology Option 3 which includes the same technologies as for BAT and PSES, plus filters. For existing sources, the cost for technology Option 3 would be in the range of 5 to 10 percent greater than that for the selected option (Option 2) for existing sources, and economies are available for installations in new plants since they will not have retrofit problems for flow reduction. EPA believes that NSPS and PSNS will be no more expensive than Option 3 would be for existing sources and will not constitute a barrier to entry or produce other adverse economic effects.

Regulatory Flexibility Analysis: Public Law 96–354 requires that EPA prepare an Initial Regulatory Flexibility Analysis for all proposed regulations that have a significant impact on a substantial number of small entities. This analysis must:

- Describe the reasons, objectives, and legal basis for the proposed rule;
- Describe, and where feasible, estimate the number of small entities, as (in most cases) defined by Small Business Administration (SBA), affected by the proposed rule;
- Describe the reporting, recordkeeping and other compliance requirements;
- Identify any Federal rules that may duplicate, overlap, or conflict with the proposed rule; and
- Describe any significant alternatives that would accomplish the stated objectives, and minimize any significant economic impacts of the proposed rules on small entities.

This analysis may be done in conjunction with or as a part of any other analysis conducted by the Agency. This proposed rulemaking and the economic impact analysis supporting the proposal satisfy the requirements of the Regulatory Flexibility Act.

Many of the provisions of the Initial Regulatory Flexibility Analysis have been addressed in detail in other sections of this preamble. Sections I, IIA, and III discuss the legal authority and objectives of the proposed rule. Section IIC discusses the overlap with other Federal rules. Sections XXI and XXII discuss the public participation procedures. Section XV discusses the reporting requirements. The economic impact analysis outlines the effects associated with this proposed rule and with the other regulatory options the Agency considered. For the purpose of the Regulatory Flexibility Analysis, the Agency considered any plant producing less than three million pounds of product (or less than one million pounds of aluminum wire) a small business. Of the 104 dischargers (direct and indirect) in the economic sample, which includes 84 percent of all dischargers in the industry, 18 are small plants according to this definition.

The initial analysis indicated that five of the 18 small dischargers were potential closures if subject to the regulation, all of them indirect dischargers in the extrusion and drawing subcategories. Accordingly, EPA proposes that indirect dischargers in the extrusion subcategory producing less than 3 million pounds per year and indirect dischargers in the drawing with emulsions or soaps producing less than 1 million pounds per year should be excluded from these requirements.

If these small plants are excluded, no plants are expected to close as a result of the regulation.

XVI. Non-Water Quality Aspects of Pollution Control

The elimination or reduction of one form of pollution may aggravate other environmental problems. Therefore, Sections 304(b) and 306 of the Act require EPA to consider the non-water quality environmental impacts (including energy requirements) of certain regulations. In compliance with these provisions, EPA has considered the effect of this regulation on air pollution, solid waste generation, water scarcity, and energy consumption. This proposal was circulated to and reviewed by EPA personnel responsible for non-water quality environmental programs. While it is difficult to balance pollution problems against each other and against energy utilization, EPA is proposing regulations which it believes best serve often competing national goals.

The following are the non-water quality environmental impacts (including energy requirements) associated with the proposed regulations:

A. Air Pollution

Imposition of BPT, BAT, NSPS, PSES, and PSNS will not create any substantial air pollution problems.

The technologies used as the basis for this proposed regulation precipitate pollutants found in wastewater which are then settled or filtered from the discharged wastewater. These technologies do not emit pollutants into the air.

B. Solid Waste

EPA estimates that aluminum forming facilities generated 43 million kg (95 million lb) of solid wastes (wet basis) in 1977 as a result of wastewater treatment in place. These wastes were comprised of treatment system sludges containing

toxic metals, including chromium, copper, lead, nickel and zinc and spent lubricants.

EPA estimates that the proposed BPT and PSES will contribute an additional 124 million kg (187 million lb) per year of solid wastes. Proposed BAT will increase these wastes by approximately 2 million (4 million lb) per year. These sludges will necessarily contain additional quantities (and concentrations) of toxic metal pollutants. NSPS and PSNS technologies should involve a less than one percent increase in the volume of sludge generated by the BAT and PSES technology.

The Agency examined the solid wastes that would be generated at aluminum forming plants by the suggested treatment technologies and believes they are not hazardous under § 3001 of the Resource Conservation and Recovery Act (RCRA). This judgment is made based on the recommended technology of lime precipitation. By the addition of a small excess of lime during treatment, similar sludges, specifically toxic metal bearing sludges, generated by other industries, such as the iron and steel industry, passed the EP toxicity test. See 40 CFR 261.24 (45 FR 33084 (May 19, 1980)). Thus, the Agency believes that the aluminum forming wastewater sludges will similarly not be found toxic if the recommended technology is applied. Since the aluminum forming solid wastes are not believed to be hazardous, no estimates were made of costs for disposing of hazardous wastes in accordance with RCRA requirements. The Agency requests comments on its judgment of the wastewater sludges generated by treatment of aluminum forming wastewaters. We specifically request cost information if there is reason to believe these sludges would be classified as hazardous.

Although it is the Agency's view that solid wastes generated as a result of these guidelines are not expected to be classified as hazardous under the regulations implementing Subtitle C of the RCRA, generators of these wastes must test the waste to determine if the wastes meet any of the characteristics of hazardous waste (see 40 CFR 263.11, 45 FR at 12732–12733 (Feb. 26, 1980)). The Agency may also list these sludges as hazardous pursuant to 40 CFR 261.11 (45 FR at 33121 (May 19, 1980), as amended at 45 FR 76624 (Nov. 19, 1980)).

If these wastes are identified as hazardous, they will come within the scope of RCRA's "cradle to grave" hazardous waste management program, requiring regulation from the point of generation to point of final disposition. EPA's generator standards would require generators of hazardous aluminum forming wastes to meet containerization, labeling, recordkeeping and reporting requirements; if aluminum formers dispose of hazardous wastes off-site, they would have to prepare a manifest which would track the movement of the wastes from the generator's premises to a permitted off-site treatment, storage, or disposal facility. See 40 CFR 262.20 (45 FR 33142 (May 19, 1980), as amended at 45 FR 86973 (December 31, 1980)). The transporter regulations require transporters of hazardous wastes to comply with the manifest system to assure that the wastes are delivered to a permitted facility. See 40 CFR 263.20 (45 FR 33151 (May 19, 1980), as amended at 45 FR 86973 (December 31, 1980)). Finally, RCRA regulations establish standards for hazardous waste treatment, storage and disposal facilities allowed to receive such wastes. See 40 CFR Part 464 (46 FR 2802 (January 12, 1981), 47 FR 32274 (July 26, 1982)).

Even if these wastes are not identified as hazardous, they still must be disposed of in compliance with the Subtitle D open dumping standards, implementing § 4004 of RCRA. See 44 FR 53438) September 13, 1979). The Agency has calculated as part of the costs for wastewater treatment the cost of hauling and disposing of these wastes. For more details see Section VIII of the Development Document.

C. Consumptive Water Loss

Treatment and control technologies that require extensive recycling and reuse of water may require cooling mechanisms. Evaportative cooling mechanisms can cause water loss and contribute to water scarcity problems—a primary concern in arid and semi-arid regions. While this proposed regulation assumes some water reuse the overall amount of reuse is low (below 50 percent) and the quantity of water involved is not significant. We conclude that the consumptive water loss is insignificant and that the pollution reduction benefits of recycle technologies outweight their impact on consumptive water loss.

D. Energy Requirements

EPA estimates that the achievement of proposed BPT effluent limitations will result in a net increase in electrical energy consumption of approximately 65 million kilowatt-hours per year. The BAT technology should not substantially increase the energy requirements of BPT because reducing the flow reduces the pumping requirements, the agitation requirement for mixing wastewater and other volume related energy requirements. Therefore, the proposed BAT limitations are assumed to require an equivalent energy consumption to that of the BPT limitations. To achieve the proposed BPT and BAT effluent limitations, a typical direct discharger will increase total energy consumption by less than one percent of the energy consumed for production purposes.

The Agency estimates that proposed PSES will result in a net increase in electrical energy consumption of approximately 50 million kilowatt-hours per year. To achieve proposed PSES, a typical existing indirect discharger will increase energy consumption by less than one percent of the total energy consumed for production purposes.

The Agency estimates that the NSPS and PSNS technology will cause a ten percent increase in energy use over the BAT and PSES technology.

XVII. Best Management Practices (BMP)

Section 304(e) of the Clean Water Act authorizes the Administrator to prescribe "best management practices" ("BMP"), described under **Authority and Background.**

EPA is not now considering promulgating BMP specific to aluminum forming.

XVIII. Upset and Bypass Provisions

An issue of recurring concern has been whether industry guidelines should include provisions authorizing noncompliance with effluent limitations during periods of "upset" or "bypass." An upset, sometimes called an "excursion," is unintentional noncompliance occurring for reasons beyond the reasonable control of the permittee. Industry argues that an upset provision in EPA's effluent limitations guidelines is necessary because such upsets will inevitably occur due to limitations in even properly operated control equipment. Because technology-based limitations are to require only what technology can achieve, they claim that liability for such situations is improper. When confronted with this issue, courts have been divided on the question of whether an explicit upset or excursion exemption is necessary or whether upset or excursion incidents may be handled through EPA's exercise of enforcement discretion. Compare *Marathon Oil Co.* v. *EPA*, 564 F.2d 1253 (9th Cir. 1977) with *Weyerhaeuser Co.* v. *Costle*, 590 F.2d 1011 (D.C. Cir. 1978) and *Corn Refiners Association, Inc.* v. *Costle*, 594 F.2d 1223 (8th Cir. 1979). See also *American Petroleum Institute* v. *EPA*, 540 F.2d 1023 (10th Cir. 1976); *CPC International, Inc.* v. *Train*, 540 F.2d 1320

(8th Cir. 1976); *FMC Corp.* v. *Train*, 539 F.2d 973 (4th Cir. 1976).

While an upset is an unintentional episode during which effluent limits are exceeded, a bypass is an act of intentional noncompliance during which waste treatment facilities are circumvented in emergency stituations. Bypass provisions have, in the past, been included in NPDES permits.

EPA has determined that both upset and bypass provisions should be included in NPDES permits, and has promulgated NPDES regulations that include such permit provisions (40 CFR 122.60; 45 FR 33290; May 19, 1980). The upset provision establishes an upset as an affirmative defense to prosecution for violation of technology-based effluent limitations. The bypass provision authorizes bypassing to prevent loss of life, personal injury or severe property damage. Because permittees in aluminum forming will be entitled to upset and bypass provisions in NPDES permits, these proposed regulations do not address these issues. An upset provision is also available to indirect dischargers through § 403.16 of the general pretreatment regulations (40 CFR 403.16, 46 FR 9404 (January 28, 1981); 46 FR 50502 (October 13, 1981)); 47 FR 4518 (February 1, 1982)).

XIX. Variances and Modifications

Upon the promulgation of the final regulation, the numerical effluent limitations for the appropriate subcategory must be applied in all federal and state NPDES permits thereafter issued to aluminum forming direct discharges. In addition, on promulgation, the pretreatment standards are directly applicable to indirect dischargers.

For the BPT effluent limitations, the only exception to the binding limitations is EPA's "fundamentally different factors" variance. See *E. I. duPont de Nemours and Co.* v. *train*, 430 U.S. 112 (1977); *Weyerhaeuser Co.* v. *Costle, supra*. This variance recognizes factors concerning a particular discharger which are fundamentally different from the factors considered in this rulemaking. However, the economic ability of the individual operator to meet the compliance cost for BPT standards is not a consideration for granting a variance. See *National Crushed Stone Association* v. *EPA*, 449 U.S. *64* (1980). This variance clause was originally set forth in EPA's 1973–1976 industry regulations. It is now included in the general NPDES regulations and will not be included in the aluminum forming or other specific industry regulations. See the NPDES regulations at 40 CFR Part 122 Subparts A & D, 45 FR 33290 et seq. (May 19, 1980) for the text and explanation of the "fundamentally different factors" variance.

The BAT limitations in this regulation also are subject to EPA's "fundamentally different factors" variance. In addition, BAT limitations for nonconventional pollutants are subject to modifications under Sections 301(c) and 301(g) of the Act. According to Section 301(j)(1)(B), applications for these modifications must be filed within 270 days after promulgation of final effluent limitations guidelines. See 43 FR 40859 (September 13, 1978). Under Section 301(l) of the Act, these statutory modifications are not applicable to "toxic" pollutants.

Pretreatment standards for existing sources are subject to the "fundamentally different factors" variance. See 40 CFR 403.13; 46 FR 9404 (January 28, 1981); 46 FR 50502 (October 13, 1981); 47 FR 4518 (February 1, 1982). In addition, pretreatment standards for existing and new sources are subject to a provision allowing relaxation of a pretreatment standard upon demonstration by a POTW of consistent removal of the regulated pollutants. 40 CFR 403.7; 43 FR 27736 (June 26, 1978); 40 CFR 403.13; 46 FR 9404 (January 28, 1981).

New source performance standards are not subject to EPA's "fundamentally different factors" variance or any statutory or regulatory modifications. See *duPont* v. *Train, supra*.

XX. Relationship to NPDES Permits

The BPT, BAT, and NSPS limitations in this regulation will be applied to individual aluminum forming plants through NPDES permits issued by EPA or approved state agencies under Section 402 of the Act. The preceding section of this preamble discussed the binding effect of this regulation on NPDES permits, except to the extent that variances and modifications are expressly authorized. This section describes several other aspects of the interaction of these regulations and NPDES permits.

One matter which has been subject to different judicial views is the scope of NPDES permit proceedings in the absence of effluent limitations, guidelines and standards. Under currently applicable EPA regulations, states and EPA Regions issuing NPDES permits before promulgation of this regulation must do so on a case-by-case basis. This regulation provides a technical and legal base for new permits.

Another noteworthy topic is the effect of this regulation on the powers of NPDES permit issuing authorities. The promulgation of this regulation does not restrict the power of any permit-issuing authority to act in a manner that is consistent with law or these or any other EPA regulations, guidelines or policy. For example, the fact that this regulation does not control a particular pollutant does not preclude the permit issuer from limiting such pollutant on a case-by-case basis, when necessary to carry out the purposes of the Act. In addition, to the extent that state water quality standards or other provisions of state or Federal law require limitation of pollutants not covered by this regulation (or require more stringent limitations on covered pollutants), the permit-issuing authority must apply such limitations.

One additional topic that warrants discussion is the operation of EPA's NPDES enforcement program, many aspects of which have been considered in developing this regulation. The Agency wishes to emphasize that, although the Clean Water Act is a strict liability statute, the initiation of enforcement proceedings by EPA is discretionary (*Sierra Club v. Train*, 557 F.2d 485 (5th Cir. 1977)). EPA has exercised and intends to exercise that discretion in a manner which recognizes and promotes good faith compliance efforts.

XXI. Summary of Public Participation

In September 1980, EPA circulated a draft technical development document to a number of interested parties, including the Aluminum Association and member firms, the Natural Resources Defense Council (NRDC), and affected state and municipal authorities. This document did not include recommendations for effluent limitations and standards, but rather presented the technical basis for this proposed regulation. A meeting was held in Washington, D.C. on October 24, 1980, for public discussion of comments on this document. Another meeting was held October 28, 1980, to discuss comments from the Aluminum Association and its member firms. A brief summary of these comments follows:

1. *Comment:* The Agency has not considered the development of new technologies. Discharge allowances should be provided for new developments, specifically with regard to casting.

Response: The Agency would need more detailed information to properly evaluate and respond to this comment. The Agency does not restrict the development of new technologies; however, it is assumed that any new technology developed will conform to

the effluent guidelines by meeting the limitation already in place for a similar technology.

2. *Comment:* It was pointed out that a number of operations or waste streams were not included in the document. Those specifically mentioned are skim-dross processing, scrap recovery, ingot scalping, extrusion press leakage from water-filled hydraulic systems, stormwater runoff, noncontact cooling water, boiler blowdown, maintenance shop wastewaters, miscellaneous cleanup wastewaters.

Response: Skim-dross processing and scrap recovery are wastewater generating processes associated with secondary aluminum recovery. In those rare cases where these operations occur near to aluminum forming, they would be regulated under the nonferrous metals category. Storm water runoff, boiler blowdown and noncontact cooling waters are not regulated by this regulation. They occur only intermittently among aluminum forming plants and because of their occasional nature and the lack of a direct relationship to the production operations must be regulated on a case-by-case basis at the permit writing stage. Scalping, extrusion press leakage, maintenance shop wastewaters, and miscelleneous cleanup wastewaters are included in the small volume waterwater classified as miscellaneous nondescript wastewater sources for which a discharge allocation has been provided.

3. *Comment.* One comment was made that the aluminum forming regulation would be easier to understand if the category were subcategorized on the basis of unit operations. Also, there are apparently no discharge allowances for a number of operations included in the subcategory cores.

Response: The Agency developed the subcategories in the manner presented in Section IV of the Development Document so that the majority of aluminum forming plants would be covered by one subcategory and therefore subject to only one limitation. At the same time the Agency is ensuring that waste streams are treated appropriately depending on their characteristics. The Agency believes that adequate consideration is given to all aluminum forming waste streams (discharge allowances for the core operations have been reevaluated) while the number of subcategories is kept to a minimum. There are some aluminum forming operations that do not discharge wastewater, for example the aging heat treatment operations. For convenience, these operations have been included in the cores of the subcategories.

4. *Comment:* Numerous commenters asked the Agency to consider surface area as a production normalizing parameter (PNP) for operations such as cleaning or etching.

Response: The Agency considered the use of surface area for the PNP for some aluminum forming operations and agrees that it may be more appropriate in some cases. However, surface area data are limited, and in some cases, for example forged products, determination of surface area would be difficult. The correlation of pollutants from etching aluminum to the surface area etched is highest for the etch line baths. Also, as industry itself pointed out, the difference in the type of etch bath used and the concentration of the bath will have a significant effect on the pollutant loadings. As discussed in Section X of the development document, the Agency proposes to require zero discharge of cleaning or etch line baths through contract hauling or regeneration, thus eliminating the discharge of the pollutants from this source.

5. *Comment:* Several commenters questioned the presence of cyanide and mercury in the drawing heat treatment quench wastewater. Neither are known to be used as a process chemical in any aluminum forming process, therefore its presence must be due to either analytical errors, or contamination of the water from elsewhere in the sampled facility.

Response: Two additional aluminum forming plants have been sampled since the draft technical document was distributed. Both plants have a drawing solution heat treatment operation followed by a water quench. Samples were taken from this waste stream and others at the plants. The analysis of the samples showed the presence of cyanide in a forging solution heat treatment waste stream. Representatives from both plants with significant cyanide levels indicated that corrosion inhibitors are added to the contact cooling water. Investigation into the formulation of one of the inhibitor compounds showed that copper thiocyanate dye is added to the formulation. Because cyanide was found at significant level at two plants in two distinct solution heat treatment contact cooling waste streams and because the use of a corrosion inhibitor is not believed to be limited to drawing or forging solution heat treatment contact cooling waters, the Agency is proposing a limit on cyanide in the aluminum forming guidelines.

Mercury was detected at only the one plant in only one sampled stream. Since mercury is not known to be used anywhere in the aluminum forming process, it is not regulated by the proposed aluminum forming effluent guidelines.

6. *Comment:* Several objections were made regarding the establishment of the median normalized flow as the basis for setting limitations. The statistical analysis presented for each waste stream in the draft development document gave unrealistically low values. Furthermore, the data should be reviewed for internal consistency, and plants with site-specific differences perhaps should not be included in the statistical analyses.

Response: Upon reexamination of the data, the Agency has chosen to use a mean value of normalized flows for each waste stream at BPT. As a result, most of the flows will be higher than the median values given in the draft development document. Plants which are believed to have site-specific differences in many cases have been excluded in the determination of the discharge flows for BPT.

7. *Comment:* The Agency should exlude from the determination of its normalized flows, plants that are achieving zero discharge or have extremely high recycle rates. These plants are probably using technology that cannot be universally applied. The degree of recycle depends on several factors, such as quality of make-up water, the water quality required in the process, weather conditions, and type of cooling system used.

Response: The Agency has attempted to evaluate variations in the operations at plants with atypical normalized flows. These variations were considered when establishing a BPT normalized flow. However, the establishment of BAT is based on the best performance in the category or transfer from other categories. Best performance may involve using a different operating procedure than the majority of the plants use. Before basing any limitations on this performance, the Agency considered whether this operating procedure is transferrable to the rest of the category.

8. *Comment:* One commenter objected to the selection of a 96 percent recycle of the cooling water used in direct chill casting with a 4 percent blowdown. The volume of water that would be recirculated might require additional treatment before it could by recycled. The commenter suggested a bleed stream of 10 percent would be more reasonable.

Response: Examination of the data shows that the average recycled volume of direct chill cooling water is 95.4 percent and most of these plants do no more than cool the water before recycle.

However, the Agency has changed its approach to recycle. Rather than requiring recycle of a percentage of the water, a specific normalized flow is established, based on the mean value of the plants recycling their cooling water including both the aluminum forming and primary aluminum plants.

9. *Comment:* The comment was made that the costs given in the draft development document were understated because inadequate quantities of wastewater are considered. Furthermore, if pollutant discharge allowances are not given for some waste streams, they would have to be disposed of as solid waste and disposal costs should be included.

Response: The Agency has included discharge allowances for several of the perviously designated zero discharge streams, at least at BPT, thus reducing the volume of waste to be landfilled. New cost estimates have been developed to acccount for higher flows. The Agency recognizes the possibility that some small volume waste streams may have been overlooked during the course of our study. These have been included in this proposal and classified as miscellaneous nondescript wastewater sources.

10. *Comment:* The treatment technologies proposed for BPT to treat for chromium, cyanide and other toxic metals are not appropriate for the treatment of the usual BPT parameters which are suspended solids, oil and grease and pH. Also common treatment for all streams through emulsion breaking is not appropriate because emulsions were found in only two subcategories. Chemical precipitation is not appropriate because it is not necessary for removing conventional pollutants, which are the usual parameters for BPT regulation.

Response: Pollutants traditionally regulated during the 1974–75 BPT rulemakings included conventional pollutant and those toxic and other pollutants that were found characteristic of a category. Since then the emphasis has been focused on toxic pollutants. However, there has never been a constraint on regulating toxics at BPT. Several toxic metals including total chromium total cyanide are considered for regulation at BPT because these pollutants were found at significant levels in aluminum forming wastewaters. Appropriate treatment to remove or reduce the loadings of these pollutants are chromium reduction, cyanide oxidation or precipitation and chemical precipitation. This does not mean that these technologies are required. Plants may use other technologies to meet the effluent limitations and pretreatment standards. The commenter has misinterpreted the BPT treatment scheme; emulsion breaking is not a part of the common treatment but rather a preliminary treatment step for emulsified streams only. The skimming, lime and settle technology is used as common treatment for the aluminum forming waste streams. Chemical precipitation is applied to most waste streams from aluminum forming operations because of the concentrations of metals found in these waste streams.

11. *Comment:* The costs supplied for contractor hauling of wastes are out of date. A cost of 75 cents to one dollar is more realistic than the thirty cents used in the development document especially.

Response: The Agency examined the likelihood of wastewater sludges generated under the aluminum forming treatment technology being classified as hazardous and determined that it is unlikely that aluminum forming wastewater treatment sludges will be classified as hazardous under the RCRA regulations. Therefore, the lower hauling cost is appropriate for hauling of the aluminum forming solid wastes generated by wastewater treatment technologies rather than the more expensive hauling costs that would be associated with hauling a hazardous waste.

12. *Comment:* The quality of the effluent from BPT technology ought to be good enough to preclude the further treatments recommended by the BAT options. The pollutant concentrations ought to be small following BPT treatment resulting in minimal pollutant reductions with BAT technology.

Response: The Agency agrees that BPT treatment would be very effective at removing pollutants, ranging from 70 percent removal from raw waste in some subcategories to 90 percent in other subcategories. However, BAT in most cases would achieve more than 50 percent removal of the pollutants remaining in the BPT effluent. Therefore, the Agency believes that BAT technology is justified.

XXII. Solicitation of Comments

EPA invites and encourages public participation in this rulemaking. The Agency asks that any deficiencies in the record of this proposal be specifically addressed and that suggested revisions or corrections be supported by data.

EPA is particularly interested in receiving additional comments and information on the following issues:

1. BAT and PSES are proposed on the basis of end-of-pipe treatment of skimming, lime and settle, plus chromium reduction, cyanide removal, chemical emulsion breaking when applicable and in-process controls to reduce flows. The Agency may decide to promulgate BAT and PSES on the basis of the proposed level of treatment plus filtration. What effect would the addition of a polishing filter have on pollutant reduction benefits and costs?

2. Many of the aluminum forming plants with good treatment in-place combine their aluminum forming and aluminum coil coating waste streams through common treatment. The Agency has accommodated this approach by establishing limitations for the same pollutant parameters based on the same end-of-pipe treatment, conveniently allowing co-treatment of aluminum forming and coil coating wastewater. The Agency desires comment on this approach, specifically would segregation and separate treatment of some waste streams be better and why?

3. The Agency is proposing a total toxic organic limitation for pretreatment because samples taken from concentrated oily wastes showed significant amounts of toxic organics. The total toxic organics limitation includes 37 pollutants. Monitoring for toxic organics is extremely costly, therefore, the Agency is proposing an alternate monitoring requirement of oil and grease. Oil and grease monitoring is not only less costly, but many plants have the capability of performing their own analysis. Effective oil removal can remove 97 percent of the toxic organics as shown by samples taken from aluminum forming plants. The Agency requests comments on the appropriateness of our proposal of oil and grease as an alternate monitoring parameter for total toxic organics.

4. In many industries, indirect dischargers are located in urban areas, whereas direct dischargers tend to be located in more rural areas. This can sometimes place indirect dischargers at a disadvantage in terms of space availability for installing wastewater treatment. In the aluminum forming category, both direct and indirect discharging plants are located mainly in urban areas. Therefore, EPA has concluded that space availability presents no greater problem for existing indirect dischargers than for existing direct dischargers. However, we request comment on this conclusion.

5. To determine the economic impact of this regulation, the Agency has calculated the cost of installing BPT, BAT, PSES, for the aluminum forming category manufacturing facilities for which data was available. The details of the estimated costs and other impacts are presented in Section VIII of the

technical development document and in the Economic Impact Analysis. Based on these analyses, the Agency projects no plant closures with no employment losses as a result of this regulation. The Agency invites comments on these analyses and projections. We particularly seek comments on whether aluminum formers especially small or less profitable plants, can incur the estimated compliance costs. The commenters should focus not only on the likelihood of plant closures and employment losses, but should also include data on the effects of the regulation on: modernization or expansion of production, production costs, the ability to finance non-environmental investments, product prices, profitability, international competitiveness, and the availability of less costly technology.

XXIII. Availability of Technical Assistance

The major documents upon which these regulations are based are: (1) The *Development Document for Effluent Limitations Guidelines, New Source Performance Standards, and Pretreatment Standards for the Aluminum Forming* Point Source Category (EPA 440/1–82/073–b; (2) *Economic Impact Analysis of Proposed Effluent Limits, Guidelines and Standards for the Aluminum Forming Industry* (EPA 440/2–82–017).

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291. All of their comments are in the Record.

The reporting or recordkeeping provisions in this rule will be submitted for approval to the Office of Management and Budget (OMB) under section 3504(h) of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* Any final rule will explain how its reporting or recordkeeping provisions respond to any OMB or public comments.

List of Subjects in 40 CFR Part 467

Aluminum forming, Water pollution control, Waste treatment and disposal.

Dated: Nov. 5, 1982.

Anne M. Gorsuch,

Administrator.

XXIV. Appendices

Appendix A—Abbreviations, Acronyms and Other Terms Used in This Notice

Act—The Clean Water Act

Agency—The U.S. Environmental Protection Agency

BAT—The best available technology economically achievable; under Section 304(b)(2)(B) of the Act

BCT—The best conventional pollutant control technology; under Section 304(b)(4) of the Act

BMP—Best management practices; under Section 304(e) of the Act

BPT—The best practicable control technology currently available; under Section 304(b)(1) of the Act

Clean Water Act—The Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1251 *et seq.*), as amended by the Clean Water Act of 1977 (Pub. L. 95–217)

DCP—Data collection portfolio

Direct discharger—A facility which discharges or may discharge pollutants into waters of the United States

Indirect discharger—A facility which introduces or may introduce pollutants into a publicly owned treatment works

NPDES permit—A National Pollutant Discharge Elimination System permit issued under Section 402 of the Act

NSPS—New source performance standards; under Section 306 of the Act

POT—Publicly owned treatment works

PSES—Pretreatment standards for existing sources of indirect discharges; under Section 307(b) of the Act

PSNS—Pretreatment standards for new sources of indirect discharges; under Section 307 (b) and (c) of the Act

RCRA—Resource Conservation and Recovery Act (PL 94–580) of 1976, as amended

Appendix B—Toxic Pollutants Not Detected

(a) *Subpart A—Rolling with Neat Oils Subcategory.*

003 arcrylonitrile
005 benzidene
008 1,2,4-trichlorobenzene
009 hexachlorobenzene
012 hexachloroethane
013 1,1-dichloroethane
016 chloroethane
017 deleted
018 bis (chloroethyl) ether
019 2-chloroethyl vinyl ether
020 2-chloronaphthalene
025 1,2-dichlorobenzene
026 1,3-dichlorobenzene
027 1,4-dichlorobenzene
028 3,3'-dichlorobenzidene
032 1,2-dichloropropane
033 1,3-dichloropropylene
036 2,6-dinitrotoluene
040 4-chlorophenyl phenyl ether
041 4-bromophenyl phenyl ether
042 bis (2-chloroisopropyl) ether
043 bis (2-chloroethoxy) methane
045 methyl chloride
046 methyl bromide
049 deleted
050 deleted
052 hexachlorobutadiene
053 hexachlorocyclopentadiene
056 nitrobenzene
061 N-nitrosodimethylamine
063 N-nitrosodi-n-propylamine
113 toxaphene
116 asbestos
129 2,3,7,8-tetrachlorodibenzo-p-dioxin

(b) *Subpart B—Rolling with Emulsions Subcategory.*

003 arcrylonitrile
005 benzidene
008 1,2,4-trichlorobenzene
009 hexachlorobenzene
012 hexachloroethane
013 1,1-dichloroethane
016 chloroethane
017 deleted
018 bis (chloroethyl) ether
019 2-chloroethyl vinyl ether
020 2-chloronaphthalene
025 1,2-dichlorobenzene
026 1,3-dichlorobenzene
027 1,4-dichlorobenzene
028 3,3'-dichlorobenzidene
032 1,2-dichloropropane
033 1,3-dichloropropylene
036 2,6-dinitrotoluene
040 4-chlorophenyl phenyl ether
041 4-bromophenyl phenyl ether
042 bis (2-chloroisopropyl) ether
043 bis (2-chloroethoxy) methane
045 methyl chloride
046 methyl bromide
049 deleted
050 deleted
052 hexachlorobutadiene
053 hexachlorocyclopentadiene
056 nitrobenzene
061 N-nitrosodimethylamine
063 N-nitrosodi-n-propylamine
113 toxaphene
116 asbestos
129 2,3,7,8-tetrachlorodibenzo-p-dioxin

(c) *Subpart C—Extrusion Subcategory.*

003 arcrylonitrile
005 benzidene
008 1,2,4-trichlorobenzene
009 hexachlorobenzene
012 hexachloroethane
013 1,1-dichloroethane
016 chloroethane
017 deleted
018 bis (chloroethyl) ether
019 2-chloroethyl vinyl ether
020 2-chloronaphthalene
025 1,2-dichlorobenzene
026 1,3-dichlorobenzene
027 1,4-dichlorobenzene
028 3,3'-dichlorobenzidene
032 1,2-dichloropropane
033 1,3-dichloropropylene
036 2,6-dinitrotoluene
040 4-chlorophenyl phenyl ether
041 4-bromophenyl phenyl ether
042 bis (2-chloroisopropyl) ether
043 bis (2-chloroethoxy) methane
045 methyl chloride
046 methyl bromide
049 deleted
050 deleted
052 hexachlorobutadiene
053 hexachlorocyclopentadiene
056 nitrobenzene
061 N-nitrosodimethylamine
063 N-nitrosodi-n-propylamine
088 vinyl chloride
113 toxaphene
116 asbestos
129 2,3,7,8-tetrachlorodibenzo-p-dioxin

(d) *Subpart D—Forging Subcategory.*

003 arcrylonitrile
005 benzidene
006 carbon tetrachloride
008 1,2,4-trichlorobenzene
009 hexachlorobenzene

012 hexachloroethane
013 1,1-dichloroethane
016 chloroethane
017 deleted
018 bis (chloroethyl) ether
019 2-chloroethyl vinyl ether
020 2-chloronaphthalene
025 1,2-dichlorobenzene
026 1,3-dichlorobenzene
027 1,4-dichlorobenzene
028 3,3'-dichlorobenzidene
032 1,2-dichloropropane
033 1,3-dichloropropylene
036 2,6-dinitrotoluene
040 4-chlorophenyl phenyl ether
041 4-bromophenyl phenyl ether
042 bis (2-chloroisopropyl) ether
043 bis (2-chloroethoxy) methane
045 methyl chloride
046 methyl bromide
049 deleted
050 deleted
052 hexachlorobutadiene
053 hexachlorocyclopentadiene
056 nitrobenzene
060 4,6-dinitro-o-cresol
061 N-nitrosodimethylamine
063 N-nitrosodi-n-propylamine
113 toxaphene
116 asbestos
129 2,3,7,8-tetrachlorodibenzo-p-dioxin

(e) *Subpart E—Drawing with Neat Oils Subcategory.*

003 arcrylonitrile
005 benzidene
008 1,2,4-trichlorobenzene
009 hexachlorobenzene
012 hexachloroethane
013 1,1-dichloroethane
016 chloroethane
017 deleted
018 bis(chloroethyl)ether
019 2-chloroethyl vinyl ether
020 2-chloronaphthalene
025 1,2-dichlorobenzene
026 1,3-dichlorobenzene
027 1,4-dichlorobenzene
028 3,3'-dichlorobenzidene
032 1,2-dichloropropane
033 1,3-dichloropropylene
036 2,6-dinitrotoluene
040 4-chlorophenyl phenyl ether
041 4-bromophenyl phenyl ether
042 bis(2-chloroisopropyl) ether
043 bis(2-chloroethoxy) methane
045 methyl chloride
046 methyl bromide
049 deleted
050 deleted
052 hexachlorobutadiene
053 hexachlorocyclopentadiene
056 nitrobenzene
061 N-nitrosodimethylamine
063 N-nitrosodi-n-propylamine
113 toxaphene
116 asbestos
129 2,3,7,8-tetrachlorodibenzo-p-dioxin

(f) *Subpart F—Drawing with Emulsions or Soaps Subcategory.*

003 acrylonitrile
005 benzidene
008 1,2,4-trichlorobenzene
009 hexachlorobenzene
012 hexachloroethane
013 1,1-dichloroethane
016 chloroethane
017 deleted
018 bis(chloroethyl)ether
019 2-chloroethyl vinyl ether
020 2-chloronaphthalene
025 1,2-dichlorobenzene
026 1,3-dichlorobenzene
027 1,4-dichlorobenzene
028 3,3'-dichlorobenzidene
032 1,2-dichloropropane
033 1,3-dichloropropylene
036 2,6-dinitrotoluene
040 4-chlorophenyl phenyl ether
041 4-bormophenyl phenyl ether
042 bis(2-chloroisopropyl) ether
043 bis(2-chloroethoxy) methane
045 methyl chloride
046 methyl bromine
049 deleted
050 deleted
052 hexachlorobutadiene
053 hexachlorocyclopentadiene
056 nitrobenzene
061 N-nitrosodimethylamine
063 N-nitrosodi-n-propylamine
113 toxaphene
116 asbestos
129 2,3,7,8-tetrachlorodizenzo-p-dioxin

Appendix C—Toxic Pollutants Detected Below the Analytical Quantification Limit

(a) *Subpart A—Rolling with Neat Oils Subcategory.*

006 carbon tetrachloride
010 1,2-dichloroethane
014 1,1,2-trichloroethane
015 1,1,2,2-tetrachloroethane
029 1,1-dichloroethylene
031 2,4-dichlorophenol
037 1,2-diphenylhydrazine
051 chlorodibromomethane
057 2-nitrophenol
073 benzo(a)pyrene
089 aldrin
090 dieldrin
092 4,4'-DDT
094 4,4'-DDD
104 gamma-BHC
105 delta-BHC

(b) *Subpart B—Rolling with Emulsions Subcategory.*

006 carbon tetrachloride
010 1,2-dichloroethane
014 1,1,2-trichloroethane
015 1,1,2,2-tetrachloroethane
029 1,1-dichloroethylene
031 2,4-dichlorophenol
037 1,2-diphenylhydrazine
051 chlorodibromomethane
057 2-nitrophenol
073 benzo(a)pyrene
089 aldrin
090 dieldrin
092 4,4'-DDT
094 4,4'-DDD
104 gamma-BHC
105 delta-BHC

(c) *Subpart C—Extrusion Subcategory.*

006 carbon tetrachloride
010 1,2-dichloroethane
014 1,1,2-trichloroethane
015 1,1,2,2-tetrachloroethane
029 1,1-dichloroethylene
031 2,4-dichlorophenol
037 1,2-diphenylhydrazine
051 chlorodibromomethane
057 2-nitrophenol
073 benzo(a)pyrene
089 aldrin
090 dieldrin
092 4,4'-DDT
094 4,4'-DDD
104 gamma-BHC
105 delta-BHC

(d) *Subpart D—Forging Subcategory.*

010 1,2-dichloroethane
014 1,1,2-trichloroethane
015 1,1,2,2-tetrachloroethane
029 1,1-dichloroethylene
031 2,4-dichlorophenol
037 1,2-diphenylhydrazine
051 chlorodibromomethane
057 2-nitrophenol
073 benzo(a)pyrene
089 aldrin
090 dieldrin
092 4,4'-DDT
094 4,4'-dD
104 gamma-BHC
105 delta-BHC

(e) *Subpart E—Drawing with Neat Oils Subcategory.*

006 carbon tetrachloride
010 1,2-dichloroethane
014 1,1,2-trichloroethane
015 1,1,2,2-tetrachloroethane
029 1,1-dichloroethylene
031 2,4-dichlorophenol
037 1,2-diphenylhydrazine
051 chlorodibromomethane
057 2-nitrophenol
073 benzo(a)pyrene
089 aldrin
090 dieldrin
092 4,4'-DDT
094 4,4'-DDD
104 gamma-BHC
105 delta-BHC

(f) *Subpart F—Drawing with Emulsions or Soaps Subcategory.*

006 carbon tetrachloride
010 1,2-dichloroethane
014 1,1,2-trichloroethane
015 1,1,2,2-tetrachloroethane
029 1,1-dichloroethylene
031 2,4-dichlorophenol
037 1,2-diphenylhydrazine
051 chlorodibromomethane
057 2-nitrophenol
073 benzo(a)pyrene
089 aldrin
090 dieldrin
092 4,4'-DDT
094 4,4'-DDD
104 gamma-BHC
105 delta-BHC

Appendix D—Toxic Pollutants Detected in the Effluent From Only a Small Number of Sources

(a) *Subpart A—Rolling with Neat Oils Subcategory.*

011 1,1,1-trichloroethane
030 1,2-*trans*-dichloroethylene
047 bromoform
048 dichlorobromomethane
058 4-nitrophenol
059 2,4-dinitrophenol
060 4,6-dinitro-o-cresol
064 pentachlorophenol

067 butyl benzyl phthalate
071 dimethyl phthalate
091 chlorodane
093 4,4'-DDE
095 alpha-endosulfan
096 beta-endosulfan
100 heptachlor
101 heptachlor epoxide
102 alpha-BHC
103 beta-BHC
114 antimony
117 beryllium
126 silver

(b) *Subpart B—Rolling with Emulsions Subcategory.*

011 1,1,1-trichloroethane
030 1,2-*trans*-dichloroethylene
047 bromoform
048 dichlorobromomethane
058 4-nitrophenol
059 2,4-dinitrophenol
060 4,6-dinitro-o-cresol
064 pentachlorophenol
067 butyl benzyl phthalate
071 dimethyl phthalate
091 chlorodane
093 4,4'-DDE
095 alpha-endosulfan
096 beta-endosulfan
100 heptachlor
101 heptachlor epoxide
102 alpha-BHC
103 beta-BHC
114 antimony
117 beryllium
126 silver

(c) *Subpart C—Extrusion Subcategory.*

011 1,1,1-trichloroethane
030 1,2-*trans*-dichloroethylene
047 bromoform
048 dichlorobromomethane
058 4-nitrophenol
059 2,4-dinitrophenol
060 4,6-dinitro-o-cresol
064 pentachlorophenol
067 butyl benzyl phthalate
071 dimethyl phthalate
091 chlorodane
093 4,4'-DDE
095 alpha-endosulfan
096 beta-endosulfan
100 heptachlor
101 heptachlor epoxide
102 alpha-BHC
103 beta-BHC
117 beryllium
126 silver

(d) *Subpart D—Forging Subcategory.*

011 1,1,1-trichloroethane
030 1,2-*trans*-dichloroethylene
047 bromoform
048 dichlorobromomethane
058 4-nitrophenol
059 2,4-dinitrophenol
064 pentachlorophenol
067 butyl benzyl phthalate
071 dimethyl phthalate
091 chlorodane
093 4,4'-DDE
095 alpha-endosulfan
096 beta-endosulfan
100 heptachlor
101 heptachlor epoxide
102 alpha-BHC
103 beta-BHC
114 antimony
117 beryllium
126 silver

(e) *Subpart E—Drawing with Neat Oils Subcategory.*

011 1,1,1-trichloroethane
030 1,2-*trans*-dichloroethylene
047 bromoform
048 dichlorobromomethane
058 4-nitrophenol
059 2,4-dinitrophenol
060 4,6-dinitro-o-cresol
064 pentachlorophenol
067 butyl benzyl phthalate
071 dimethyl phthalate
091 chlorodane
093 4,4'-DDE
095 alpha-endosulfan
096 beta-endosulfan
100 heptachlor
101 heptachlor epoxide
102 alpha-BHC
103 beta-BHC
114 antimony
117 beryllium
126 silver

(f) *Subpart F—Drawing with Emulsions or Soaps Subcategory.*

011 1,1,1-trichloroethane
030 1,2-*trans*-dichloroethylene
047 bromoform
048 dichlorobromomethane
058 4-nitrophenol
059 2,4-dinitrophenol
060 4,6-dinitro-o-cresol
064 pentachlorophenol
067 butyl benzyl phthalate
071 dimethyl phthalate
091 chlorodane
093 4,4'-DDE
095 alpha-endosulfan
096 beta-endosulfan
100 heptachlor
101 heptachlor epoxide
102 alpha-BHC
103 beta-BHC
114 antimony
117 beryllium
126 silver

APPENDIX E—Toxic Pollutants Detected in Amounts Too Small to be Effectively Reduced by Technologies Considered in Preparing this Guideline

(a) *Subpart A—Rolling with Neat Oils Subcategory.*

002 acrolein
004 benzene
007 chlorobenzene
021 2,4,6-trichlorophenol
023 chloroform
034 2,4-dimethylphenol
044 methylene chloride
066 bis (2-ethylhexyl) phthalate
068 di-n-butyl phthalate
069 di-n-octyl phthalate
070 diethyl phthalate
115 arsenic
123 mercury
127 thallium

(b) *Subpart B—Rolling with Emulsions Subcategory.*

002 acrolein
004 benzene
007 chlorobenzene
021 2,4,6-trichlorophenol
023 chloroform
034 2,4-dimethylphenol
044 methylene chloride
066 bis (2-ethylhexyl) phthalate
068 di-n-butyl phthalate
069 di-n-octyl phthalate
070 diethyl phthalate
115 arsenic
123 mercury
127 thalluim

(c) *Subpart C—Extrusion Subcategory.*

002 acrolein
004 benzene
007 chlorobenzene
021 2,4,6-trichlorophenol
023 chloroform
034 2,4-dimethylphenol
044 methylene chloride
066 bis (2-ethylhexyl) phthalate
068 di-n-butyl phthalate
069 di-n-octyl phthalate
070 diethyl phthalate
115 arsenic
123 mercury
127 thallium

(d) *Subpart D—Forging Subcategory.*

002 acrolein
004 benzene
007 chlorobenzene
021 2,4,6-trichlorophenol
023 chloroform
034 2,4-dimethylphenol
044 methylene chloride
066 bis (2-ethylhexyl) phthalate
068 di-n-butyl phthalate
069 di-n-octyl phthalate
070 diethyl phthalate
115 arsenic
123 mercury
127 thallium

(e) *Subpart E—Drawing with Neat Oils Subcategory.*

002 acrolein
004 benzene
007 chlorobenzene
021 2,4,6-trichlorophenol
023 chloroform
034 2,4-dimethylphenol
044 methylene chloride
066 bis (2-ethylhexyl) phthalate
068 di-n-butyl phthalate
069 di-n-octyl phthalate
070 diethyl phthalate
115 arsenic
123 mercury
127 thallium

(f) Subpart F—Drawing with Emulsions or Soaps Subcateogry.

002 acrolein
004 benzene
007 chlorobenzene
021 2,4,6-trichlorophenol
023 chloroform
034 2,4-dimethylphenol
044 methylene chloride
066 bis (2-ethylhexyl) phthalate
068 din-n-butyl phthalate
069 din-n-octyl phthalate
070 diethyl phthalate
115 arsenic
123 mercury
127 thalluim

Appendix F—Toxic Pollutants Effectively Controlled By Technologies Upon Which Are Based Other Effluent Limitations and Guidelines

(a) *Subpart A—Rolling with Neat Oils Subcategory.*

118 cadmium
120 copper
122 lead
124 nickel
125 selenium

(b) *Subpart B—Rolling with Emulsions Subcategory.*

118 cadmium
120 copper
122 lead
124 nickel
125 selenium

(c) *Subpart C—Extrusion Subcategory.*

118 cadmium
120 copper
122 lead
124 nickel
125 selenium

(d) *Subpart D—Forging Subcategory.*

118 cadmium
120 copper
122 lead
124 nickel
125 selenium

(e) *Subpart E—Drawing with Neat Oils SubcategoryQ02*

118 cadmium
120 copper
122 lead
124 nickel
125 selenium

(f) *Subpart F—Drawing with Emulsions or Soaps Subcategory.*

118 cadmium
120 copper
122 lead
124 nickel
125 selenium
080 fluorene
081 phenanthrene
082 dibenzo(a,h)anthracene
083 indeno(1,2,3–c,d)pyrene
084 pyrene
085 tetrachloroethylene
086 toluene
087 trichloroethylene
088 vinyl chloride
097 endorsulfan sulfate
098 endrin
099 endrin aldehyde
106 PCB–1242
107 PCB–1254
108 PCB–1221
109 PCB–1232
110 PCB–1248
111 PCB–1260
112 PCB–1016
118 cadmium
120 copper
122 lead
124 nickel
125 selenium

Appendix G—Toxic Organic Pollutants Which Are Not Regulated At BAT Because They Are Effectively Controlled By BPT Limitations

(a) *Subpart A—Rolling with Neat Oils Subcategory.*

001 acenaphthene
022 p-chloro-m-cresol
024 2-chlorophenol
035 2,4-dinitrotoluene
037 1,2-diphenylhydrazine
038 ethylbenzene
039 fluoranthene
054 Isophorone
055 naphthalene
062 N-nitrosodiphenylamine
065 phenol
072 benzo-(a) pyrene
074 3,4-benzofluoranthene
075 benzo(k) fluoranthene
076 chrysene
077 acenaphthylene
078 anthracene
079 benzo(ghi)perylene
080 fluorene
081 phenanthrene
082 dibenzo(a,h)anthracene
083 indeno(1,2,3–c,d)pyrene
084 pyrene
085 tetrachloroethylene
086 toluene
087 trichloroethylene
088 vinyl chloride
097 endosulfan sulfate
098 endrin
099 endrin aldehyde
106 PCB–1242
107 PCB–1254
108 PCB–1221
109 PCB–1232
110 PCB–1248
111 PCB–1260
112 PCB–1016

(b) *Subpart B—Rolling with Emulsions.*

001 acenaphthene
022 p-chloro-m-cresol
024 2-chlorophenol
035 2,4–dinitrotoluene
037 1,2–diphenylhydrazine
038 ethylbenzene
039 fluoranthene
054 isophorone
055 naphthalene
062 N-nitrosodiphenylamine
065 phenol
072 benzo(a)pyrene
074 3,4–benzofluoranthene
075 benzo(k)fluoranthene
076 chrysene
077 acenaphthylene
078 anthracene
079 benzo(ghi)perylene
080 fluorene
081 phenanthrene
082 dibenzo(a,h)anthracene
083 indeno(1,2,3–c,d)pyrene
984 pyrene
085 tetrachloroethylene
986 toluene
087 trichloroethylene
088 vinyl chloride
097 endosulfan sulfate
098 endrin
099 endrin aldehyde
106 PCB–1242
107 PCB–1254
108 PCB–1221
109 PCB–1232
110 PCB–1248
111 PCB–1260
112 PCB–1016

(c) *Subpart C—Extrusion Subcategory.*

001 acenaphthene
022 p-chloro-m-cresol
024 2–chlorophenol
035 2,4–dinitrotoluene
037 1,2-diphenylhydrazine
038 ethylbenzene
039 fluoranthene
054 isophorone
055 naphthalene
062 N-nitrosodiphenylamine
065 phensol
072 benzo(a)pyrene
074 3,4-benzofluoranthene
075 benzo(k)fluoranthene
076 chrysene
077 acenaphthylene
078 anthracene
079 benzo(ghi)perylene
080 fluorene
081 phenanthrene
082 dibenzo(a,h)anthracene
083 indeno(1,2,3-c,d)pyrene
084 pyrene
085 tetrachloroethylene
086 toluene
087 trichloroethylene
088 vinyl chloride
097 endosulfan sulfate
098 endrin
099 endrin aldehyde
106 PCB–1242
107 PCB–1254
108 PCB–1221
109 PCB–1232
110 PCB–1248
111 PCB–1260
112 PCB–1016

(d) *Subpart D—Forging Subcategory.*

001 acenaphthene
022 p-chloro-m-cresol
024 2-chlorophenol
035 2,4-dinitrotoluene
037 1,2-diphenylhydrazine
038 ethylbenzene
039 fluoranthene
054 isophorone
055 naphthalene
062 N-nitrosodiphenylamine
065 phenol
072 benzo(a)pyrene
074 3,4-benzofluoranthene
075 benzo(k)fluoranthene
076 chrysene
077 acenaphthylene
078 anthracene
079 benzo(ghi)perylene
080 fluorene
081 phenanthrene
082 dibenzo(a,h)anthracene
083 indeno(1,2,3–c,d)pyrene
084 pyrene
085 tetrachloroethylene
086 toluene
087 trichloroethylene
088 vinly chloride
097 endosulfan sulfate
098 endrin
099 endrin aldehyde
106 PCB–1242
107 PCB–1254
108 PCB–1221
109 PCB–1232
110 PCB–1248
111 PCB–1260
112 PCB–1016

(e) *Subpart E—Drawing with Neat Oils Subcategory.*

001 acenaphthene
022 p-chloro-m-cresol
024 2-chlorophenol
035 2,4-dinitrotoluene
037 1,2-diphenylhydrazine
038 ethylbenzene
039 fluoranthene
054 isophorone
055 naphthalene
062 N-nitrosodiphenylamine
065 phenol
072 benzo(a)pyrene
074 3,4-benzofluoranthene
075 benzo(k)fluoranthene
076 chrysene
077 acenaphthylene
078 anthracene
079 benzo(ghi)perylene
080 fluorene
081 phenanthrene
082 dibenzo(a,h)anthracene
083 indeno(1,2,3-c,d)pyrene
084 pyrene
085 tetrachloroethylene
086 toluene
087 trichloroethylene
088 vinyl chloride
097 endosulfan sulfate
098 endrin
099 endrin aldehyde
106 PCB–1242
107 PCB–1254
108 PCB–1221
109 PCB–1232
110 PCB–1248
111 PCB–1260
112 PCB–1016

(f) *Subpart F—Drawing with Emulsions or Soaps Subcategory.*

001 acenaphthene
022 p-chloro-m-cresol
024 2-chlorophenol
035 2,4-dinitrotoluene
037 1,2-diphenylhydrazine
038 ethylbenzene
039 fluoranthene
054 isophorone
055 naphthalene
062 N-nitrosodiphenylamine
065 phenol
072 benzo(a)pyrene
074 3,4-benzofluoranthene
075 benzo(k)fluoranthene
076 chrysene
077 acenaphthylene
078 anthracene
079 benzo(ghi)perylene
080 fluorene
081 phenanthrene
082 dibenzo(a,h)anthracene
083 indeno(1,2,3-c,d)pyrene
084 pyrene
085 tetrachloroethylene
086 toluene
087 trichloroethylene
088 vinyl chloride
097 endosulfan sulfate
098 endrin
099 endrin aldehyde
106 PCB–1242
107 PCB–1254
108 PCB–1221
109 PCB–1232
110 PCB–1248
111 PCB–1260
112 PCB–1016

For the reasons set out in the preamble, EPA proposes to add a new Part 467 to read as follows:

PART 467—ALUMINUM FORMING POINT SOURCE CATEGORY

General Provisions

Sec.
467.01 Applicability.
467.02 General definitions.
467.03 Monitoring and reporting requirements.
467.04 Compliance date for PSES.

Subpart A—Rolling With Neat Oils Subcategory

467.10 Applicability; description of the rolling with neat oils subcategory.
467.11 Specialized definitions.
467.12 Effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
467.13 Effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
467.14 New source performance standards.
467.15 Pretreatment standards for existing sources.
467.16 Pretreatment standards for new sources.
467.17 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology. [Reserved]

Subpart B—Rolling With Emulsions Subcategory

467.20 Applicability; description of the rolling with emulsions subcategory.
467.21 Specialized definitions.
467.22 Effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
467.23 Effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
467.24 New source performance standards.
467.25 Pretreatment standards for existing sources.
467.26 Pretreatment standards for new sources.
467.27 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology. [Reserved]

Subpart C—Extrusion Subcategory

467.30 Applicability; description of the extrusion subcategory.
467.31 Specialized definitions.
467.32 Effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
467.33 Effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
467.34 New source performance standards.
467.35 Pretreatment standards for existing sources.
467.36 Pretreatment standards for new sources.
467.37 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology. [Reserved]

Subpart D—Forging Subcategory

467.40 Applicability; description of the forging subcategory.
467.41 Specialized definitions.
467.42 Effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available. [Reserved]
467.43 Effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable. [Reserved]
467.44 New source performance standards (NSPS).
467.45 Pretreatment standards for existing sources.
467.46 Pretreatment standards for new sources.
467.47 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology. [Reserved]

Subpart E—Drawing With Neat Oils Subcategory

467.50 Applicability; description of the drawing with neat oils subcategory.
467.51 Specialized definitions.
467.52 Effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
467.53 Effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
467.54 New source performance standards.
467.55 Pretreatment standards for existing sources.
467.56 Pretreatment standards for new sources.
467.57 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology. [Reserved]

Subpart F—Drawing With Emulsions or Soaps Subcategory

467.60 Applicability; description of the drawing with emulsions or soaps subcategory.
467.61 Specialized definitions
467.62 Effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
467.63 Effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
467.64 New source performance standards.
467.65 Pretreatment standards for existing sources.
467.66 Pretreatment standards for new sources (PSNS).

Sec.

467.67 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology. [Reserved]

Authority: Secs. 301, 304 (b), (c), (e), and (g), 306 (b) and (c), 307 and 501, Clean Water Act (Federal Water Pollution Control Act Amendments of 1972, as amended by Clean Water Act of 1977) (the "Act"); 33 U.S.C. 1311, 1314 (b), (c), (e), and (g), 1316 (b) and (c), 1317 (b) and (c), and 1361; 86 Stat. 816, Pub. L. 92–500; 91 Stat. 1567, Pub. L. 95–217.

General Provisions

§ 467.01 Applicability.

This part applies to any aluminum forming plant which discharges or may discharge pollutants to waters of the United States or which introduces or may introduce pollutants into a publicly owned treatment works. Aluminum forming includes commonly recognized forming operations such as rolling, drawing, extruding, and forging and related operations such as heat treatment, casting, and surface treatments. The surface treatments of anodizing and conversion coating when conducted as integral parts of the aluminum forming process are considered as etch lines and are not considered for regulation under the Metal Finishing provisions of 40 CFR Part 413. Casting aluminum when performed as an integral part of aluminum forming and located on-site at an aluminum forming plant is considered an aluminum forming operation and is covered under these guidelines. When aluminum forming is performed on the same site as primary aluminum reduction the casting shall be regulated by the nonferrous metals guidelines if there is no cooling of the aluminum prior to casting. If the aluminum is cooled prior to casting then the casting shall be regulated by the aluminum forming guidelines.

§ 467.02 General definitions.

In addition to the definitions set forth in 40 CFR Part 401, the following definitions apply to this part:

(a) "Aluminum forming" is a set of manufacturing operations in which aluminum and aluminum alloys are made into semifinished products by hot or cold working.

(b) "Ancillary operation" is a manufacturing operation that has a large flow, discharges significant amounts of pollutants and may not be present at every plant in a subcategory, but when present it is an integral part of the aluminum forming process.

(c) "Contact cooling water" is any wastewater which contacts the aluminum workpiece or the raw materials used in forming aluminum.

(d) "Continuous casting" is the production of sheet, rod, or other long shapes by solidifying the metal while it is being poured through an open-ended mold using little or no contact cooling water. Continuous casting of rod and sheet generate spent lubricants and rod casting also generates contact cooling water.

(e) "Degassing" is the removal of dissolved hydrogen from the molten aluminum prior to casting. Chemicals are added and gases are bubbled through the molten aluminum. Sometimes a wet scrubber is used to remove excess chlorine gas.

(f) "Direct chill casting" is the pouring of molten aluminum into a water-cooled mold. Contact cooling water is sprayed onto the aluminum as it is dropped into the mold, and the aluminum ingot falls into a water bath at the end of the casting process.

(g) "Drawing" is the process of pulling metal through a die or succession of dies to reduce the metal's diameter or alter its shape. There are two aluminum forming subcategories based on the drawing process. In the drawing with neat oils subcategory, the drawing process uses a pure or neat oil as a lubricant. In the drawing with emulsions or soaps subcategory, drawing process uses an emulsion or soap solution as a lubricant.

(h) "Emulsions" are stable dispersions of two immiscible liquids. In the aluminum forming category this is usually an oil and water mixture.

(i) "Cleaning or etching" is a chemical solution bath and a rinse or series of rinses designed to produce a desired surface finish on the workpiece. This term includes air pollution control scrubbers which are sometimes used to control fumes from chemical solution baths. Conversion coating and anodizing when performed as an integral part of the aluminum forming operations are considered cleaning or etching operations. When conversion coating or anodizing are covered here they are not subject to regulation under the provisions of 40 CFR Part 413, Metal Finishing.

(j) "Extrusion" is the application of pressure to a billet of aluminum, forcing the aluminum to flow through a die orifice. The extrusion subcategory is based on the extrusion process.

(k) "Forging" is the exertion of pressure on dies or rolls surrounding heated aluminum stock, forcing the stock to change shape and in the case where dies are used to take the shape of the die. The forging subcategory is based on the forging process.

(l) "Heat treatment" is the application of heat of specified temperature and duration to change the physical properties of the metal.

(m) "In-process control technology" is the conservation of chemicals and water throughout the production operations to reduce the amount of wastewater to be discharged.

(n) "Neat oil" is a pure oil with no or few impurities added. In aluminum forming its use is mostly as a lubricant.

(o) "Rolling" is the reduction in thickness or diameter of a workpiece by passing it between lubricated steel rollers. There are two subcategories based on the rolling process. In the rolling with neat oils subcategory, pure or neat oils are used as lubricants for the rolling process. In the rolling with emulsions subcategory, emulsions are used as lubricants for the rolling process.

(p) The term "Total Toxic Organics (TTO)" shall mean the sum of the masses or concentrations of each of the following toxic organic compounds which is found in the discharge at a concentration greater than 0.010 mg/1:

p-chloro-m-cresol	benzo(a)pyrene
2-chlorophenol	3,4-benzofluoranthene
2,4-dinitrotoluene	benzo(k)fluoranthene
1,2-diphenylhydrazine	chrysene
ethylbenzene	acenaphthylene
fluoranthene	anthracene
isophorone	benzo(ghi)perylene
naphthalene	fluorene
N-nitrosodiphenylamine	phenanthrene
phenol	dibenzo(a,h)anthracene
	indeno(1,2,3-c,d)pyrene
	pyrene
	tetrachloroethylene
	toluene
	trichloroethylene
	vinyl chloride
	endosulfan sulfate
	endrin
	endrin aldehyde
	PCB–1242, 1254, 1221
	PCB–1232, 1248, 1260, 1016

(q) "Stationary casting" is the pouring of molten aluminum into molds and allowing the metal to air cool.

(r) "Wet scrubbers" are air pollution control devices used to remove particulates and fumes from air by entraining the pollutants in a water spray.

(s) "BPT" means the best practicable control technology currently available under Section 304(b)(1) of the Act.

(t) "BAT" means the best available technology economically achievable under Section 304(b)(2)(B) of the Act.

(u) "BCT" means the best conventional pollutant control technology, under Section 304(b)(4) of the Act.

(v) "NSPS" means new source performance standards under Section 306 of the Act.

(w) "PSES" means pretreatment standards for existing sources, under Section 307(b) of the Act.

(x) "PSNS" means pretreatment standards for new sources, under Section 307(c) of the Act.

(y) The production normalizing mass (/kkg) for each core or ancillary operation is the mass (off-kkg or off-lb) processed through that operation.

(z) The term "off-kilogram" (off-pound) shall mean the kilograms (pounds) of product from the manufacturing process. When a material must be passed more than one time through a process, (e.g. double drawn wire) the kilograms of product from each pass shall be considered to be off-kilograms.

§ 467.03 Monitoring and reporting requirements.

The following special monitoring and reporting requirements apply to all facilities controlled by this regulation.

(a) Periodic analyses for cyanide as may be required under Part 122 or 403 of this chapter is not required when both of the following conditions are met.

(1) The first wastewater sample of each calendar year has been analyzed and found to contain less than 0.07 mg/1 cyanide.

(2) The owner or operator of the aluminum forming plant certifies in writing to the POTW authority or permit issuing authority that cyanide is not and will not be used in the aluminum process.

(b) As an alternative monitoring procedure for pretreatment, the POTW user may measure and limit oil and grease to the levels shown in pretreatment standards in lieu of measuring and regulating total toxic organics (TTO).

(c) The "monthly average" regulatory values shall be the basis for the monthly average discharge limits in direct discharge permits and for pretreatment standards. Compliance with the monthly discharge limit is required regardless of the number of samples analyzed and averaged.

§ 467.04 Compliance date for PSES.

The compliance date for PSES under this regulation is proposed to be three years after the date of promulgation.

Subpart A—Rolling With Neat Oils Subcategory

§ 467.10 Applicability; description of the rolling with neat oils subcategory.

This subpart applies to discharges of polutants to waters of the United States, and introductions of pollutants into publicly owned treatment works from the core and the ancillary operations of the rolling with neat oils subcategory.

§ 467.11 Specialized definitions.

For the purpose of this subpart:

(a) The "core" of the rolling with neat oils subcategory shall include rolling using neat oils, roll grinding, sawing, annealing, stationary casting, homogenizing artificial aging, degreasing, and stamping.

(b) The term "ancillary operation" shall mean any operation not previously included in the core, performed on-site, following or preceding the rolling operation. The ancillary operations shall include continuous rod casting continuous sheet casting, solution heat treatment, cleaning or etching.

§ 467.12 Effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Except as provided in 40 CFR 125.30–125.32, any existing point source subject to this subpart must achieve the following effluent limitations for the core operation and for the ancillary operations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available:

SUBPART A

[Cleaning or etching scrubber liquor]

Pollutant or pollutant property	BPT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion lbs) of aluminum processed	
Chromium	7,230	2,930
Cyanide	5,000	2,070
Zinc	22,900	9,650
Aluminum	78,400	32,030
Oil and Grease	344,400	206,700
Suspended Solids	706,000	344,400
pH	(1)	(1)

[1]Within the range of 7.5 to 10 at all times.

SUBPART A

[Cleaning or etching rinse]

Pollutant or pollutant property	BPT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion lbs) of aluminum processed	
Chromium	7,080	2,870
Cyanide	4,890	2,030
Zinc	22,430	9,440
Aluminum	76,700	31,360
Oil and Grease	337,200	202,300
Suspended Solids	691,300	337,200
pH	(1)	(1)

[1]Within the range of 7.5 to 10 at all times.

SUBPART A

[Cleaning or etching bath]

Pollutant or pollutant property	BPT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion lbs) of aluminum processed	
Chromium	85.9	34.8
Cyanide	59.3	24.6
Zinc	271.9	114.5
Aluminum	930.0	380.2
Oil and Grease	4,088.0	2,453.0
Suspended Solids	8,381.0	4,088.0
pH	(1)	(1)

[1]Within the range of 7.5 to 10 at all times.

SUBPART A

[Solution heat treatment contact cooling water]

Pollutant or pollutant property	BPT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion lbs) of aluminum processed	
Chromium	3,240	1,310
Cyanide	2,240	925
Zinc	10,250	4,320
Aluminum	35,060	14,330
Oil and Grease	154,100	92,500
Suspended Solids	315,900	154,100
pH	(1)	(1)

[1]Within the range of 7.5 to 10 at all times.

SUBPART A

[Continuous sheet casting spent lubricant]

Pollutant or pollutant property	BPT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion lbs) of aluminum processed	
Chromium	0.78	0.32
Cyanide	0.54	0.22
Zinc	2.45	1.03
Aluminum	8.39	3.43
Oil and Grease	36.9	22.1
Suspended Solids	75.6	36.9
pH	(1)	(1)

[1]Within the range of 7.5 to 10 at all times.

SUBPART A

[Core with an annealing furnace scrubber]

Pollutant or pollutant property	BPT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion lbs) of aluminum processed	
Chromium	18.1	7.30
Cyanide	12.5	5.15
Zinc	57.1	24.1
Aluminum	195.4	79.9
Oil and Grease	858.6	515.2
Suspended Solids	1,760.2	858.6
pH	(1)	(1)

[1]Within the range of 7.5 to 10 at all times.

SUBPART A

[Core without an annealing furnace scrubber]

Pollutant or pollutant property	BPT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion lbs) of aluminum processed	
Chromium	6.97	2.82
Cyanide	4.81	1.99
Zinc	22.1	9.29
Aluminum	75.5	30.9
Oil and Grease	331.6	199.0
Suspended Solids	679.8	331.6
pH	(1)	(1)

[1]Within the range of 7.5 to 10 at all times.

§ 467.13 Effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Except as provided in 40 CFR §§ 125.30–.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable:

(a) There shall be no discharge of wastewater pollutants from the ancillary operation of the cleaning or etch line chemical solution bath.

(b) The mass of pollutants in the core and ancillary operations' process wastewater, except the wastewaters listed in paragraph (a) of this section shall not exceed the following values:

SUBPART A

[Cleaning or etching scrubber liquor]

Pollutant or pollutant property	BAT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pound per billion lbs) of aluminum processed	
Chromium	812	329
Cyanide	561	232
Zinc	2,571	1,083
Aluminum	8,795	3,596

SUBPART A

[Cleaning or etching rinse]

Pollutant or pollutant property	BAT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pound per billion lbs) of aluminum processed	
Chromium	708	287
Cyanide	489	203
Zinc	2,243	944
Aluminum	7,672	3,136

SUBPART A

[Solution heat treatment contact cooling water]

Pollutant or pollutant property	BAT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pound per billion lbs) of aluminum processed	
Chromium	856	347
Cyanide	591	245
Zinc	2,710	1,141
Aluminum	9,269	3,789

SUBPART A

[Continuous sheet casting spent lubricant]

Pollutant or pollutant property	BAT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pound per billion lbs) of aluminum processed	
Chromium	0.78	0.32
Cyanide	5.54	5.22
Zinc	2.45	1.03
Aluminum	8.39	3.43

SUBPART A

[Core with an annealing furnace scrubber]

Pollutant or pollutant property	BAT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pound per billion lbs) of aluminum processed	
Chromium	18.1	7.30
Cyanide	12.5	5.15
Zinc	57.1	24.1
Aluminum	195.4	79.9

SUBPART A

[Core without an annealing furnace scrubber]

Pollutant or pollutant property	BAT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pound per billion lbs) of aluminum processed	
Chromium	6.97	2.82
Cyanide	4.81	1.99
Zinc	22.1	9.29
Aluminum	75.5	30.9

§ 467.14 New source performance standards.

Any new source subject to this subpart must achieve the following performance standards:

(a) There shall be no discharge of wastewater pollutants from the ancillary operation of the cleaning or etch line chemical solution bath.

(b) The mass of pollutants in the core and ancillary operations' process wastewater, except the wastewaters listed in paragraph (a) of this section shall not exceed the following values:

SUBPART A

[Cleaning or Etching Scrubber Liquor]

Pollutant or pollutant property	NSPS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion lbs) of aluminum processed	
Chromium	715	290
Cyanide	387	155
Zinc	1,972	812
Aluminum	5,857	2,397
Oil and Grease	19,330	19,330
Suspended Solids	29,000	21,270
pH	(1)	(1)

[1]Within the range of 7.5 to 10 at all times.

SUBPART A

[Cleaning or Etching Rinse]

Pollutant or pollutant property	NSPS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion lbs) of aluminum processed	
Chromium	624	253
Cyanide	337	135
Zinc	1,720	708
Aluminum	5,109	2,091
Oil and Grease	16,860	16,860
Suspended Solids	25,290	18,550
pH	(1)	(1)

[1]Within the range of 7.5 to 10 at all times.

SUBPART A

[Solution Heat Treatment Contact Cooling Water]

Pollutant or pollutant property	NSPS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion lbs.) of aluminum processed	
Chromium	754	306
Cyanide	408	163
Zinc	2,078	856
Aluminum	6,172	2,526
Oil and Grease	20,370	20,370
Suspended Solids	30,560	22,410
pH	(1)	(1)

[1]Within the range of 7.5 to 10 at all times.

SUBPART A

[Continuous Casting Spent Lubricant]

Pollutant or pollutant property	NSPS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion lbs) of aluminum processed	
Chromium	0.68	0.28
Cyanide	0.37	0.15
Zinc	1.88	0.77
Aluminum	5.58	2.29
Oil and Grease	18.5	18.5

SUBPART A—Continued

[Continuous Casting Spent Lubricant]

Pollutant or pollutant property	NSPS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
Suspended Solids	27.7	20.3
pH	(1)	(1)

[1]Within the range of 7.5 to 10 at all times.

SUBPART A

[Core With an Annealing Furnace Scrubber]

Pollutant or pollutant property	NSPS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kg (pounds per billion lbs) of aluminum processed	
Chromium	15.9	6.44
Cyanide	8.59	3.43
Zinc	43.8	18.1
Aluminum	130.1	53.3
Oil and Grease	429.3	429.3
Suspended Solids	644.0	472.3
pH	(1)	(1)

[1]Within the range of 7.5 to 10 at all times.

SUBPART A

[Core Without an Annealing Furnace Scrubber]

Pollutant or pollutant property	NSPS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kg (pounds per billion lbs) of aluminum processed	
Chromium	6.13	2.49
Cyanide	3.32	1.33
Zinc	16.9	6.96
Aluminum	50.3	20.6
Oil and Grease	165.8	165.8
Suspended Solids	248.7	182.4
pH	(1)	(1)

[1]Within the range of 7.5 to 10 at all times.

§ 467.15 Pretreatment standards for existing sources.

Except as provided in 40 CFR 403.7 and 403.13, any existing source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for existing sources. The mass of wastewater pollutants in aluminum forming process wastewater introduced into a POTW shall not exceed the following values:

SUBPART A

Cleaning or Etching Scrubber

Pollutant or pollutant property	PSES effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kg (pounds per billion lbs) of aluminum processed	
Chromium	812	329
Cyanide	561	232
Zinc	2,571	1,083
TTO	1,334	

SUBPART A—Continued

Cleaning or Etching Scrubber

Pollutant or pollutant property	PSES effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
Oil and Grease (alternate monitory parameter)	38,660	23,200

SUBPART A

Cleaning or Etching Rinse

Pollutant or pollutant property	PSES effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kg (pounds per billion lbs) of aluminum processed	
Chromium	708	287
Cyanide	489	203
Zinc	2,243	944
TTO	1,164	
Oil and Grease (alternate monitoring parameter)	33,720	20,230

SUBPART A

Solution Heat Treatment Contact Cooling Water

Pollutant or pollutant property	PSES effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kg (pounds per billion lbs) of aluminum processed	
Chromium	856	347
Cyanide	591	245
Zinc	2,710	1,141
TTO	1,410	
Oil and Grease (alternate monitoring parameter)	40,740	24,440

SUBPART A

Core without an Annealing Furnace Scrubber

Pollutant or pollutant property	PSES effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kg (pounds per billion lbs) of aluminum processed	
Chromium	6.97	2.82
Cyanide	4.81	1.99
Zinc	22.1	9.29
TTO	11.5	
Oil and Grease (alternate monitoring parameter)	331.6	199.0

SUBPART A

Core with an Annealing Furnace Scrubber

Pollutant or pollutant property	PSES effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kg (pounds per billion lbs) of aluminum processed	
Chromium	18.1	7.30
Cyanide	12.5	5.15

SUBPART A—Continued

Core with an Annealing Furnace Scrubber

Pollutant or pollutant property	PSES effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
Zinc	57.1	24.1
TTO	29.6	
Oil and Grease (alternate monitoring parameter)	856.6	515.2

SUBPART A

Continuous Sheet Casting Lubricant

Pollutant or pollutant property	PSES effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kg (pounds per billion lbs) of aluminum processed	
Chromium	0.78	0.32
Cyanide	0.54	0.22
Zinc	2.45	1.04
TTO	1.27	
Oil and Grease (alternate monitoring parameter)	36.9	22.1

§ 467.16 Pretreatment standards for new sources.

Except as provided in 40 CFR 403.7, any new source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for new sources. The mass of wastewater pollutants in aluminum forming process wastewate introduced into a POTW shall not exceed the following values:

SUBPART A

[Cleaning or etching scrubber]

Pollutant or pollutant property	PSNS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kg (pound per billion lbs) of aluminum processed	
Chromium	715	290
Cyanide	387	155
Zinc	1,972	812
TTO	1,334	
Oil and Grease (alternate monitoring parameter)	19,330	19,330

SUBPART A

[Cleaning or etching rinse]

Pollutant or pollutant property	PSNS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kg (pound per billion lbs) of aluminum processed	
Chromium	624	253
Cyanide	337	135

SUBPART A—Continued

[Cleaning or etching rinse]

Pollutant or pollutant property	PSNS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
Zinc	1,720	708
TTO	1,164	
Oil and Grease (alternate monitoring parameter)	16,860	16,860

SUBPART A

[Solution heat treatment contact cooling water]

Pollutant or pollutant property	PSNS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pound per billion lbs) of aluminum processed	
Chromium	754	306
Cyanide	408	163
Zinc	2,410	856
TTO	1,410	
Oil and Grease (alternate monitoring parameter)	20,370	20,370

SUBPART A

[Continuous sheet casting lubricant]

Pollutant or pollutant property	PSNS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pound per billion lbs) of aluminum processed	
Chromium	0.68	0.28
Cyanide	.37	.15
Zinc	1.88	.77
TTO	1.27	
Oil and Grease (alternate monitorng parameter)	18.5	18.5

SUBPART A

[Core with an annealing furnace scrubber]

Pollutant or pollutant property	PSNS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pound per billion lbs) of aluminum processed	
Chromium	15.9	6.44
Cyanide	8.59	3.43
Zinc	43.8	18.1
TTO	29.6	
Oil and Grease (alternate monitoring parameter)	429.3	429.3

SUBPART A

[Core without an annealing furnace scrubber]

Pollutant or pollutant property	PSNS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pound per billion lbs) of aluminum processed	
Chromium	6.13	2.49
Cyanide	3.32	1.33
Zinc	16.9	6.96

SUBPART A—Continued

[Core without an annealing furnace scrubber]

Pollutant or pollutant property	PSNS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
TTO	11.5	
Oil and Grease (alternate monitoring parameter)	165.8	165.8

§ 467.17 Effluent limitations representating the degree of effluent reduction attainable by the application of the best conventional pollutant control technology. [Reserved]

Subpart B—Rolling With Emulsions Subcategory

§ 467.20 Applicability; description of the rolling with emulsions subcategory.

This subpart applies to dischargers of pollutants to waters of the United States and introductions of pollutants into publicly owned treatment works from the core and the ancillary operations of the rolling with emulsions subcategory.

§ 467.21 Specialized definitions.

For the purpose of this subpart:

(a) The "core" of the rolling with emulsions subcategory shall include rolling using emulsions, roll grinding, stationary casting, homogenizing, artificial aging, annealing, and sawing.

(b) The term "ancillary operation" shall mean any operation not previously included in the core, performed on-site, following or preceding the rolling operation. The ancillary operations shall include direct chill casting, solution heat treatment, cleaning or etching, and degassing.

§ 467.22 Effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Except as provided in 40 CFR 125.30–125.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

SUBPART B

[Cleaning or etching scrubber liquor]

Pollutant or pollutant property	BPT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion lbs) of aluminum processed	
Chromium	7,230	2,930

SUBPART B—Continued

[Cleaning or etching scrubber liquor]

Pollutant or pollutant property	BPT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
Cyanide	5,000	2,070
Zinc	22,900	9,650
Aluminum	78,400	32,030
Oil and Grease	344,400	206,700
Suspended Solids	706,000	344,400
pH	(1)	(1)

[1] Within the range of 7.5 to 10 at all times.

SUBPART B

[Cleaning or etching rinse]

Pollutant or pollutant property	BPT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion lbs) of aluminum processed	
Chromium	7,080	2,870
Cyanide	4,890	2,030
Zinc	22,430	9,440
Aluminum	76,700	31,360
Oil and Grease	337,200	202,300
Suspended Solids	691,300	337,200
pH	(1)	(1)

[1] Within the range of 7.5 to 10 at all times.

SUBPART B

[Cleaning or etching bath]

Pollutant or pollutant property	BPT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion lbs) of aluminum processed	
Chromium	85.9	34.8
Cyanide	59.3	24.6
Zinc	271.9	114.5
Aluminum	930.0	380.2
Oil and Grease	4,088.0	2,453.0
Suspended Solids	8,381.0	4,088.0
pH	(1)	(1)

[1] Within the range of 7.5 to 10 at all times.

SUBPART B

[Solution heat treatment contact cooling water]

Pollutant or pollutant property	BPT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion lbs) of aluminum processed	
Chromium	3,240	1,310
Cyanide	2,240	925
Zinc	10,250	4,320
Aluminum	35,100	14,400
Oil and Grease	154,100	92,500
Suspended Solids	315,900	154,100
pH	(1)	(1)

[1] Within the range of 7.5 to 10 at all times.

SUBPART B

[Direct chill casting contact cooling water]

Pollutant or pollutant property	BPT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion lbs) of aluminum processed	
Chromium	840	340
Cyanide	580	240
Zinc	2,660	1,120
Aluminum	9,100	3,720
Oil and Grease	39,980	23,990
Suspended Solids	81,960	39,980
pH	(1)	(1)

[1] Within the range of 7.5 to 10 at all times.

SUBPART B

[Core]

Pollutant or pollutant property	BPT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion lbs) of aluminum processed	
Chromium	38.3	15.5
Cyanide	26.4	11.0
Zinc	121.2	51.0
Aluminum	414.5	169.5
Oil and Grease	1,822.0	1,093.0
Suspended Solids	3,735.0	1,822.0
pH	(1)	(1)

[1] Within the range of 7.5 to 10 at all times.

§ 467.23 Effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Except as provided in 40 CFR 125.30–125.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) There shall be no discharge of process wastewater pollutants from the ancillary operations of the cleaning or etch line chemical solution bath.

(b) The discharge of process wastewater pollutants from the core and ancillary operations except those listed in paragraph (a) of this section, shall not exceed the values set forth below:

SUBPART B

[Cleaning or etching scrubber liquor]

Pollutant or pollutant property	BAT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion lbs) of aluminum processed	
Chromium	812	329
Cyanide	561	232
Zinc	2,571	1,083

SUBPART B—Continued

[Cleaning or etching scrubber liquor]

Pollutant or pollutant property	BAT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
Aluminum	8,795	3,596

SUBPART B

[Cleaning or etching rinse]

Pollutant or pollutant property	BAT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion lbs) of aluminum processed	
Chromium	708	287
Cyanide	489	203
Zinc	2,243	944
Aluminum	7,672	3,136

SUBPART B

[Solution heat treatment contact cooling water]

Pollutant or pollutant property	BAT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion lbs) of aluminum processed	
Chromium	856	347
Cyanide	591	245
Zinc	2,710	1,141
Aluminum	9,269	3,789

SUBPART B

[Direct chill casting contact cooling water]

Pollutant or pollutant property	BAT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion lbs) of aluminum processed	
Chromium	840	340
Cyanide	580	240
Zinc	2,660	1,120
Aluminum	9,100	3,720

SUBPART B

[Core]

Pollutant or pollutant property	BAT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion lbs) of aluminum processed	
Chromium	38.3	15.5
Cyanide	26.4	11.0
Zinc	121.2	51.0
Aluminum	414.5	169.5

§ 467.24 New source performance standards.

Any new source subject to this subpart must achieve the following performance standards:

(a) There shall be no discharge of process wastewater pollutants from the ancillary operations of the cleaning or etch line chemical solution bath.

(b) The discharge of process wastewater pollutants from the core and ancillary operations except those listed in paragraph (a) of this section, shall not exceed the values set forth below:

SUBPART B

[Cleaning or etching scrubber liquor]

Pollutant or pollutant property	NSPS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pound per billion lbs) of aluminum processed	
Chromium	715	290
Cyanide	387	155
Zinc	1,972	812
Aluminum	5,857	2,397
Oil and Grease	19,330	19,330
Suspended Solids	29,000	21,270
pH	(1)	(1)

[1] Within the range of 7.5 to 10 at all times.

SUBPART B

[Cleaning or etching rinse]

Pollutant or pollutant property	NSPS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pound per billion lbs) of aluminum processed	
Chromium	624	253
Cyanide	337	135
Zinc	1,720	708
Aluminum	5,110	2,090
Oil and Grease	16,860	16,860
Suspended Solids	25,290	18,550
pH	(1)	(1)

[1] Within the range of 7.5 to 10 at all times.

SUBPART B

[Solution heat treatment contact cooling water]

Pollutant or pollutant property	NSPS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pound per billion lbs) of aluminum processed	
Chromium	754	306
Cyanide	408	163
Zinc	2,078	856
Aluminum	6,172	2,526
Oil and Grease	20,370	20,370
Suspended Solids	30,560	22,410
pH	(1)	(1)

[1] Within the range of 7.5 to 10 at all times.

SUBPART B

[Direct chill casting contact cooling water]

Pollutant or pollutant property	NSPS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pound per billion lbs) of aluminum processed	
Chromium	740	300
Cyanide	400	160
Zinc	2,039	840
Aluminum	6,057	2,479
Oil and Grease	19,990	19,990
Suspended Solids	29,985	21,989
pH	(1)	(1)

[1] Within the range of 7.5 to 10 at all times.

SUBPART B

[Core]

Pollutant or pollutant property	NSPS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pound per billion lbs) of aluminum processed	
Chromium	33.7	13.7
Cyanide	8.2	7.3
Zinc	92.9	38.3
Aluminum	276.0	113.0
Oil and Grease	911.0	911.0
Suspended Solids	1,367.0	1,002.0
pH	(1)	(1)

[1] Within the range of 7.5 to 10 at all times.

§ 467.25 Pretreatment standards for existing sources.

Except as provided in 40 CFR 403.7 and 403.13, any existing source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR 403 and achieve the following pretreatment standards for existing sources. The mass of wastewater pollutants in aluminum forming process wastewater introduced into a POTW shall not exceed the following values:

SUBPART B

[Cleaning or etching scrubber]

Pollutant or pollutant property	PSES effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pound per billion lbs) of aluminum processed	
Chromium	812	329
Cyanide	561	232
Zinc	2,571	1,083
TTO	1,334	
Oil and Grease (alternate monitoring parameter	38,660	23,200

SUBPART B

[Cleaning or etching rinse]

Pollutant or pollutant property	PSES effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pound per billion lbs) of aluminum processed	
Chromium	706	287
Cyanide	489	203
Zinc	2,243	944
TTO	1,164	
Oil and Grease (alternate monitoring parameter	33,720	20,230

SUBPART B

[Solution heat treatment contact cooling water]

Pollutant or pollutant property	PSES effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pound per billion lbs) of aluminum processed	
Chromium	856	347
Cyanide	591	245
Zinc	2,710	1,141
TTO	1,410	
Oil and Grease (alternate monitoring parameter	40,740	24,440

SUBPART B

[Direct chill casting contact cooling water]

Pollutant or pollutant property	PSES effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pound per billion lbs) of aluminum processed	
Chromium	840	340
Cyanide	580	240
Zinc	2,660	1,120
TTO	1,380	
Oil and Grease (alternate monitoring parameter	39,980	24,000

SUBPART B

[Core]

Pollutant or pollutant property	PSES effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pound per billion lbs) of aluminum processed	
Chromium	38.3	15.5
Cyanide	26.4	11.0
Zinc	121.2	51.0
TTO	62.9	
Oil and Grease (alternate monitoring parameter	1,822.0	1,093.0

§ 467.26 Pretreatment standards for new sources.

Except as provided in § 403.7, any new source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for new sources. The mass of process wastewater pollutants from the core and ancillary operations introduced into a POTW shall not exceed the values set forth below:

SUBPART B

[Cleaning or etching scrubber]

Pollutant or pollutant property	PSNS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pound per billion lbs) of aluminum processed	
Chromium	715	290
Cyanide	387	155
Zinc	1,972	812
TTO	1,334	
Oil and Grease (alternate monitoring parameter	19,330	19,330

SUBPART B

[Cleaning or etching rinse]

Pollutant or pollutant property	PSNS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pound per billion lbs) of aluminum processed	
Chromium	624	253
Cyanide	337	135
Zinc	1,720	708
TTO	1,164	
Oil and Grease (alternate monitoring parameter	16,860	16,860

SUBPART B

[Solution heat treatment contact cooling water]

Pollutant or pollutant property	PSNS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion lbs) of aluminum processed	
Chromium	754	306
Cyanide	408	163
Zinc	2,078	856
TTO	1,410	
Oil and Grease (alternate monitoring parameter)	20,370	20,370

SUBPART B

[Direct chill casting contact cooling water]

Pollutant or pollutant property	PSNS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion lbs) of aluminum processed	
Chromium	740	300
Cyanide	400	160
Zinc	2,039	840
TTO	6,057	

SUBPART B—Continued

[Direct chill casting contact cooling water]

Pollutant or pollutant property	PSNS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
Oil and Grease (alternate monitoring parameter)	19,990	19,990

SUBPART B

[Core]

Pollutant or pollutant property	PSNS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion lbs) of aluminum processed	
Chromium	33.7	13.7
Cyanide	18.2	7.3
Zinc	92.9	38.3
TTO	62.9	
Oil and Grease (alternate monitoring parameter)	911	911

§ 467.27 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology. [Reserved]

Subpart C—Extrusion Subcategory

§ 467.30 Applicability; description of the extrusion subcategory.

This subpart applies to discharges of pollutants to waters of the United States and introductions of pollutants into publicly owned treatment works from the core and the ancillary operations of the extrusion subcategory.

§ 467.31 Specialized definitions

For the purpose of this subpart:

(a) The "core" of the extrusion subcategory shall include extrusion die cleaning, dummy block cooling, stationary casting, artificial aging, annealing, degreasing, and sawing.

(b) The term "extrusion die cleaning" shall mean the process by which the steel dies used in extrusion of aluminum are cleaned. The term includes a dip into a concentrated caustic bath to dissolve the aluminum followed by a water rinse. It also includes the use of a wet scrubber with the die cleaining operation.

(c) The term "ancillary operation" shall mean any operation not previously included in the core, performed on-site, following or preceding the extrusion operation. The ancillary operations shall include direct chill casting, press or solution heat treatment, cleaning or etching, and degassing.

§ 467.32 Effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Except as provided in 40 CFR 125.30–125.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available:

SUBPART C.—DEGASSING SCRUBBER LIQUOR

Pollutant or pollutant property	BPT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	12.3	4.96
Cyanide	8.5	3.51
Zic	38.8	16.4
Aluminum	132.8	54.3
Oil and grease	583.8	350.3
Suspended solids	1,197.0	583.8
pH	(1)	(1)

[1] Within the range of 7.5 to 10 at all times.

SUBPART C.—CLEANING OR ETCHING SCRUBBER LIQUOR

Pollutant or pollutant property	BPT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	7,230	2,930
Cyanide	5,000	2,070
Zinc	22,900	9,650
Aluminum	78,400	32,030
Oil and grease	344,400	206,700
Suspended solids	706,000	344,400
pH	(1)	(1)

[1] Within the range of 7.5 to 10 at all times.

SUBPART C.—CLEANING OR ETCHING RINSE

Pollutant or pollutant property	BPT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	7,080	2,870
Cyanide	4,890	2,030
Zinc	22,430	9,440
Aluminum	76,700	31,360
Oil and grease	337,200	202,300
Suspended solids	691,300	337,200
pH	(1)	(1)

[1] Within the range of 7.5 to 10 at all times.

SUBPART C.—CLEANING OR ETCHING BATH

Pollutant or pollutant property	BPT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	85.9	34.8
Cyanide	59.3	24.6
Zinc	271.9	114.5
Aluminum	930.0	380.2
Oil and grease	4,088.0	2,453.0
Suspended solids	8,381.0	4,088.0
pH	(1)	(1)

[1] Within the range of 7.5 to 10 at all times.

SUBPART C.—SOLUTION HEAT TREATMENT CONTACT COOLING WATER

Pollutant or pollutant property	BPT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	3,240	1,310
Cyanide	2,240	925
Zinc	10,250	4,320
Aluminum	35,100	14,400
Oil and grease	154,100	92,500
Suspended solids	315,900	154,100
pH	(1)	(1)

[1] Within the range of 7.5 to 10 at all times.

SUBPART C.—PRESS HEAT TREATMENT CONTACT COOLING WATER

Pollutant or pollutant property	BPT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	3,240	1,310
Cyanide	2,240	925
Zinc	10,250	4,320
Aluminum	35,100	14,400
Oil and grease	154,100	92,500
Suspended solids	315,900	154,100
pH	(1)	(1)

[1] Within the range of 7.5 to 10 at all times.

SUBPART C.—DIRECT CHILL CASTING CONTACT COOLING WATER

Pollutant or pollutant property	BPT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	840	340
Cyanide	580	240
Zinc	2,660	1,120
Aluminum	9,100	3,720
Oil and grease	39,980	23,990
Suspended solids	81,960	39,980
pH	(1)	(1)

[1] Within the range of 7.5 to 10 at all times.

SUBPART C.—CORE

Pollutant or pollutant property	BPT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	136.0	55.1
Cyanide	93.9	38.9
Zinc	431.0	182.0
Aluminum	1,473.0	602.0
Oil and grease	6,474.0	3,885.0
Suspended solids	13,270.0	6,474.0
pH	(1)	(1)

[1] Within the range of 7.5 to 10 at all times.

§ 467.33 Effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Except as provided in 40 CFR 125.30–125.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable:

(a) There shall be no discharge of wastewater pollutants from the ancillary operations of the cleaning or etch line chemical solution bath and degassing.

(b) The discharge of wastewater pollutants from the core and ancillary operation except those listed in paragraph (a) of this section, shall not exceed the values set forth below:

SUBPART C.—CLEANING OR ETCHING SCRUBBER LIQUOR

Pollutant or pollutant property	BAT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	812	329
Cyanide	561	232
Zinc	2,571	1,083
Aluminum	8,795	3,596

SUBPART C.—CLEANING OR ETCHING RINSE

Pollutant or pollutant property	BAT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	708	287
Cyanide	489	203
Zinc	2,243	944
Aluminum	7,672	3,136

SUBPART C.—SOLUTION HEAT TREATMENT CONTACT COOLING WATER

Pollutant or pollutant property	BAT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	856	347
Cyanide	591	245
Zinc	2,710	1,141
Aluminum	9,269	3,789

SUBPART C.—PRESS HEAT TREATMENT CONTACT COOLING WATER

Pollutant or pollutant property	BAT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	856	347
Cyanide	591	245
Zinc	2,710	1,141
Aluminum	9,269	3,789

SUBPART C.—DIRECT CHILL CASTING CONTACT COOLING WATER

Pollutant or pollutant property	BAT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	840	340
Cyanide	580	240
Zinc	2,660	1,120
Aluminum	9,100	3,720

SUBPART C.—CORE

Pollutant or pollutant property	BAT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	125	50.7
Cyanide	87	35.8
Zinc	397	167.0
Aluminum	1,357	555.0

§ 467.34 New source performance standards.

Any new source subject to this subpart must achieve the following performance standards.

(a) There shall be no discharge of wastewater pollutants from ancillary operations of the cleaning or etch line chemical solution bath and degassing.

(b) The discharge of wastewater pollutants from the core and ancillary operation except those listed in paragraph (a) of this section, shall not exceed the values set forth below:

SUBPART C.—CLEANING OR ETCHING SCRUBBER LIQUOR

Pollutant or pollutant property	NSPS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	715	290
Cyanide	387	155
Zinc	1,972	812
Aluminum	5,857	2,397
Oil and grease	19,330	19,330
Suspended solids	29,000	21,270
pH	(1)	(1)

[1] Within the range of 7.5 to 10 at all times.

SUBPART C.—CLEANING OR ETCHING RINSE

Pollutant or pollutant property	NSPS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	624	253
Cyanide	337	135
Zinc	1,720	708
Aluminum	5,109	2,091
Oil and grease	16,860	16,860
Suspended solids	25,290	18,550
pH	(1)	(1)

[1] Within the range of 7.5 to 10 at all times.

SUBPART C.—SOLUTION HEAT TREATMENT CONTACT COOLING WATER

Pollutant or pollutant property	NSPS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	754	306
Cyanide	408	163
Zinc	2,078	856
Aluminum	6,172	2,526
Oil and grease	20,370	20,370
Suspended solids	30,560	22,410
pH	(1)	(1)

[1] Within the range of 7.5 to 10 at all times.

SUBPART C.—PRESS HEAT TREATMENT CONTACT COOLING WATER

Pollutant or pollutant property	NSPS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	754	306
Cyanide	408	163
Zinc	2,078	856
Aluminum	6,172	2,526
Oil and grease	20,370	20,370
Suspended solids	30,555	22,410
pH	(1)	(1)

SUBPART C.—PRESS HEAT TREATMENT CONTACT COOLING WATER—Continued

Pollutant or pollutant property	NSPS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
[1] Within the range of 7.5 to 10 at all times.		

SUBPART C.—DIRECT CHILL CASTING CONTACT COOLING WATER

Pollutant or pollutant property	NSPS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	740	300
Cyanide	400	160
Zinc	2,039	840
Aluminum	6,057	2,479
Oil and grease	19,990	19,990
Suspended solids	29,985	21,989
pH	[1]	[1]

[1] Within the range of 7.5 to 10 at all times.

SUBPART C.—CORE

Pollutant or pollutant property	NSPS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	111	45
Cyanide	60	24
Zinc	304	125
Aluminum	904	370
Oil and grease	2,981	2,981
Suspended solids	4,472	3,279
pH	[1]	[1]

[1] Within the range of 7.5 to 10 at all times.

§ 467.35 Pretreatment standards for existing sources.

Except as provided in 40 CFR 403.7 and 403.13, any existing source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for existing sources. The mass of wastewater pollutants in aluminum forming process wastewater introduced into a POTW shall not exceed the following values:

SUBPART C.—CLEANING OR ETCHING SCRUBBER

Pollutant or pollutant property	NSPS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	812	329
Cyanide	561	232
Zinc	2,571	1,083
TTO	1,334	

SUBPART C.—CLEANING OR ETCHING SCRUBBER—Continued

Pollutant or pollutant property	NSPS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
Oil and grease (alternate monitoring parameter)	38,660	23,200

SUBPART C.—CLEANING OR ETCHING RINSE

Pollutant or pollutant property	PSES effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	708	287
Cyanide	489	203
Zinc	2,243	945
TTO	1,164	
Oil and grease (alternate monitoring parameter)	33,720	20,230

SUBPART C.—SOLUTION HEAT TREATMENT CONTACT COOLING WATER

Pollutant or pollutant property	PSES effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	856	347
Cyanide	591	245
Zinc	2,710	1,141
TTO	1,410	
Oil and grease (alternate monitoring parameter)	40,740	24,440

SUBPART C.—PRESS HEAT TREATMENT CONTACT COOLING WATER

Pollutant or pollutant property	PSES effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	856	347
Cyanide	591	245
Zinc	2,710	1,141
TTO	1,410	
Oil and grease (alternate monitoring parameter)	40,740	24,440

SUBPART C.—DIRECT CHILL CASTING CONTACT COOLING WATER

Pollutant or pollutant property	PSES effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	840	340
Cyanide	580	240
Zinc	2,660	1,120
TTO	1,380	

SUBPART C.—DIRECT CHILL CASTING CONTACT COOLING WATER—Continued

Pollutant or pollutant property	PSES effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
Oil and grease (alternate monitoring parameter)	39,980	24,440

SUBPART C.—CORE

Pollutant or pollutant property	PSES effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	125	51
Cyanide	87	36
Zinc	397	167
TTO	206	
Oil and grease (alternate monitoring parameter)	5,960	3,580

§ 467.36 Pretreatment standards for new sources.

Except as provided in 40 CFR 403.7, any new source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for new sources. The mass of wastewater pollutants in the aluminum forming process wastewater shall not exceed the values set forth below:

SUBPART C.—CLEANING OR ETCHING SCRUBBER

Pollutant or pollutant property	PSNS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	715	290
Cyanide	387	155
Zinc	1,972	812
TTO	1,334	
Oil and grease (alternate monitoring parameter)	19,330	19,330

SUBPART C.—CLEANING OR ETCHING RINSE

Pollutant or pollutant property	PSNS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	624	253
Cyanide	337	135
Zinc	1,720	708
TTO	1,164	
Oil and grease (alternate monitoring parameter)	16,860	16,860

SUBPART C.—SOLUTION HEAT TREATMENT CONTACT COOLING WATER

Pollutant or pollutant property	PSNS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	754	306
Cyanide	408	163
Zinc	2,078	856
TTO	1,410	.....
Oil and grease (alternate monitoring parameter)	20,370	20,370

SUBPART C.—PRESS HEAT TREATMENT CONTACT COOLING WATER

Pollutant or pollutant property	PSNS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	754	306
Cyanide	408	163
Zinc	2,078	856
TTO	1,410	.....
Oil and grease (alternate monitoring parameter)	20,370	20,370

SUBPART C.—DIRECT CHILL CASTING CONTACT COOLING WATER

Pollutant or pollutant property	PSNS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	740	300
Cyanide	400	160
Zinc	2,039	840
TTO	1,380	.....
Oil and grease (alternate monitoring parameter)	19,990	19,990

SUBPART C.—CORE

Pollutant or pollutant property	PSNS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	111	45
Cyanide	60	24
Zinc	314	125
TTO	206	.....
Oil and grease (alternate monitoring parameter)	2,981	2,981

§ 467.37 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology. [Reserved]

Subpart D—Forging Subcategory

§ 467.40 Applicability; description of the forging subcategory.

This subpart applies to discharges of pollutants to waters of the United States and introductions of pollutants into publicity owned treatment works from the core of the forging subcategory and the ancillary operations.

§ 467.41 Specialized definitions.

For the purpose of this subpart:

(a) The "core" of the forging subcategory shall include forging, artificial aging, annealing, degreasing, and sawing.

(b) The term "ancillary operation" shall mean any operation not previously included in the core, performed on-site, following or preceding the forging operation. The ancillary operations shall include forging air pollution scrubbers, solution heat treatment, and cleaning or etching.

§ 467.42 Effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available. [Reserved]

§ 467.43 Effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable. [Reserved]

§ 467.44 New source performance standards (NSPS).

Any new source subject to this subpart must achieve the following performance standards.

(a) There shall be no discharge of wastewater pollutants from the ancillary operation of the cleaning or etch line chemical solution bath.

(b) The discharge of wastewater pollutants from the core and ancillary operation except for those listed in paragraph (a) of this section, shall not exceed the values set forth below:

SUBPART D.—CLEANING OR ETCHING SCRUBBER LIQUOR

Pollutant or pollutant property	NSPS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	715	290
Cyanide	387	155
Zinc	1,972	812
Aluminum	5,857	2,397
Oil and grease	19,330	19,330
Suspended solids	29,000	21,270
pH	(1)	(1)

[1] Within the range of 7.5 to 10 at all times.

SUBPART D.—CLEANING OR ETCHING RINSE

Pollutant or pollutant property	NSPS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	624	253
Cyanide	337	135
Zinc	1,720	708
Aluminum	5,109	2,091
Oil and grease	16,860	16,860
Suspended solids	25,290	18,560
pH	(1)	(1)

[1] Within the range of 7.5 to 10 at all times.

SUBPART D.—SOLUTION HEAT TREATMENT CONTACT COOLING WATER

Pollutant or pollutant property	NSPS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per/billion pounds) of aluminum processed	
Chromium	754	306
Cyanide	408	163
Zinc	2,078	856
Aluminum	6,172	2,526
Oil and Grease	20,370	20,370
Suspended Solids	30,560	22,410
pH	[1]	[1]

[1] Within the range of 7.5 to 10 at all times.

SUBPART D.—FORGING SCRUBBER LIQUOR

Pollutant or pollutant property	NSPS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per/billion pounds) of aluminum processed	
Chromium	34.9	14.2
Cyanide	18.9	7.6
Zinc	96.2	39.6
Aluminum	285.8	117.0
Oil and Grease	943.1	943.1
Suspended Solids	1,415.0	1,038.0
pH	[1]	[1]

[1] Within the range of 7.5 to 10 at all times.

SUBPART D.—CORE

Pollutant or pollutant property	NSPS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	2.89	1.17
Cyanide	1.56	0.62
Zinc	7.96	3.28
Aluminum	23.7	9.7
Oil and Grease	78.1	78.1
Suspended Solids	117.0	85.9
pH	[1]	[1]

[1] Within the range of 7.5 to 10 at all times.

§ 467.45 Pretreatment standards for existing sources.

Except as provided in 40 CFR 403.7 and 403.13, any existing source subject to this subpart which introduced pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for existing sources. The mass of wastewater pollutants in aluminum forming process wastewater introduced into a POTW shall not exceed the values set forth below:

SUBPART D.—CLEANING OR ETCHING SCRUBBER

Pollutant or pollutant property	PSES effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	812	329
Cyanide	561	232
Zinc	2,571	1,083
TTO	1,334	
Oil and grease (alternate monitoring parameter)	38,660	23,200

SUBPART D.—CLEANING OR ETCHING RINSE

Pollutant or pollutant property	PSES effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	708	287
Cyanide	489	203
Zinc	2,243	944
TTO	1,164	
Oil and grease (alternate monitoring parameter)	33,720	20,230

SUBPART D.—SOLUTION HEAT TREATMENT CONTACT COOLING WATER

Pollutant or pollutant property	PSES effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	856	347
Cyanide	591	245
Zinc	2,710	1,140
TTO	1,410	
Oil and grease (alternate monitoring parameter)	40,740	24,440

SUBPART D.—FORGING SCRUBBER LIQUOR

Pollutant or pollutant property	PSES effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	39.6	16.1
Cyanide	27.4	11.3
Zinc	125.5	52.8
TTO	65.1	
Oil and grease (alternate monitoring parameter)	1,886.0	1,132.0

SUBPART D.—CORE

Pollutant or pollutant property	PSES effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	3.28	1.33
Cyanide	2.27	0.94
Zinc	10.4	4.37
TTO	5.39	
Oil and grease (alternate monitoring parameter)	156.0	93.7

§ 467.46 Pretreatment standards for new sources.

Except as provided in 40 CFR 403.7, any new source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR 403 and achieve the following pretreatment standards for new sources. The mass of wastewater pollutants in aluminum forming process wastewater introduced into a POTW shall not exceed the values set forth below:

SUBPART D.—CLEANING OR ETCHING SCRUBBER

Pollutant or pollutant property	PSNS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	715	290
Cyanide	387	155
Zinc	1,972	812
TTO	1,334	
Oil and grease (alternate monitoring parameter)	19,330	19,330

SUBPART D.—CLEANING OR ETCHING RINSE

Pollutant or pollutant property	PSNS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	624	253
Cyanide	337	135
Zinc	1,720	708
TTO	1,164	
Oil and grease (alternate monitoring parameter)	16,860	16,860

SUBPART D.—SOLUTION HEAT TREATMENT CONTACT COOLING WATER

Pollutant or pollutant property	PSNS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	754	306
Cyanide	408	163
Zinc	2,078	856
TTO	1,410	
Oil and grease (alternate monitoring parameter)	20,370	20,370

SUBPART D.—CORE

Pollutant or pollutant property	PSNS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	2.89	1.17
Cyanide	1.56	0.62
Zinc	7.96	3.28
TTO	5.39	
Oil and grease (alternate monitoring parameter)	78.1	78.1

SUBPART D.—FORGING SCRUBBER LIQUOR

Pollutant or pollutant property	PSNS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	34.9	14.2
Cyanide	18.9	7.6
Zinc	96.2	39.6
TTO	65.1	----
Oil and grease (alternate monitoring parameter)	943.1	943.1

§ 467.47 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology. [Reserved]

Subpart E—Drawing with Neat Oils Subcategory

§ 467.50 Applicability; description of the drawing with neat oils subcategory.

This subpart applies to discharges of pollutants to waters of the United States and introductions of pollutants into publicly owned treatment works from the core of the drawing with neat oils subcategory and the ancillary operations.

§ 467.51 Specialized definitions.

For the purpose of this subpart:

(a) The "core" of the drawing with neat oils subcategory shall include drawing using neat oils, stationary casting, artificial aging, annealing, degreasing, sawing, and swaging.

(b) The term "ancillary operation" shall mean any operation not previously included in the core, performed on-site, following or preceding the drawing operation. The ancillary operation shall include continuous rod casting, solution heat treatment, and cleaning or etching.

§ 467.52 Effluent limitations representing the degree of effluent reduction attainable by the application of best practicable control technology currently available.

Except as provided in 40 CFR 125.30–125.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable technology currently available:

SUBPART E.—CLEANING OR ETCHING SCRUBBER LIQUOR

Pollutant or pollutant property	BPT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds of aluminum processes	
Chromium	7,230	2,930
Cyanide	5,000	2,070
Zinc	22,900	9,650
Aluminum	78,400	32,030
Oil and grease	344,400	206,700
Suspended solids	706,000	344,400
pH	(1)	(1)

(1) Within the range of 7.5 to 10 at all times.

SUBPART E.—CLEANING OR ETCHING RINSE

Pollutant or pollutant property	BPT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	7,080	2,870
Cyanide	4,890	2,030
Zinc	22,430	9,440
Aluminum	76,700	31,360
Oil and grease	337,200	202,300
Suspended solids	691,300	337,200
pH	(1)	(1)

(1) Within the range of 7.5 to 10 at all times.

SUBPART E.—CLEANING OR ETCHING BATH

Pollutant or pollutant property	BPT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds perbillion pounds) of aluminum processed	
Chromium	85.9	34.8
Cyanide	59.3	24.6
Zinc	271.9	114.5
Aluminum	930.0	380.2
Oil and grease	4,088.0	2,453.0
Suspended solids	8,381.0	4,088.0
pH	(1)	(1)

(1) Within the range of 7.5 to 10 at all times.

SUBPART E.—SOLUTION HEAT TREATMENT CONTACT COOLING WATER

Pollutant or pollutant property	BPT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	3,240	1,310
Chanide	2,240	925
Zinc	10,250	4,320
Aluminum	35,100	14,400
Oil and grease	154,100	92,500
Suspended Solids	315,900	154,100
pH	(1)	(1)

(1) Within the range of 7.5 to 10 at all times.

SUBPART E.—CONTINUOUS ROD CASTING CONTACT COOLING WATER

Pollutant or pollutant property	BPT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	438	177
Cyanide	302	125
Zinc	1,386	584
Aluminum	4,741	1,938
Oil and grease	20,840	12,500
Suspended solids	42,720	20,840
pH	(1)	(1)

(1) Within the range of 7.5 to 10 at all times.

SUBPART E.—CONTINUOUS ROD CASTING SPENT LUBRICANT

Pollutant or pollutant property	BPT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	0.774	0.314
Cyanide	0.535	0.221
Zinc	2.45	1.03
Aluminum	8.39	3.43
Oil and grease	36.9	22.1
Suspended solids	75.6	36.9
pH	(1)	(1)

(1) Within the range of 7.5 to 10 at all times.

SUBPART E.—CORE

Pollutant or pollutant property	BPT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	3.28	1.33
Cyanide	2.27	0.94
Zinc	10.4	4.37
Aluminum	35.5	14.5
Oil and grease	156.2	93.7
Suspended solids	320.1	156.2
pH	(1)	(1)

(1) Within the range of 7.5 to 10 at all times.

§ 467.53 Effluent limitations representing the degree of effluent reduction attainable by the application of best available technology economically achievable.

Except as provided in 40 CFR 125.30–125.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable:

(a) There shall be no discharge of wastewater pollutants from the ancillary operation of the cleaning or etch line chemical solution bath.

(b) The discharge of wastewater pollutants from the core and ancillary operations except for those listed in paragraph (a) of this section, shall not exceed the values set forth below:

SUBPART E.—CLEANING OR ETCHING SCRUBBER LIQUOR

Pollutant or pollutant property	BAT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	812	329
Cyanide	561	232
Zinc	2,571	1,083
Aluminum	8,795	3,596

SUBPART E.—CLEANING OR ETCHING RINSE

Pollutant or pollutant property	BAT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	708	287
Cyanide	489	203
Zinc	2,243	944
Aluminum	7,672	3,136

SUBPART E.—SOLUTION HEAT TREATMENT CONTACT COOLING WATER

Pollutant or pollutant property	BAT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	856	347
Cyanide	591	245
Zinc	2,710	1,141
Aluminum	9,269	3,789

SUBPART E.—CONTINUOUS ROD CASTING CONTACT COOLING WATER

Pollutant or pollutant property	BAT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	43.8	17.7
Cyanide	30.2	12.5
Zinc	138.6	58.4
Aluminum	474.1	193.8

SUBPART E.—CONTINUOUS ROD CASTING SPENT LUBRICANT

Pollutant or pollutant property	BAT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	0.78	0.32
Cyanide	0.54	0.22
Zinc	2.45	1.03
Aluminum	8.39	3.43

SUBPART E.—CORE

Pollutant or pollutant property	BAT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	3.28	1.33
Cyanide	2.27	0.94
Zinc	10.4	4.37
Aluminum	35.5	14.5

§ 467.54 New source performance standards.

Any new source subject to this subpart must achieve the following performance standards.

(a) There shall be no discharge of wastewater pollutants from the ancilliary operation of the cleaning or etch line chemical solution bath.

(b) The discharge of wastewater pollutants from the core and ancillary operations except for those listed in paragraph (a), of this section, shall not exceed the values set forth below:

SUBPART E.—CLEANING OR ETCHING SCRUBBER LIQUOR

Pollutant or pollutant property	NSPS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	715	290
Cyanide	387	155
Zinc	1,972	812
Aluminum	5,857	2,397
Oil and grease	19,330	19,330
Suspended solids	29,000	21,270
pH	(1)	(1)

(1) Within the range of 7.5 to 10 at all times.

SUBPART E.—CLEANING OR ETCHING RINSE

Pollutant or pollutant property	NSPS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	624	253
Cyanide	337	135
Zinc	1,720	708
Aluminum	5,109	2,091
Oil and grease	16,860	16,860
Suspended solids	25,290	18,550
pH	(1)	(1)

(1) Within the range of 7.5 to 10 at all times.

SUBPART E.—SOLUTION HEAT TREATMENT CONTACT COOLING WATER

Pollutant or pollutant property	NSPS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	754	306
Cyanide	410	163
Zinc	2,078	856
Aluminum	6,172	2,526
Oil and grease	20,370	20,370
Suspended solids	30,560	22,410
pH	(1)	(1)

(1) Within the range of 7.5 to 10 at all times.

SUBPART E.—CONTINUOUS ROD CASTING CONTACT COOLING WATER

Pollutant or pollutant property	NSPS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	38.6	15.7
Cyanide	20.9	8.4
Zinc	106.3	43.8
Aluminum	315.8	129.2
Oil and Grease	1,042.0	1,042.0
Suspended Solids	1,563.0	1,146.0
pH	(1)	(1)

(1) Within the range of 7.5 to 10 at all times.

SUBPART E.—CONTINUOUS ROD CASTING SPENT LUBRICANT

Pollutant or pollutant property	NSPS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	0.68	0.28
Cyanide	0.37	0.15
Zinc	1.88	0.77
Aluminum	5.58	2.29
Oil and Grease	18.5	18.5
Suspended Solids	27.7	20.3
pH	(1)	(1)

(1) Within the range of 7.5 to 10 at all times.

SUBPART E.—CORE

Pollutant or pollutant property	NSPS effluent limitation	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	2.89	1.17
Cyanide	1.56	0.62
Zinc	7.96	3.28
Aluminum	23.7	9.68
Oil and Grease	78.1	78.1
Suspended Solids	117.1	85.9
pH	(1)	(1)

(1) Within the range of 7.5 to 10 at all times.

§ 467.55 Pretreatment standards for existing sources.

Except as provided in 40 CFR 403.7 and 403.13, any existing source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for existing sources. The mass of wastewater pollutants in aluminum forming process wastewater introduced into a POTW shall not exceed the values set forth below:

SUBPART E.—CLEANING OR ETCHING SCRUBBER

Pollutant or pollutant property	PSES effluent limitation	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	812	329
Cyanide	561	232
Zinc	2,571	1,083
TTO	1,334	
Oil and Grease (alternate monitoring parameter)	38,660	23,200

SUBPART E.—CLEANING OR ETCHING RINSE

Pollutant or pollutant property	PSES effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	708	287
Cyanide	489	203
Zinc	2,243	944
TTO	1,164	
Oil and grease (alternate monitoring parameter)	33,720	20,230

SUBPART E.—SOLUTION HEAT TREATMENT CONTACT COOLING WATER

Pollutant or pollutant property	PSES effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	856	347
Cyanide	591	245
Zinc	2,710	1,141
TTO	1,410	
Oil and grease (alternate monitoring parameter)	40,740	24,440

SUBPART E.—CONTINUOUS ROD CASTING CONTACT COOLING WATER

Pollutant or pollutant property	PSES effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	43.8	17.7
Cyanide	30.2	12.5
Zinc	138.6	58.4
TTO	71.9	
Oil and grease (alternate monitoring parameter)	2,084	1,250

SUBPART E.—CONTINUOUS ROD CASTING LUBRICANT

Pollutant or pollutant property	PSES effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	0.78	0.32
Cyanide	0.54	0.22
Zinc	2.45	1.04
TTO	1.27	
Oil and grease (alternate monitoring parameter)	36.9	22.1

SUBPART E.—CORE

Pollutant or pollutant property	PSES effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	3.28	1.33
Cyanide	2.27	0.94
Zinc	10.4	4.37
TTO	5.39	
Oil and grease (alternate monitoring parameter)	156.0	93.7

§ 467.56 Pretreatment standards for new sources.

Except as provided in 40 CFR 403.7, any new source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for new sources. The mass of wastewater pollutants in aluminum forming process wastewater introduced into a POTW shall not exceed the values set forth below:

SUBPART E.—CLEANING OR ETCHING SCRUBBER

Pollutant or pollutant property	PSNS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	715	290
Cyanide	387	155
Zinc	1,972	812
TTO	1,334	
Oil and grease (alternate monitoring parameter)	19,330	19,330

SUBPART E.—CLEANING OR ETCHING RINSE

Pollutant or poilutant property	PSNS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	624	253
Cyanide	337	135
Zinc	1,720	708
TTO	1,164	
Oil and grease (alternate monitoring parameter)	16,860	16,860

SUBPART E.—SOLUTION HEAT TREATMENT CONTACT COOLING WATER

Pollutant or pollutant property	PSNS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	754	306
Cyanide	410	163
Zinc	2,078	856
TTO	1,410	
Oil and grease (alternate monitoring parameter)	20,370	20,370

SUBPART E.—CONTINUOUS ROD CASTING CONTACT COOLING WATER

Pollutant or pollutant property	PSNS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	38.6	15.7
Cyanide	20.9	8.4
Zinc	106.3	43.8
TTO	71.9	
Oil and grease (alternate monitoring parameter)	1,042.0	1,042.0

SUBPART E.—CONTINUOUS ROD CASTING LUBRICANT

Pollutant or pollutant property	PSNS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	0.68	0.28
Cyanide	0.37	0.15
Zinc	1.88	0.77
TTO	1.27	
Oil and grease (alternate monitoring parameter)	18.5	18.5

SUBPART E.—CORE

Pollutant or pollutant property	PSNS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	2.89	1.17
Cyanide	1.56	0.62
Zinc	7.96	3.28
TTO	5.39	
Oil and grease (alternate monitoring parameter)	78.1	78.1

§ 467.57 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology. [Reserved]

Subpart F—Drawing With Emulsions or Soaps Subcategory

§ 467.60 Applicability; description of the drawing with emulsions or soaps subcategory.

This subpart applies to discharges of pollutants to waters of the United States and introduction of pollutants into publicly owned treatment works from the core and the ancillary operations of the drawing with emulsions or soaps subcategory.

§ 467.61 Specialized definitions.

For the purpose of this subpart:

(a) The "core" of the drawing with emulsions or soaps subcategory shall include drawing using emulsions or soaps, stationary casting, artificial aging, annealing, degreasing, sawing, and swaging.

(b) The term "ancillary operation" shall mean any operation not previously included in the core, performed on-site, following or preceding the drawing operation. The ancillary operations shall include continuous rod casting, solution heat treatment and cleaning or etching.

§ 467.62 Effluent limitations representing the degree of effluent reduction attainable by the application of best practicable control technology currently available.

Except as provided in 40 CFR 125.30–125.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available:

SUBPART F.—CLEANING OR ETCHING SCRUBBER LIQUOR

Pollutant or pollutant property	BPT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	7,230	2,930
Cyanide	5,000	2,070
Zinc	22,900	9,650
Aluminum	78,400	32,030
Oil and grease	344,400	206,700
Suspended solids	706,000	344,400
pH	(1)	(1)

(1) Within the range of 7.5 to 10 at all times.

SUBPART F.—CLEANING OR ETCHING RINSE

Pollutant or pollutant property	BPT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg(pounds per billion pounds) of aluminum processed	
Chromium	7,080	2,870
Cyanide	4,890	2,030
Zinc	22,430	9,440
Aluminum	76,700	31,360
Oil and grease	337,200	202,300
Suspended solids	691,300	337,200
pH	(1)	(1)

(1) Within the range of 7.5 to 10 at all times.

SUBPART F.—CLEANING OR ETCHING BATH

Pollutant or pollutant property	BPT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	85.9	34.8
Cyanide	59.3	24.6
Zinc	271.9	114.5
Aluminum	930.0	380.2
Oil and grease	4,088.0	2,453.0
Suspended solids	8,381.0	4,088.0
pH	(1)	(1)

(1) Within the range of 7.5 to 10 at all times.

SUBPART F.—SOLUTION HEAT TREATMENT CONTACT COOLING WATER

Pollutant or pollutant property	BPT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	3,240	1,310
Cyanide	2,240	925
Zinc	10,250	4,320
Aluminum	35,100	14,400
Oil and grease	154,100	92,500
Suspended solids	315,900	154,100
pH	(1)	(1)

(1) Within the range of 7.5 to 10 at all times.

SUBPART F.—CONTINUOUS ROD CASTING CONTACT COOLING WATER

Pollutant or pollutant property	BPT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	438	117
Cyanide	302	125
Zinc	1,386	584
Aluminum	4,741	1,938
Oil and grease	20,840	12,500
Suspended solids	42,720	20,840
pH	(1)	(1)

(1) Within the range of 7.5 to 10 at all times.

SUBPART F.—CONTINUOUS ROD CASTING SPENT LUBRICANT

Pollutant or pollutant property	BPT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	0.78	0.32
Cyanide	0.54	0.22
Zinc	2.45	1.03
Aluminum	8.38	3.43
Oil and grease	36.9	22.1
Suspended solids	75.6	36.9
pH	(1)	(1)

(1) Within the range of 7.5 to 10 at all times.

SUBPART F.—CORE

Pollutant or pollutant property	BPT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	178	72.2
Cyanide	123	50.9
Zinc	565	238.0
Aluminum	1,930	789.0
Oil and grease	8,490	5,090.0
Suspended solids	17,400	8,490.0
pH	(1)	(1)

(1) Within the range of 7.5 to 10 at all times.

§ 467.63

Effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Except as provided in 40 CFR 125.30–125.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable:

(a) There shall be no discharge of wastewater pollutants from the ancillary operation of the cleaning or etch line chemical solution bath.

(b) The discharge of wastewater pollutants from the core and ancillary operations except for those listed in paragraph (a) of this section shall not exceed the volumes set forth below:

SUBPART F.—CLEANING OR ETCHING SCRUBBER LIQUOR

Pollutant or pollutant property	BPT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds of aluminum processed	
Chromium	812	329
Cyanide	561	232
Zinc	2,571	1,083
Aluminum	8,795	3,596

SUBPART F.—CLEANING OR ETCHING RINSE

Pollutant or pollutant property	BAT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	708	287
Cyanide	489	203
Zinc	2,243	944
Aluminum	7,672	3,136

SUBPART F.—SOLUTION HEAT TREATMENT CONTACT COOLING WATER

Pollutant or pollutant property	BAT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	856	347
Cyanide	591	245
Zinc	2,710	1,141
Aluminum	9,269	3,789

SUBPART F.—CONTINUOUS ROD CASTING CONTACT COOLING WATER

Pollutant or pollutant property	BAT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	43.8	17.7
Cyanide	30.2	12.5
Zinc	138.6	58.4
Aluminum	474.1	193.8

SUBPART F.—CONTINUOUS ROD CASTING SPENT LUBRICANT

Pollutant or pollutant property	BAT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	0.78	0.32
Cyanide	0.54	0.22
Zinc	2.45	1.03
Aluminum	8.39	3.43

SUBPART F.—CORE

Pollutant or pollutant property	BAT effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	178	72.2
Cyanide	123	50.9
Zinc	565	238.0
Aluminum	1,931	789.0

§ 467.64 New source performance standards.

Any new source subject to this subpart must achieve the following performance standards.

(a) There shall be no discharge of wastewater pollutants from the ancillary operation of the cleaning or etch line chemical solution bath.

(b) The discharge of wastewater pollutants from the core and ancillary operations except for those listed in paragraph (a) of this section shall not exceed the values set forth below:

SUBPART F.—CORE

Pollutant or pollutant property	NSPS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	157	64
Cyanide	85	34
Zinc	433	178

SUBPART F.—CORE—Continued

Pollutant or pollutant property	NSPS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
Aluminum	1,286	526
Oil and grease	4,243	4,243
Suspended solids	6,365	4,668

SUBPART F.—SOLUTION HEAT TREATMENT CONTACT COOLING WATER

Pollutant or pollutant property	NSPS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	754	306
Cyanide	408	163
Zinc	2,078	856
Aluminum	6,172	2,528
Oil and grease	20,370	20,370
Suspended solids	30,560	22,410

SUBPART F.—CLEANING OR ETCHING RINSE

Pollutant or pollutant property	NSPS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	624	253
Cyanide	337	135
Zinc	1,720	708
Aluminum	5,109	2,091
Oil and grease	16,860	16,860
Suspended solids	25,290	18,550

SUBPART F.—CLEANING OR ETCHING SCRUBBER LIQUOR

Pollutant or pollutant property	NSPS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	715	290
Cyanide	387	155
Zinc	1,972	812
Aluminum	5,857	2,394
Oil and grease	19,330	19,330
Suspended solids	29,000	21,270

SUBPART F.—CONTINUOUS ROD CASTING CONTACT COOLING WATER

Pollutant or pollutant property	NSPS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	38.6	15.7
Cyanide	20.9	8.4
Zinc	106.3	43.8
Aluminum	315.8	129.2
Oil and grease	1,042.0	1,042.0

SUBPART F.—CONTINUOUS ROD CASTING CONTACT COOLING WATER—Continued

Pollutant or pollutant property	NSPS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
Suspended solids	1,563.0	1,146.0
pH	(1)	(1)

[1] Within the range of 7.5 to 10 at all times.

SUBPART F.—CONTINUOUS ROD CASTING SPENT LUBRICANT

Pollutant or pollutant property	NSPSPSNS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	0.68	0.28
Cyanide	0.37	0.15
Zinc	1.88	0.77
Aluminum	5.58	2.29
Oil and grease	18.5	18.5
Suspended solids	27.7	20.3
pH	(1)	(1)

[1] Within the range of 7.5 to 10 at all times.

§ 467.65 Pretreatment standards for existing sources.

Except as provided in 40 CFR 403.7 and 403.13, any existing source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for existing sources. The mass of wastewater pollutants in aluminum forming process wastewater introduced into a POTW shall not exceed the values set forth below:

SUBPART F.—CLEANING OR ETCHING SCRUBBER

Pollutant or pollutant property	PSES effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	812	329
Cyanide	561	232
Zinc	2,571	1,083
TTO	1,334	
Oil and grease (alternate monitoring parameter)	38,660	23,200

SUBPART F.—CLEANING OR ETCHING RINSE

Pollutant or pollutant property	PSES effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	708	287
Cyanide	489	203
Zinc	2,243	944
TTO	1,164	
Oil and grease (alternate monitoring parameter)	33,720	20,230

SUBPART F.—SOLUTION HEAT TREATMENT CONTACT COOLING WATER

Pollutant or pollutant property	PSES effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	856	347
Cyanide	591	245
Zinc	2,710	1,141
TTO	1,410	
Oil and grease (alternate monitoring parameter)	40,740	24,440

SUBPART F.—CONTINOUS ROD CASTING CONTACT COOLING WATER

Pollutant or pollutant property	PSES effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	43.8	17.7
Cyanide	30.2	12.5
Zinc	138.6	58.4
TTO	71.9	
Oil and grease (alternate monitoring parameter)	2,084.0	1,250.0

SUBPART F.—CONTINUOUS ROD CASTING LUBRICANT

Pollutant or pollutant property	PSES effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	0.78	0.32
Cyanide	0.54	0.22
Zinc	2.45	1.04
TTO	1.27	
Oil and grease (alternate monitoring parameter)	36.9	22.1

SUBPART F.—CORE

Pollutant or pollutant property	PSES effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	178	72.2
Cyanide	123	50.9
Zinc	565	238.0
TTO	293	
Oil and grease (alternate monitoring parameter)	8,486	5,092

§ 467.66 Pretreatment standards for new sources (PSNS).

Except as provided in 40 CFR 403.7, any new source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for new sources. The mass of wastewater pollutants in aluminum forming process wastewaters introduced into a POTW shall not exceed the values set forth below:

SUBPART F.—CLEANING OR ETCHING SCRUBBER

Pollutant or pollutant property	PSNS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	715	290
Cyanide	387	155
Zinc	1,972	812
TTO	1,334	
Oil and grease (alternate monitoring parameter)	19,330	19,330

SUBPART F.—CLEANING OR ETCHING RINSE

Pollutant or pollutant property	PSNS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	624	253
Cyanide	337	135
Zinc	1,720	708
TTO	1,164	
Oil and grease (alternate monitoring parameter)	16,860	16,860

SUBPART F.—SOLUTION HEAT TREATMENT CONTACT COOLING WATER

Pollutant or pollutant property	PSNS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	754	306
Cyanide	408	163
Zinc	2,078	856
TTO	1,410	.....
Oil and grease (alternate monitoring parameter)	20,370	20,370

SUBPART F.—CONTINUOUS ROD CASTING CONTACT COOLING WATER

Pollutant or pollutant property	PSNS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	38.6	15.7
Cyanide	20.9	8.4
Zinc	106.3	43.8
TTO	71.9	.....
Oil and grease (alternate monitoring parameter)	1,042.0	1,042.0

SUBPART F.—CONTINUOUS ROD CASTING LUBRICANT

Pollutant or pollutant property	PSNS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	0.68	0.28
Cyanide	0.37	0.15
Zinc	1.88	0.77
TTO	1.27	.....
Oil and grease (alternate monitoring parameter)	18.5	18.5

SUBPART F.—CORE

Pollutant or pollutant property	PSNS effluent limitations	
	Maximum for any 1 day	Maximum for monthly average
	Mg/kkg (pounds per billion pounds) of aluminum processed	
Chromium	157	64
Cyanide	85	34
Zinc	433	178
TTO	293	.....
Oil and grease (alternate monitoring parameter)	4,243	4,243

§ 467.67 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology. [Reserved]

[FR Doc. 82-31137 Filed 11-19-82; 8:45 am]

BILLING CODE 6560-50-M

federal register

Monday
November 22, 1982

Part III

Environmental Protection Agency

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Grant of Temporary Exclusions and Request for Comments

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

Hazardous Waste Management System; Identification and Listing of Hazardous Waste

[SW-FRL 2249-4]

AGENCY: Environmental Protection Agency.

ACTION: Grant of temporary exclusions and request for comment.

SUMMARY: The Environmental Protection Agency (EPA) is today temporarily excluding solid wastes generated at several particular generating facilities from the lists of hazardous wastes contained in 40 CFR 261.31 and 261.32. This action responds to delisting petitions submitted under 40 CFR 260.20, which allows any person to petition the Administrator to modify or revoke any provisions of 40 CFR Parts 260 through 267 and Parts 122 through 124, issued under the Resource Conservation and Recovery Act of 1976 and 40 CFR 260.22, which specifically provides generators the opportunity to petition the Administrator to exclude a waste on a "site specific basis" from the hazardous waste list. The effect of this action is to temporarily exclude certain wastes generated at particular facilities from listing as hazardous wastes under 40 CFR Part 261.

EFFECTIVE DATE: November 22, 1982.

EPA will accept public comments on these temporary exclusions until January 21, 1983. Any person may request a hearing on these temporary exclusions by filing a request with John P. Lehman, whose address appears below, by December 13, 1982. The request must contain the information prescribed in 40 CFR 260.20(d).

ADDRESSES: Comments should be sent to the Docket Clerk, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

Requests for hearing should be addressed to John P. Lehman, Director, Hazardous and Industrial Waste Division, Office of Solid Waste (WH-565), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. Communications should identify the regulatory docket number "Section 3001/Delisting Petitions."

The public docket for these temporary exclusions is located in Room S-269, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460 and is available for viewing from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: RCRA Hotline, toll free at (800) 424-9346, or at (202) 382-3000. For technical information contact Messrs. Myles Morse or William Sproat, Office of Solid Waste (WH-565B), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 755-9187.

SUPPLEMENTARY INFORMATION: On January 16, 1981, as part of its final and interim final regulations implementing section 3001 of RCRA, EPA published an amended list of hazardous wastes from non-specific and from specific sources. See 40 CFR 261.31 and 261.32. These wastes were listed as hazardous because they typically and frequently exhibit any of the characteristics of hazardous wastes identified in Subpart C of Part 261 (ignitability, corrosivity, reactivity, and extraction procedure (EP) toxicity) or meet the criteria for listing contained in 40 CFR 261.11(a)(2) or 261.11(a)(3).

Individual waste streams may vary depending on raw materials, industrial processes, and other factors. Thus, while a type of waste described in these regulations generally is hazardous, a specific waste meeting the listing description from an individual facility may not be. For this reason, 40 CFR 260.20 and 260.22 provide an exclusion procedure, allowing persons to demonstrate that a specific waste from a particular generating facility should not be regulated as a hazardous waste. To be excluded, petitioners must show that the waste generated at their facilities does not meet any of the criteria under which the waste was listed. (See 40 CFR 260.22(a) and Background Documents for listed wastes.) Wastes which are "delisted" (i.e., excluded) may, however, still be hazardous if they exhibit any of the characteristics of a hazardous waste, and generators remain obligated to make this determination.

In addition to wastes listed as hazardous in 40 CFR 261.31 and 261.32, residues from the treatment, storage, or disposal of listed hazardous wastes also are eligible for exclusion and remain hazardous wastes until excluded. (See 40 CFR 261.3 (c) and (d)(2).) Again, the substantive standard for "delisting" is that the waste not meet any of the criteria for which it was listed originally. Where the waste is derived from one or more listed hazardous wastes, the demonstration may be made with respect to each constituent listed waste, or the waste mixture as a whole. (See 40 CFR 260.22 (b).) Like other excluded wastes, these excluded treatment, storage, or disposal residues remain subject to Subpart C of Part 261, and so may be hazardous if they exhibit any of the characteristics of hazardous waste.

There will be circumstances where immediate action on petitions is appropriate. Therefore, upon Agency review of a submitted petition, the Administrator may, under 40 CFR 260.22 (m), grant a temporary exclusion if there is substantial likelihood that a final exclusion ultimately will be granted.

It should be noted that EPA has not verified the test data submitted before granting temporary exclusions. The sworn affidavits submitted with each petition sufficiently bind the petitioner to ensure presentation of truthful and accurate test results. The Agency has, however, initiated a spot sampling and analysis program to verify the representative nature of the data before petitions for final exclusions will be granted.

Limited Effect of Federal Temporary Exclusion

The temporary exclusions granted today apply only to the Federal hazardous waste management system established under RCRA. States remain free to take any action they deem appropriate under their independent authority with regard to these wastes.

Some States have established their own provisions for delisting or excluding wastes from State control under their hazardous waste programs. Petitioners should consult with the State agencies to inquire about such provisions. EPA's action today of granting temporary exclusions is not an action on behalf of the States and does not affect control of the wastes by State programs.

The temporary exclusions granted today apply only in those situations where the waste is under Federal jurisdiction. EPA has granted some States interim authorization to operate their hazardous waste management program in lieu of Phase I of the Federal program. In the list of petitioners below, these States are indicated by an asterisk (*). In the case of an authorized State, Federal temporary exclusions have applicability only where the waste is transported to a nonauthorized State or is transported in interstate commerce; this includes intrastate transport by an interstate commerce carrier. In such situations where compliance with the Federal hazardous waste program is required, these wastes would be considered to be excluded temporarily from Federal regulatory control. However, State and local control of the wastes remain unaffected by the Federal temporary exclusion.

The authorized programs in some States include delisting provisions which, as provided in the State's Memorandum of Agreement (MOA), require EPA review and concurrence as a part of the State's delisting decisions. The Agency has reviewed the petitions from facilities in States within this category, and is indicating its concurrence to the regulated community by publishing today's temporary exclusions. In the list of petitioners below, the States within this category are indicated by a cross (†).

Petitioners

The temporary exclusions published today involve the following petitioners:

Vulcan Rivet and Bolt Corporation, Birmingham, Alabama†; S–R of Tennessee, Ripley, Tennessee†; Bethlehem Steel Corporation, Chesterton, Indiana; 3M Company, Copely, Ohio; Eastman Kodak Company, Windsor, Colorado; Eli Lilly and Company, Lafayette, Indiana; Western Electric, Richmond, Virginia*; Olin Corporation, St. Marks, Florida†; General Motors/Pontiac Motor Division, Pontiac, Michigan; Molex Incorporated, Lincoln, Nebraska; Jones and Laughlin Steel Corporation, East Chicago, Indiana; Lincoln Plating Company, Lincoln, Nebraska; Light Metals Coloring Company, Southington, Connecticut*; Adolph Coors Company, Golden, Colorado; Continental Can Company, Olympia, Washington; Intex Plastics Corporation, Corinth, Mississippi†; Lederle Laboratories, Pearl River, New York; Miller Brewing Company, Milwaukee, Wisconsin*; Windsor Plastics, Evansville, Indiana; Hewlett-Packard, Loveland, Colorado; E.I. DuPont de Nemours and Company, Gibbstown, New Jersey and Beaumont, Texas*; Reynolds Aluminum, Sheffield, Alabama†; d-Con® Company, Inc., Alliance, Ohio; and the Stablex Corporation, Hooksett, New Hampshire*.

Also included in today's publication is the Agency's response to public comments received on the temporary exclusion granted to the Stablex Corporation for the treatment residue to be generated at their proposed facility in Groveland, Michigan; an amendment to the temporary exclusion previously granted to the Stablex Corporation for the treatment residue to be generated at their proposed facility in Groveland, Michigan; an amendment to the temporary exclusion previously granted to Cerro Wire Company of Syosett, New York; and the recision of the temporary exclusion previously granted to Amoco Oil, of Wood River, Missouri.

Petitions for Exclusion

I. *Vulcan Rivet and Bolt Corporation.*—A. *Petition for Exclusion.* The Vulcan Rivet and Bolt Corporation (Vulcan), involved in the manufacture of industrial fasteners, has petitioned the Agency to exclude its filter cake presently listed as EPA Hazardous Waste No. K062—spent pickle liquor from steel finishing operations. Vulcan has petitioned to exclude its filter cake waste because it does not meet the criteria for which the waste was listed.

Specifically, the filter cake is generated from the treatment (including lime neutralization, iron flocculation/precipitation, and pressure filtration) of a plant process wastewater stream consisting of spent pickle liquor and associated rinse waters. The only process contributing to the generation of the filter cake is the sulfuric acid pickling of coiled steel in preparation for cold forming into bolts, nuts, rivets, and other fasteners. During treatment of the wastewater, a hydrated lime slurry is mixed with the wastewater using strong agitation to raise the pH and precipitate out the iron. Following in-line pressure filtration, the solids, referred to as the filter cake, are separated from the filtrate. The filtrate is discharged into receiving waters under an NPDES permit and the filter cake stored on-site prior to disposal. Vulcan claims that its filter cake is environmentally stable and non-hazardous, and specifically that the filter cake does not contain hazardous levels of hexavalent chromium and lead, the constituents of concern for which the filter cake (waste K062) was listed.

Vulcan submitted a detailed description of its wastewater treatment system and EP toxicity test results for all toxic metal constituents specified in 40 CFR 261.24 of the regulations. Samples of the filter cake solids were taken over a three month period which the petitioner claims represents the uniformity of constituent concentrations in the waste. EP toxicity test results showed maximum total chromium and lead levels in the waste extract of 0.11 and 0.32 ppm, respectively.

B. *Agency Analysis and Action.* The constituents of concern in this waste are hexavalent chromium and lead. EP extracts from filter cake samples analyzed by Vulcan show total chromium and lead levels consistently well below the maximum EP toxicity limits.[1] These low leachate levels indicate that the constituents of concern are present in the filter cake in essentially an immobile form. A final pH of 8.3 indicates that Vulcan's waste treatment process effectively neutralizes its acid wastes. The Agency, therefore, has granted a temporary exclusion to Vulcan's facility in Birmingham, Alabama for its filter cake solids, as described in its petition.

II. *S–R of Tennessee.*—A. *Petition for Exclusion.* S–R of Tennessee (S–R), located in Ripley, Tennessee, and involved in the electroplating of molded plastic parts used primarily in the automotive industry, has petitioned the Agency to exclude its treated sludge presently listed as EPA Hazardous Waste No. F006-Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum. S–R has petitioned to exclude its waste because it does not meet the criteria for which it was listed.

S–R claims that the electroplating processes which generate the waste do not use cadmium or cyanide. In addition, they claim that although they do use hexavalent chromium and nickel as part of the process, the treated wastewater sludge is non-hazardous due to the effectiveness of their treatment system.

S–R has submitted a detailed description of its electroplating and wastewater treatment processes and total constituent analyses of the sludge for cadmium and cyanide. They also submitted EP toxicity test results for total chromium, nickel, cadmium, and distilled water extraction test results for cyanide.

S–R's treatment system involves the reduction of hexavalent chromium bearing waste (with sulfur dioxide and sulfuric acid), neutralization with sodium hydroxide and lime to a pH of between 8.8 and 9.2, flocculation, clarification, and vacuum filtration.

Samples of the sludge were collected daily over a two-week period which the petitioner claims to be representative of any variation of constituent concentration in the waste. Total constituent analyses for cadmium and cyanide revealed values of <0.05 and <0.005 ppm, respectively. EP toxicity test results for total chromium, nickel, and cadmium produced maximum leachate concentrations of .22, 9.6, and $<.005$ ppm, respectively. Distilled water

[1] Hexavalent chromium is listed as the constituent of concern for this waste; however, since the concentration of total chromium is low the concentration of hexavalent chromium would also be low, so that analysis for hexavalent chromium is unnecessary.

leachate tests for cyanide produced a maximum level of <.02 ppm.

B. *Agency Analysis and Action.* S–R of Tennessee has demonstrated that its waste treatment system produces a non-hazardous sludge. S–R claimed that its production process does not use cadmium and cyanide; this claim was substantiated in that both these toxicants were not detected in the sludge. With respect to hexavalent chromium, although hexavalent chromium is used in the production process, it is present in the EP extracts at values well below the proposed maximum EP toxicity limits for this metal.[2] Finally, the reported nickel leachate concentration is not considered to be of regulatory concern.[3] These low leachate levels indicate that the constituents are present in essentially an immobile form. The Agency, therefore, has granted a temporary exclusion to S–R's facility in Ripley, Tennessee for its treated electroplating sludge, as described in its petition.

III. *Bethlehem Steel Corporation.*—A. *Petition for Exclusion.* The Bethlehem Steel Corporation (Bethlehem), Burns Harbor Plant, located in Chesterton, Indiana, involved in the production of various carbon steel products, has petitioned the Agency to exclude its waste identified as secondary wastewater treatment plant (SWTP) filter cake sludge and terminal polishing lagoon (TPL) dredgings. The wastes are presently considered to be hazardous waste because they contain the following EPA hazardous waste:

F006—Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.

K062—Spent pickle liquor from steel finishing operations. Bethlehem has petitioned to exclude these wastes because they do not meet the criteria for which they were listed.

The production process at the Burns Harbor plant which generates the wastes involves chromium electroplating of carbon steel and pickling of the carbon steel in a continuous acid pickling process. Bethlehem claims that the processes which generate the waste do not use cadmium, nickel or cyanide. In addition, they claim that although they do use hexavalent chromium as part of the process and even though lead is present in the waste, they believe the wastes are environmentally stable and non-hazardous due to the effectiveness of their treatment system.

Bethlehem has submitted a detailed description of its waste treatment system, total constituent analyses of the sludge for cadmium, total chromium, lead, nickel, and cyanide, EP toxicity test results for cadmium, total chromium, lead, and nickel, and distilled water test results for cyanide. Composite samples taken from the sludge lagoons are representative of an eighteen month period which the petitioner claims to be representative of any variation of constituent concentration in the waste.

The treatment system involves the neutralization of spent sulfuric acid pickle liquor when it is mixed with alkaline wastewaters in the sewer system and with lime slurry which is present in the secondary wastewater treatment plant. Hexavalent chromium, which is present in the wastewater, is reduced to the trivalent state; this reduction is a result of the reaction of hexavalent chromium with the ferrous iron present in the spent pickle liquor and in the wastewater from other processes. The treated wastes—underflow from the SWTP thickener and the final polishing lagoons—are then subject to vacuum filtration.

Total constituent analyses of the wastes indicated maximum cadmium, total chromium, lead, nickel, and cyanide of 10, 630, 1000, 100, and <1.0 ppm, respectively, in the SWTP sludge and <10, 420, 200, 40, and <1.0 ppm, respectively in the TPL dredgings. EP toxicity test results revealed maximum cadmium, total chromium, lead, and nickel levels of 0.11, 0.17, 0.46 and 0.59 ppm, respectively, in the SWTP sludge and 0.23, 0.54, 0.80 and 0.50, respectively, in the TPL dredgings. Cyanides were not detected in any of the samples.

B. *Agency Analysis and Action.* Bethlehem has demonstrated that its waste treatment system produces non-hazardous sludges. Bethlehem first claimed that its production processes do not use cadmium, nickel, or cyanide; this claim was substantiated with regard to cadmium and cyanide in that they were only detected in the sludges at very low concentrations. The EP extract for cadmium also shows levels well below the maximum EP toxicity limits. With respect to nickel, although the petitioner claims that it is not used in the process, the Agency believes the reported levels (100 ppm maximum total concentration in the sludge) are above what the Agency would consider a minor source of contamination. However, since the EP extract nickel concentrations are considered below that of regulatory concern, the concentrations of nickel in the sludge are not considered hazardous. With respect to lead and hexavalent chromium, the EP extracts are consistently below the EP maximum toxicity levels.[4] These low leachate levels indicate that the constituents are present in essentially an immobile form. A final pH range of 6–9 indicates that the wastewater treatment system effectively neutralizes the spent pickle liquor wastes. The Agency, therefore, has granted a temporary exclusion to the Bethlehem Steel Corporation for its Burns Harbor plant in Chesterton, Indiana for its treated wastes, as described in its petition.

IV. *3M Company.*—A. *Petition for Exclusion.* The 3M Company (3M), located in Copely, Ohio, involved in the production of chrome oxide green pigments and sulfuric acid, has petitioned the Agency to exclude its wastewater treatment sludge presently listed as EPA Hazardous Waste No. K006—wastewater treatment sludge from the production of chrome oxide green pigments. 3M has petitioned to exclude its waste because it does not meet the criteria for which it was listed.

3M has submitted a detailed description of its wastewater treatment system, total constitutent analyses of the sludge for total chromium, and EP toxicity test results of the sludge for total and hexavalent chromium.

3M produces chrome oxide green pigments by roasting elemental sulfur and sodium dichromate to form a chrome oxide and sodium sulfate mixture. Their roasting process produces sulfur dioxide gas which is passed through a scrubber. The particulate free gas is then collected for use in the manufacturing of sulfuric acid. The chrome oxide and sodium sulfate mixture is then washed and centrifuged producing sodium dichromate and fine particles of chrome oxide. The scrubber water containing sulfur dioxide and particulates is then mixed with the chrome oxide wash water. The sulfur dioxide reduces any hexavalent chrome to trivalent chrome. Sulfuric acid wastewater, produced at the adjoining sulfuric acid plant, is also combined with the wastewater to reduce the pH to between 2 and 3. Lime is then added to neutralize the waste and cause the chrome hydroxide to precipitate out in the sludge.

Under these conditions, 3M claims that the hexavalent chromium is readily reduced to trivalent chromium. They claim their sludge is non-hazardous and

[2] See footnote 1.

[3] See 46 *FR* 40158, August 6, 1981.

[4] See footnote 1.

that the sludge does not contain hazardous levels of hexavalent chromium, the constituent of concern for which the wastewater treatment sludge from the production of chrome oxide green pigment (K006) is listed.

Total constituent analyses of the sludge revealed a maximum total chromium level of 970 ppm. EP toxicity tests results revealed maximum total chromium and hexavalent chromium levels of 12.4 and <0.04 ppm, respectively. The samples were collected from a pile which was representative of one year's sludge production which 3M claims to be representative of any variation of constituent concentration in the waste.

B. *Agency Analysis and Action.* The constituent of concern for this waste is hexavalent chromium. EP extracts from sludge samples analyzed by 3M show hexavalent chromium levels well below the proposed EP maximum toxicity limits.[5] These low leachate levels indicate that the constituent is present in essentially an immobile form. 3M's final wastewater pH of between 2 and 3 along with the presence of reducing agents (sulfur dioxide), reduces hexavalent chromium to trivalent chromium. The waste is then lime neutralized which produces a chrome hydroxide sludge in which the chromium is immobilized. The Agency, therefore, has granted a temporary exclusion to the 3M Company of Copely, Ohio, for its wastewater treatment sludge from the production of chrome oxide green pigments, as described in its petition.

V. *Eastman Kodak Company.*—A. *Petition for Exclusion.* The Eastman Kodak Company, Kodak Colorado Division (KCD), located in Windsor, Colorado involved in the production of photographic goods, has petitioned the Agency to exclude its sludge generated at its wastewater treatment plant from treatment of the following EPA Hazardous Wastes:

F002—The following spent halogenated solvents: methylene chloride and trichloroethylene;

F003—The following spent non-halogenated solvents: xylene, acetone, ethyl acetate, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone, and methanol;

F005—The following spent halogenated solvents: toluene and methyl ethyl ketone;

F006—Wastewater treatment sludges from electroplating operations except from the following processes: (1) sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.

KDC has petitoned to exclude the sludge generated from treatment of these wastes because it does not meet the criteria for which it was originally listed.

KCD has submitted a description of the influent production and collection system, information relative to the approximate amount of solvents and electroplating wastes which enter the wastewater treatment system, a description of the wastewater treatment system, ignitability test results of the wastewater, and total constituent analyses, EP toxicity test results, and reactivity test results of the sludge.

The primary constituents in the wastewater influent are water (99.8%), various inorganic salts, and quartz. Thus, KCD claims that because of the high percentage of water and the inorganic constituents, the discharge of the ignitable solvents xylene, acetone, ethyl acetate, n-butyl alcohol, cyclohexanone, methanol, and methyl isobutyl ketone into the wastewater renders the entire mixture non-ignitable. This point was substantiated when ignitability tests performed on the liquid effluent produced flash points greater than 90°C.

KCD also uses two of the F002 solvents, methylene chloride and trichloroethylene, and two of the F005 solvents, toluene and methyl ethyl ketone, all four of which are toxic (toluene and methyl ethyl ketone are listed for ignitiability as well). For three of these solvents, trichloroethylene, toluene, and methyl ethyl ketone, KDC claims that the amount of solvent actually discharged into the influent of the wastewater treatment plant was less than 0.2, 15, and 2 gallons per year, respectively. KCD indicated that these solvents are used only on a very limited basis in the analytical laboratory and that these solvents are used consistently throughout the year in small quantities.

Methylene chloride, on the other hand, is discharged to the liquid influent from a decant system designed to separate water from the solvent. Because methylene chloride has a solubility in water of about two percent, it becomes a part of the decant water overflow. However, analysis of the influent for methylene chloride revealed that it was not detected in the influent (detection limit of 1 ppm). The influent samples taken were flow proportional composites collected over a 24-hour period which the petitioner claims to be representative of any variation in constituent concentration in the waste.

In addition, the sludge generated from the treatment of this wastewater would be expected to contain even smaller concentrations of these solvents than the influent, due to volatilization and treatment. KCD's analyses of the sludge confirm this in that no detectable level of solvent was found in any of the samples analyzed.

The manufacturing process at KCD also involves small amounts of chrome, nickel and cadmium plating. KCD claims that no cyanides are used in its electroplating processes. Furthermore, they indicated that the nickel electroplating operation involves a small one liter reservoir that contains the nickel solution. The nickel solution usage is less than 10 gallons per year with the only discharge to the wastewater treatment system being from the rinsing of the plexiglas catch basin which accumulates droplets of the nickel solution during plating. In addition, the usage of plating solution from the cadmium electroplating operation is less than once per month. Samples of the sludge were taken over a six month period which the petitioner claims to be representative of any variation in constituent concentration in the waste. EP toxicity test results for total chromium, nickel, and cadmium produced maximum extract levels of .042; .02; and <0.02 ppm, respectively. Total constitutent analyses of the sludge revealed no detectable levels of cyanide.

B. *Agency Analysis and Action.*[6] KCD has demonstrated that its waste

[5] On October 30, 1980, the Agency proposed to amend the characteristic of EP toxicity to measure for hexavalent chromium rather than total chromium. The Agency expects to finalize this proposal in the near future. In the meantime, the Agency is analyzing delisting petitions for which chromium is the constituent of concern by both assessing the concentration of total and hexavalent chromium in the waste extract. If the concentration of hexavalent chromium is relatively low, the Agency has decided to consider the concentration of hexavalent chromium rather than total chromium in making a decision.

[6] On November 17, 1981, the Agency amended 40 CFR 261.3 of the hazardous waste regulations pertaining to the "mixture rule." Under this interim final rule, among other things, mixtures of non-hazardous wastewaters and solvents are exempt from the mixture rule provided that the resulting mixture is no greater than 1 or 25 ppm, depending on the type of solvent, at the headworks of the facility's wastewater treatment or pre-treatment system; in addition, mixtures of non-hazardous wastewaters and laboratory wastewaters which may contain listed hazardous waste are exempt from the mixture rule provided the flow of laboratory wastewater does not exceed one percent of the total waste flow into the headworks of the facility's wastewater treatment or pre-treatment system or provided the combined annualized average concentrations of toxic wastes discharged from the laboratory does not exceed 1 ppm in the headworks of the facility's wastewater treatment or pre-treatment system. The Agency believes that, based on data provided by KCD in their petition with regard to the discharge of solvents to the

treatment system produces a non-hazardous sludge. KCD first claimed that its electroplating process does not use cyanide; this claim was substantiated in that total cyanide was not detected in the sludge. In addition, EP extract data indicates that total chromium and cadmium are consistently well below the maximum EP toxicity limits.[7] Moreover, nickel leachate levels are also very low and not of regulatory concern. These low leachate levels indicate that the constituents are present in essentially an immobile form. The Agency, therefore, has granted a temporary exclusion to the Kodak Colorado Division of the Eastman Kodak Company in Windsor, Colorado for its treated electroplating sludge as described in its petition.

VI. *Eli Lilly and Company.*—A. *Petition for Exclusion.* Eli Lilly and Company (ELC) is involved in the production of pharmaceutical, agricultural, and cosmetic products. Their petition covers various wastes generated at their Tippecanoe Laboratories, Lafayette, Indiana facility. ELC has petitioned the Agency to exclude its liquid effluent from the oxidative treatment process; the liquid effluent from biological treatment; the sludge from neutralization and oxidative treatment; and the sludge from the tertiary treatment plant (where sludge from biological treatment is mixed with non-hazardous waste). These wastes are generated from treatment of the following EPA Hazardous Wastes:

F002—The following spent halogenated solvents: methylene chloride, 1,1,1-trichloreoethane, and chlorobenzene; and the still bottoms from the recovery of these solvents.

F003—The following spent non-halogenated solvent: methanol; and the still bottoms from methanol recovery.

F005—The following spent non-halogenated solvents: toluene, carbon disulfide, isobutanol, and pyridine; and the still bottoms from the recovery of these solvents.

ELC has petitioned to exclude these wastes because they do not meet the criteria for which they were listed. ELC has submitted a detailed description of its wastewater treatment system, headspace total constituent analyses of the various wastestreams for methanol, methylene chloride, 1,1,1-trichloroethane, chlorobenzene, isobutanol, pyridine, carbon disulfide, and toluene (the solvents used in the process), and ignitability test results of each of the waste streams described below.

Distillation bottoms from solvent recovery are treated by ELC's wastewater treatment system which involves neutralization, air stripping, air oxidation, biological reduction, clarification, and vacuum filtration. Samples of the liquid effluent from oxidative treatment (waste A); liquid effluent from biological treatment (waste B); sludge from neutralization and oxidative treatment (waste C); and sludge from the tertiary treatment plant (waste D) were collected and analyzed using headspace, purge and trap, and soxhlet extraction methodologies. Table 1 identifies the maximum methanol (MeOH), methylene chloride ($MeCl_2$), 1,1,1-trichloroethane (TCE), chlorobenzene (OCl), isobutanol (IBA), pyridine (Pyr), carbon disulfide (CS_2), and toluene (Tol) concentration revealed by the analyses. Samples were taken during a one week period which the petitioner claims to be representative of any variation in constituent concentration in the waste.

In reviewing this data, the Agency expressed some concerns to ELC with regard to the level of methylene chloride and chlorobenzene found in waste stream C. Therefore, ELC conducted additional analyses for methylene chloride and chlorobenzene for this waste (sludge from neutralization and oxidative treatment). In particular, four additional samples collected over a one month period were analyzed by headspace extraction in replicate. The maximum concentrations of methylene chloride and chlorobenzene found in these samples were 2.6 and <1 ppm, respectively.

TABLE 1

[All concentrations in ppm]

Waste	MeOH	$MeCl_2$	TCE	OCl	IBA	Pyr	CS_2	Tol
A	1,300	2.0	1.4	1.4	4.1	1.4	0.12	1.6
B	196	<1.0	2.3	0.8	0.9	<1.0	<0.02	0.5
C	50	20	1.2	15	<10	10	<0.07	20
D	<10	<1.0	<1.0	2.3	<10	<10	<0.01	14.5

B. *Agency Analysis and Action.* EPA Hazardous Waste No. F002 is listed due to the toxicity of the spent halogenated solvents, of which methylene chloride, 1,1,1-trichloroethane and chlorobenzene are used by ELC. Analyses for 1,1,1-trichloroethane indicate that the maximum concentration of this solvent in each of the four treated waste streams was very low (2.3 ppm) and therefore not of regulatory concern. Maximum concentrations of methylene chloride and chlorobenzene (20 and 15 ppm) were of concern to the Agency; however, additional sampling and analyses conducted by ELC seems to indicate that these levels were not typical of the values reported. The four additional samples showed maximum concentrations of methylene chloride and chlorobenzene to be 2.6 and <1 ppm, respectively. Therefore, the Agency also believes that these solvents are present at levels not of regulatory concern. This evaluation is based partly on the toxic characteristics of these solvents and partly due to attenuation mechanisms such as absorption to soil components, biodegradation, and dilution which are considered by the Agency as operative factors which will typically reduce these solvent concentrations before they may be transported to points where human and environmental exposure may occur.

Methanol, a solvent used by ELC, is one of the solvents listed under EPA Hazardous Waste No. F003. It is listed due to its ignitability. Analyses for methanol indicate that it is present in the treatment residue in low enough concentrations to pass all ignitability tests which explains the absence of identifiable flash points in ELC's waste.

EPA Hazardous Waste No. F005 is listed due to the ignitability and toxicity of the spent non-halogenated solvents, of which isobutanol, pyridine, carbon disulfide, and toluene are used by ELC. Analyses for carbon disulfide indicate very low concentrations (<0.2 ppm) in each of the four treated waste streams; these concentrations are not of regulatory concern. Toluene, isobutanol and pyridine, while present at higher concentrations, are also not considered to be of regulatory concern. This evaluation is based partly on the toxic characteristics of these solvents as well as the attentuative mechanisms described above. As indicated above, each waste was also shown to be non-ignitable.

wastewater treatment system, this waste would be excluded from the presumption of hazardousness as indicated in 40 CFR 261.3(a)(2)(iv) (B) and (E). Therefore, it was not necessary to petition the Agency under 40 CFR 260.20 and 260.22 to exclude the discharge of these solvents to the wastewater treatment system. However, in reviewing and analyzing the data for these solvents which KCD discharges to their wastewater treatment system, we find these solvents present at very low levels. Thus, absent the mixture rule amendment, the Agency would also have excluded these wastes from hazardous waste control.

[7] See footnote 1.

The Agency, therefore, has granted a temporary exclusion to Eli Lilly and Company, Tippecanoe Laboratories, located in Lafayette, Indiana, for its liquid effluent from oxidative treatment; liquid effluent from biological treatment; sludge from neutralization and oxidative treatment; and sludge from the tertiary treatment plant, as described in its petition.

VII. *Western Electric.*—A. *Petition for Exclusion.* Western Electric's facility located in Richmond, Virginia, involved in the manufacture of printed circuit boards for the Bell System, has petitioned the Agency to exclude its treated sludge presently listed as EPA Hazardous Waste No. F006—wastewater treatment sludge from electroplating operations except from the following processes: (1) sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum. Western Electric has petitioned to exclude its waste because it does not meet the criteria for which it was listed.

The production processes at Western Electric which generate the waste are the copper, gold, and solder plating of printed circuit boards. Western Electric claims that cadmium is not used in its production process. In addition, they claim that only small quantities of cyanide are used in their gold plating operation; thus, no cyanide treatment is necessary due to very low influent waste concentrations. Furthermore, although hexavalent chromium and nickel are used in their production process, Western Electric claims that its treated wastewater sludge is non-hazardous due to the effectiveness of its treatment system.

Western Electric has submitted a detailed description of its electroplating and wastewater treatment processes; total constituent analyses of their sludge for nickel, cadmium, total chromium, and cyanide; and EP toxicity test results for cadmium, total chromium, and nickel. Samples were obtained over a one month period which the petitioner claims represents the uniformity of constituent concentrations in the wastes.

Western Electric's wastewater treatment system utilizes neutralization, chromium reduction via bisulfite addition, ferric chloride coagulation, polymer flocculation, clarification, and vacuum filtration. Total constituent analysis of the final treatment sludge revealed maximum cadmium, total chromium, nickel, and cyanide concentrations of 0.69, 149.2, 176.4 and <1.0 ppm, respectively. EP toxicity test results involving cadmium, total chromium, and nickel produced maximum leachate levels of <0.01, <0.05 and 18.25 ppm, respectively.

B. *Agency Analysis and Action.* The constituents of concern for Hazardous Waste No. F006 are cadmium, hexavalent chromium, nickel and cyanide. Although Western Electric does not use cadmium in its electroplating process, chromium, nickel and small quantities of cyanide are used and may be present in the sludge. Western Electric, however, has submitted sufficient evidence to demonstrate that the wastewater treatment sludge produced in its electroplating process does not contain hazardous levels of these constituents. As claimed by Western Electric, cadmium does not appear to be used in the process based on the low concentration of this contaminant in the sludge. Its occurrence probably results from unknown sources of contamination and from background levels, rather than from its use in the process. In addition, the EP extract concentration from cadmium is well below the National Interim Primary Drinking Water Standard. Concentrations of total chromium in the EP extracts are also very low with many values below the National Interim Primary Drinking Water Standard.[8] Nickel leachate levels likewise are not of regulatory concern (see 46 FR 40158 August 6, 1981). These low leachate levels indicate that the constitutents of concern are present in essentially an immobile form. In addition, only negligible amounts of cyanide appear in the sludge. The Agency, therefore, has granted a temporary exclusion to Western Electric's facility located in Richmond, Virginia, for the waste generated by its electroplating process, as described in its petition.

VIII. *Olin Corporation.*—A. *Petition for Exclusion.* The Olin Corporation's Smokeless Powder Plant (Olin), involved in the manufacture of smokeless powder and initiating pellets for fastening devices, has petitioned the Agency to exclude its wastewater treatment sludge generated at its St. Marks, Florida facility, presently listed as EPA Hazardous Waste No. K044—(Wastewater treatment sludges from the manufacturing and processing of explosives) and EPA Hazardous Waste No. K046 (Wastewater treatment sludges from the manufacturing, formulation, and loading of lead-based initiating compounds). Olin has petitioned to exclude its waste because it does not meet the criteria for which it was originally listed.

Olin's production process involves the formation of initiating pellets through the mixing of primer explosives and nitrocellulose base propellant. The resultant mixture is then dried and packaged as a finished product. Wastewater is generated from the primer mixing and handling operations and is transported to the wastewater treatment plant. Total wastewater flow is 365,000 gallons per day into the treatment plant. Olin claims that its waste treatment process is successful in generating a non-hazardous sludge.

Olin has submitted a detailed description of its explosives manufacturing and wastewater treatment processes, total constituent and EP toxicity test results of its sludge for lead, and reactivity test results including: Bureau of Explosives rapid heat test data, blasting cap test results, data indicating non-reactivity with water, and demonstration tests showing that cyanide or sulfuric gases are not generated. Samples were obtained over a two month period which Olin claims represents the uniformity of constituent concentration in the waste.

Olin's wastewater treatment system utilizes aeration, settling, and aerobic digestion with discharge of the treated sludge into drying beds for eventual land disposal. Constituent analysis of the final treatment sludge revealed a maximum lead concentration of 47 ppm. EP toxicity test results for lead revealed a maximum leachate level of 0.29 ppm.

With regard to the waste reactivity, Olin's treatment process maintains water contact with the sludge throughout the activated sludge treatment and digestion cycle making reactivity with water unlikely; closed reactivity test systems mixing the sludge with water were also run indicating no observable temperature change and no gas generation. In addition, acidification tests produced non-detectable levels of hydrogen sulfide and hydrogen cyanide gases; the maximum total cyanide detected in the sludge was 0.14 ppm. Furthermore, when the sludge was subjected to a blasting cap initiating test, the waste did not ignite, explode, or detonate. The Bureau of Explosives rapid heat test also produced no evidence of violent reaction in the waste at temperatures up to 325° C.

B. *Agency Analysis and Action.* EPA Hazardous Waste No. K044 is listed due to the reactivity of the wastewater treatment sludge generated in the manufacture of explosives. Olin has

[8] See footnote 1.

submitted evidence to indicate that the sludge generated at their facility does not meet the characteristic of reactivity. In particular, the sludge has been shown to be incapable of generating toxic gas or fumes when exposed to water and acidic medium, the sludge has been shown to be incapable of exploding when subject to an initiating force, and the sludge has been shown to be incapable of reacting violently when subject to increased temperature.

EPA Hazardous Waste No. K046 is listed due to the presence of the toxic constituent lead; however, the concentration of lead in the EP extracts were consistently well below the EP maximum toxicity limit. These low leachate levels indicate that the lead in this waste is present in essentially an immobile form. The Agency, therefore, has granted a temporary exclusion to the Olin Corporation's Smokeless Powder Plant located in St. Marks, Florida, for the wastes generated by its explosives manufacturing process, as described in its petition.

IX. *General Motors Corporation/ Pontiac Motor Division.*—A. *Petition for Exclusion.* The General Motors Corporation, Pontiac Motor Division, (Pontiac), engaged in automobile manufacturing and assembly, has petitioned the Agency to exclude its wastewater treatment sludge, presently listed as EPA Hazardous Waste No. F006—wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum. Pontiac has petitioned to exclude its sludge because it does not meet the criteria for which it was originally listed.

Pontiac utilizes the processes of phosphating and zinc, nickel, chromium, and hard chromium electroplating in the production of automobile components. Pontiac claims that its waste treatment process is successful in generating a non-hazardous sludge.

Pontiac has submitted a detailed description of its waste treatment system; total constituent analyses of the sludge for cadmium, chromium (both total and hexavalent), nickel, and cyanide; and EP toxicity test results for cadmium, hexavalent chromium, and nickel. Cyanide leachate concentrations using a distilled water leachate test were also reported. Samples were collected over a four week period which the petitioner claims to be representative of any variation of constituent concentration in the waste.

Pontiac uses the processes of neutralization, clarification, and filtration in its waste treatment system. Total constituent analyses revealed maximum cadmium, chromium (total and hexavalent), nickel, and total complexed cyanide concentrations of 1.8; 2200; 2.2; 4200; and 140 ppm, respectively. The maximum free cyanide concentrations in the sludge was determined to be 0.4 ppm. EP toxicity test results for cadmium, hexavalent chromium, and nickel, produced maximum leachate concentrations of 0.24, 0.002, and 14.0, respectively. Maxmium cyanide leachate concentrations of 0.06 ppm were reported.

B. *Agency Analysis and Action.* The constituents of concern for which EPA Hazardous Waste No. F006 are listed are cadmium, hexavalent chromium, nickel and cyanide (complexed). EP extracts from sludge samples analyzed by Pontiac show cadmium and hexavalent chromium levels well below the maximum EP toxicity limits. Nickel and cyanide levels in the leachate are also not of regulatory concern. These low leachate levels indicate that the constituents are present in essentially an immobile form. The free cyanide concentration in the waste is also considered negligible and not of regulatory concern.

The concentration of total complexed cyanides, however, is of concern to the Agency. The Agency has data indicating that complexed cyanides, if exposed to sunlight, may photodecompose to free cyanide (see background document for EPA Hazardous Waste No. F006). This concern is addressed easily, however, by assuring that the waste is covered as a daily practice. Therefore, the Agency is requiring that Pontiac test each batch of waste for total cyanide prior to disposal. If the total cyanide level in the treated sludge exceeds 10 ppm, Pontiac's treatment sludge must be disposed in a State permitted or registered landfill where the waste is covered as a daily practice, eliminating any concern of the photodecomposition of the complexed cyanides. (See 46 FR 61282, December 16, 1981.)

Thus, based on the EP toxicity data for the hazardous constituents of concern and the total cyanide concentration in the treatment sludge, the Agency is granting a conditional temporary exclusion to the General Motors Corporation, Pontiac Motor Division, Pontiac, Michigan, facility for its treated waste, as described in its petition.

X. *Molex Incorporated.*—A. *Petition for Exclusion.* Molex Incorporated (Molex), engaged in the manufacture of electrical terminals, has petitioned the Agency to exclude its waste treatment sludge, presently listed as EPA Hazardous Waste No. F006—wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminium plating on carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum. Molex has petitioned to exclude its sludge because it does not meet the criteria for which it was originally listed.

Molex utilizes the processes of copper and tin electroplating on brass and bronze in the production of electrical terminals. Molex claims that it does not use any of the hazardous constituents in its manufacturing process (*i.e.*, nickel, cadmium, hexavalent chromium or cyanide) for which EPA Hazardous Waste No. F006 was listed. It therefore claims that the treated wastewater sludge is non-hazardous due to the absence of these constituents in the sludge. It also claims that the treated wastewater sludge is non-hazardous due to the absence of any other toxic compounds and due to the effectiveness of their treatment system.

Molex has submitted a detailed description of its electroplating and waste treatment processes, total constituent analyses of their sludge for cadmium, total chromium, nickel, and cyanide, and EP toxicity test results for cadmium and total chromium. Samples were obtained over a one-month period which the petitioner claims represents the uniformity of constituent concentrations in the waste.

Molex's waste treatment system utilizes neutralization, polymer flocculation, clarification, and dewatering. Total constituent analysis of the treatment sludge revealed maximum cadmium, total chromium, nickel and cyanide concentrations of <0.5, <2.0, 2.2 and <0.02 ppm, respectively. EP toxicity tests produced maximum cadmium and total chromium extract concentrations of <0.02 ppm, respectively.

B. *Agency Analysis and Action.* The constituents of concern for EPA Hazardous waste No. F006 are cadmium, hexavalent chromium, nickel and cyanide. Molex has demonstrated that its waste treatment system produces a non-hazardous sludge. Molex has shown

that its electroplating process does not involve the use of cadmium, chromium, nickel and cyanide. The low concentrations of these contaminants in the sludge are probably a result of unknown minor sources of contamination and background levels rather than from the direct use in the plating process. In addition, EP extracts show cadmium levels well below the maximum EP toxicity levels. The Agency, therefore, has granted a temporary exclusion to Molex Incorporated in Lincoln, Nebraska, for the waste generated by its electroplating processes, as described in its petition.

XI. *Jones and Laughlin Steel Corporation.*—A. Petition for exclusion. The Jones and Laughlin Steel Corporation, involved in the manufacture of finished steel products, has petitioned the Agency to exclude its wastewater treatment sludge, presently listed as EPA Hazardous Waste No. F006—wastewater treatment sludges from electroplating operations except from the following processes: (1) sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum. Jones and Lauglin has petitioned to exclude its waste because it does not meet the criteria for which it was originally listed.

Jones and Laughlin utilizes the process of chromium electroplating in the manufacture of flat rolled and tubular finished steel products. They claim the their waste treatment process is successful in generating a non-hazardous sludge.

Jones and Laughlin has submitted a detailed description of its waste treatment system; total constituent analyses of the sludge for cadmium, total chromium, nickel and cyanide; and EP toxicity test results for cadmium, hexavalent chromium, nickel, and distilled water extraction test results for cyanide. Samples were collected over a six-month period which the petitioner claims to be representative of any variation of constituent concentration in the waste.

Waste treatment at Jones and Laughlin is by flocculation (using ferrous chloride as the flocculant), oil flotation and clarification, and pH control with lime. Total constituent analyses revealed maximum total chromium, cadmium, nickel, and cyanide concentrations of 7840, 2.0, 100, and 51 ppm respectively. Maximum free cyanide detected in the waste was <0.1 ppm. EP toxicity test results for cadmium, hexavalent chromium, nickel, and cyanide produced maximum leachate concentrations of 0.02, <0.01, 0.65 and 0.03 ppm. respectively.

B. *Agency Analysis and Action.* The constituents of concern for which EPA Hazardous Waste No. F006 are listed are cadmium, hexavalent chromium, nickel and cyanide (complexed). EP extracts from sludge samples analyzed by Jones and Laughlin show cadmium and hexavalent chromium levels well below the maximum EP toxicity levels. Nickel and cyanide levels in the leachate are also not of regulatory concern. These low leachate levels indicate that the constituents are present in essentially an immobile form. Free cyanide levels found in the waste are also not of regulatory concern. However, the Agency is concerned about the possible photodecomposition of the high levels of complexed (total) cyanides present in the treatment residue. The Agency has data indicating that complexed cyanides, if exposed to sunlight, may photodecompose to free cyanide. This is easily addressed, however, by assuring that the waste is covered as a daily practice. Therefore, each batch of waste is to be tested prior to disposal and if the total cyanide level in the treated sludge exceeds 10 ppm, the Agency would require Jones and Laughlin's treatment sludge to be disposed in a state permitted or registered landfill where the waste is covered as a daily practice.

Thus, based on the EP toxicity data and the total cyanide concentration in the treatment sludge, the Agency is granting a conditional temporary exclusion to Jones and Laughlin's Indiana Harbor Works in East Chicago, Indiana for its treated wastes, as described in its petition.

XII. *Lincoln Plating.*—A. *Petition for Exclusion.* The Lincoln Plating Company involved in the electroplating of metal components, has petitioned the Agency to exclude its wastewater treatment sludge, presently listed as EPA Hazardous Waste No. F006—wastewater treatment sludges from electroplating operations except from the following processes: (1) sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum. Lincoln Plating has petitioned to exclude its waste because it does not meet the criteria for which it was originally listed.

Lincoln Plating utilizes the processes of bright dipping, phosphating, and the electroplating of zinc, tin, precious metals, copper, nickel, and chromium of metal components. They claim that their wastewater treatment process is successful in generating a non-hazardous sludge.

Lincoln Plating has submitted a detailed description of its waste treatment system; total constituent analyses of the sludge for cadmium, total chromium, nickel, and cyanide; EP toxicity test results for cadmium, total chromium, and nickel, and distilled water extraction test results for cyanide. Samples were collected over an eight week period which the petitioner claims to be representative of any variation of constituent concentration in the wastes.

Lincoln Plating utilizes the processes of chromium reduction, neutralization, clarification, and pressure filtration in its waste treatment system. Total constituent analyses revealed maximum concentrations of cadmium, chromium (total), nickel, and cyanide of 200, 7200, 5600, and <.01 ppm, respectively. EP toxicity test results for cadmium, total chromium, and nickel produced maximum leachate concentrations of 0.01, 0.62, and 1.89, respectively. The maximum cyanide extract concentration reported was 0.02 ppm.

B. *Agency Analysis and Action.* The constituents of concern for which EPA Hazardous Waste No. F006 are listed are cadmium, hexavalent chromium, nickel, and cyanide (complexed). Lincoln Plating has demonstrated that its waste treatment system produces a non-hazardous sludge. EP extracts from sludge samples analyzed by Lincoln Plating show cadmium and total chromium levels well below the maximum EP toxicity limits.[9] Nickel levels are also not of regulatory concern. These low leachate levels indicate that the constituents of concern are present in essentially an immobile form. Total and leachable cyanide concentrations in the waste are also not of regulatory concern. The Agency, therefore, has granted a temporary exclusion to Lincoln Plating Company's Lincoln, Nebraska facility for its treated waste, as described in its petition.

XIII. *Light Metals Coloring Company.*—A. *Petition for Exclusion.* Light Metals Coloring Company (LMCC), involved in the chemical coating of aluminum components for industrial clients, has petitioned the Agency to exclude its wastewater treatment sludge, presently listed as EPA Hazardous Waste No. F019—wastewater treatment sludges from the chemical conversion coating of

[9] See footnote 1.

aluminum. Light Metals has petitioned to exclude its waste because it does not meet the criteria for which it was originally listed.

LMCC utilizes the processes of cleaning, etching, bright dipping, and anodizing of aluminum components in its coating operations. They claim that their waste treatment process is successful in generating a non-hazardous sludge.

LMCC has submitted a detailed description of its waste treatment system; total constituent analyses of the sludge for total chromium and cyanide; EP toxicity test results for chromium (both total and hexavalent). Cyanide leachate concentrations using a distilled water leachate test were also reported. Samples were taken over a one month period which the petitioner claims to be representative of any variation in constituent concentration in its waste.

LMCC's waste treatment system includes equalization, chromium reduction, neutralization, polymer flocculation, clarification, gravity polishing, and air drying. All cyanide containing wastes are segregated and disposed of as hazardous waste. Total constituent anaylses revealed maximum total chromium and cyanide levels of 700 and <0.3, ppm respectively. EP toxicity test results produced maximum chromium (total and hexavalent) concentrations of .002, and .005, respectively. The maximum cyanide leachate concentration reported was <1 ppm.

B. *Agency Analysis and Action.* The constituents of concern for which EPA Hazardous Waste No. F019 is listed are hexavalent chromium and cyanide. LMCC has demonstrated that its waste treatment system produces a non-hazardous sludge. EP extracts from sludge samples analyzed by LMCC show hexavalent chromium levels well below the proposed maximum EP toxicity level. These low leachate levels indicate that the constituents are present in essentially an immobile form. The total cyanide concentrations in the sludge are also not of regulatory concern. The Agency, therefore, has granted a temporary exclusion to the Light Metals Coloring Company facility in Southington, Connecticut for its wastewater treatment non-cyanide sludge, as described in its petition.

XIV. *Adolph Coors Company.*—A. *Petition for Exclusion.* The Adolph Coors Company (Coors), involved in the manufacture of aluminum cans, has petitioned the Agency to exclude its sludge, presently listed as EPA Hazardous Waste No. F019—wastewater treatment sludges from the chemical conversion coating of aluminum. Coors has petitioned to exclude its sludge because it does not meet the criteria for which it was originally listed.

Coors uses the process of acid cleaning, rinsing, and the conversion coating of aluminum cans to enable the placement of various forms of printing on the cans. Coors claims that hexavalent chromium and cyanide, the constituents of concern for this waste, are not used in the process and, therefore, claims that its wastewater treatment system produces a non-hazardous sludge.

Coors has submitted a description of its chemical conversion coating and wastewater treatment processes, and total constituent analyses of its sludge for hexavalent chromium and cyanide. A single grab sample was analyzed for these constituents to verify that they are not used in the process and therefore not present in the waste.

Coors' wastewater treatment system utilizes oil skimming, neutralization, flocculation, and dissolved air flotation. Constituent analysis of the final treatment sludge revealed maximum hexavalent chromium and cyanide concentrations of 0.01 and <0.005 ppm, respectively.

B. *Agency Analysis and Action.* The constituents of concern for EPA Hazardous Waste No. F019 are hexavalent chromium and cyanide. Coors has demonstrated that these constituents are not used in its production process and are detectable at only negligible concentrations; the low levels of these constituents present in the waste are probably the result of minor sources of contamination and background levels. The Agency, therefore, has granted a temporary exclusion to the Coors facility in Golden, Colorado, for the waste generated by its chemical conversion coating process, as described in its petition.

XV. *Continental Can Company.*—A. *Petition for Exclusion.* The Continental Can Company (Continental), involved in the manufacture of aluminum cans, has petitioned the Agency to exclude its sludge, presently listed as EPA Hazardous Waste No. F019—wastewater treatment sludges from the chemical conversion coating of aluminum. Continental has petitioned to exclude its sludge because it does not meet the criteria for which it was orginally listed.

Continental claims that the listed constituents—hexavalent chromium and cyanide—are not used in its chemical conversion coating process and therefore claims that its wastewater treatment system produces a non-hazardous sludge.

Continental has submitted a confidential description of its chemical conversion coating and wastewater treatment processes, total constituent analyses of the sludge for total chromium, hexavalent chromium, and cyanide, and material safety data sheets indicating all of the constituents used in its chemical conversion coating process.

Total constituent analysis of the sludge revealed total chromium, hexavalent chromium, and cyanide levels of 5.8, <0.01 and <0.01 ppm, respectively. Since these constituents were claimed not to be used in the process only one grab sample of the waste was tested for verification.

B. *Agency Analysis and Action.* The constituents of concern in Hazardous Waste EPA No. F019 are hexavalent chromium and cyanide. Continental has demonstrated that these constituents are not used in its process and are present in only negligible or non-detectable levels in the sludge. The low levels of total chromium in the sludge probably result from unknown minor sources of contamination and background levels rather than from direct use in the process. The Agency, therefore, has granted a temporary exclusion to the Continental Can facility in Olympia, Washington, for the sludge generated by its chemical conversion coating process, as described in its petition.

XVI. *Intex Plastics.* The Intex Plastics Corporation (Intex) is involved in the production and decorative printing of polyvinyl chloride film used in the furniture industry. Intex has petitioned the Agency to exclude its still bottom wastes, presently listed as EPA Hazardous Waste Nos:

F003—The following spent non-halogenated solvent: cyclohexanone, and still bottoms from cyclohexanone recovery.

F005—The following spent non-halogenated solvents: toluene, and methyl, ethyl ketone; and the still bottoms from the recovery of these solvents.

Intex has petitioned to exclude its still bottoms because they do not meet the criteria for which they were originally listed.

Intex uses inks containing PVC solutions in the solvents methyl ethyl ketone (MEK), cyclohexanone, and toluene. Waste inks are accumulated for solvent recovery and the solvents are reclaimed by steam injection distillation. Still bottoms are gravity screened and air dried in an open dumpster. Intex claims that the granular still bottom residue has only negligible solvent content after air drying.

Intex has submitted a description of the distillation process; total constituent analyses of the still bottoms for MEK, toluene, and cyclohexanone using the headspace extraction methodology, and ignitability test results. Still bottom samples were taken over a one week period which the petitioner claims to be representative of any variation in constituent concentrations in the waste. In addition, in order to characterize the rate of solvent evaporation from the waste during the air drying stage, samples were analyzed for solvent content prior to air drying (i.e., when the still bottoms are first generated) and after 72, 96, and 120 hours of air drying. Total constituent analyses for MEK, toluene, and cyclohexanone revealed maximum concentrations of 135, 100 amd 134 ppm, respectively, prior to air drying; <50, 28.5, and 132 ppm, respectively after 72 hours; <50, 27, and 80.5 ppm, respectively after 96 hours; and <50, 33.8, and 130 ppm, respectively after 120 hours.[10] Ignitability tests using the Pensky-Martens closed cup tester revealed a flash point of >200°F after a 24 hour air drying period.[11]

B. *Agency Analysis and Action.* The hazardous constituents of concern in EPA Hazardous Wastes Nos. F003 and F005 which are used in the production and recovery processes at Intex are cyclohexanone (F003), methyl ethyl ketone (MEK) (F005), and toluene (F005). Since any solvent remaining in the still bottoms is claimed by Intex to be vaporized from the still bottom residue during the air drying period prior to disposal, the Agency found it necessary to determine an appropriate minimum evaporative period to assure that only non-hazardous levels of these solvents remain in the waste at the termination of treatment.[12]

Based on the data presented, the Agency has determined that a 120-hour drying period is sufficient to assure the non-hazardousness of the still bottoms. The Agency has determined that since the material is non-ignitable after a 24 hour curing period the cyclohexanone levels are not of regulatory concern. In addition, MEK and toluene levels in the residue are also not of regulatory concern for the characteristic of ignitability after a 24 hour curing period. With regard to the toxicity of these solvents, the concentrations of MEK in the residue are consistently below the reported detectable limit of 50 ppm after a 72 hour evaporative period. Toluene levels after a 120 hour evaporative period show a maximum concentration of 33.8 ppm with an average concentration of 14 ppm. These values indicate a remote risk of harm even if the still bottoms are mismanaged. The levels of these constituents, in fact, are close to or below the toxic threshold levels based on direct exposure to these solvents (e.g., for MEK, a NIOSH threshold limit value and an OSHA standard in air of 200 ppm, and for toluene a water quality criterion of 14.3 mg/1).[13] Furthermore, attenuative mechanisms such as adsorption to soil components, biodegradation, and dilution, which are considered by the Agency as operative factors, will typically reduce the concentration of these solvents to negligible levels before they may be transported to points where human or environmental exposure may occur.

Therefore, based on the sequential curing data submitted by Intex, the Agency has granted a conditional temporary exclusion for the polyvinyl chloride still bottom residues generated at its Corinth, Mississippi facility. The temporary exclusion is conditioned to include a minimum 120-hour curing or evaporative period prior to disposal. This 5-day period will assure the Agency that only non-hazardous levels of cyclohexanone, MEK, and toluene will be present in the waste at the time of disposal.

XVII. *Lederle Laboratories.—A. Petition for Exclusion.* Lederle Laboratories (Lederle) involved in the production of vitamins, antibiotics, and other pharmaceuticals, has petitioned the Agency to exclude its wastewater treatment sludge derived from treating wastewater containing the following EPA Hazardous Wastes:

F003—The following spent non-halogenated solvents: Xylene, acetone, ethyl, acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone, and methanol; and the still bottoms from the recovery of these solvents.

F005—The following spent non-halogenated solvents: toluene and pyridine; and the still bottoms from the recovery of these solvents.

The various commercial chemical products listed in Table II are also decarded into the plant's wastewater and Lederle consequently has petitioned to delist their wastewater for the presence of these constituents as well.

Lederle has submitted a description of its wastewater treatment process, an estimate of the quantities of still bottoms, spent solvents, and commercial chemical products discharged into the wastewater treatment system, daily influent wastewater flow into the treatment plant, and ignitability test results of the sludge.

At this facility, the spent solvents, distillation bottoms from solvent recovery, and the commercial chemical products are fed into Lederle's wastewater treatment system which includes lime and polymer addition for pH control, flocculation, primary clarification, secondary (oxygen activated sludge) treatment, secondary and tertiary clarification, sludge thickening, filtration, and composting. Lederle claims that all of the commercial chemical products listed in Table II are utilized at the research level and are more likely to be discharged to the waste treatment plant as a result of equipment or bottle washings, or are modified or reacted in some way and therefore are not discharged as the pure commercial chemical product identified by the hazardous waste listings. Lederle further claims that the major use of 1,1,1-trichloroethane (EPA Hazardous Waste U226) is as a carrier in the coating process from which it would not be discharged as a pure product.

Table II

Commercial Chemical Products for Which Lederle Laboratories Petitioned for Exclusion

U002	Acetone
U003	Acetonitrile
U006	Acetyl chloride
U007	Acrylamide
U012	Aniline
U019	Benzene
U021	Benzidine

[10] Although the maximum concentrations for toluene and cyclohexanone indicate higher concentrations at 120 hours than at 96 hours all other sampling at 120 hours showed toluene and cyclohexanone at levels consistently below 10 and 50, respectively. The maximum values indicated above therefore are probably a result of laboratory error.

[11] The use of the Pensky-Martens closed cup tester for a solid ignitable waste is not required by the Agency. This test has been shown to be appropriate for liquid wastes. The Agency is presently researching reliable ignitability tests which can be used for solid waste. Until an acceptable methodology is approved by the Agency, a narrative determination explaining why the material is not capable of igniting under standard temperature and pressure in addition to any testing deemed appropriate by the petitioning facility will be accepted as described in 40 CFR 261.21(a)(2) of the regulations.

[12] Air drying of the still bottom material is claimed to be part of the waste treatment system at Intex. The petitioner has been informed that a permit under Part 264 will be required and compliance with the interim status standards of Part 265 will be necessary until a permit is issued. The appropriateness of the air drying step in Intex's treatment process would be reviewed during the permit application review period.

[13] Since the EP toxicity test is understood to be inappropriate in evaluating the leachability of organic wastes (see 45 *FR* January 16, 1981) and volatilization of many organics is the primary route of mobilization from the waste to the environment, the agency presently, uses total constituent analyses (e.g., headspace, purge and trap, shake-out, and soxhlet extractions) in the evaluation of the hazardousness of wastes containing organic constituents of concern.

U031	n-Butyl Alcohol
U044	Chloroform
U052	Cresols
U056	Cyclohexane
U057	Cyclohexanone
U058	Cyclophosphamide
U069	Di-n-butyl phthalate
U076	1,1-Dichloroethane
U077	1,2-Dichloroethane
U080	Dichloromethane
U092	Dimethylamine
U098	1,1-Dimethylhydrazine
U099	1,2-Dimethylhydrazine
U108	1,4-Dioxane
U110	Dipropylamine
U112	Ethyl acetate
U115	Ethylene oxide
U117	Ethyl ether
U123	Formic acid
U124	Furan
U132	Hexachlorophene
U133	Hydrazine
U134	Hydrofluoric acid
U138	Iodomethane
U139	Isobutyl alcohol
U144	Lead acetate
U147	Maleic anhydride
U154	Methanol
U159	Methyl ethyl ketone
U161	Methy isobutyl ketone
U165	Naphthalene
U166	1,4-Naphthoquinone
U167	1-Naphthylamine
U168	2-Naphthylamine
U169	Nitrobenzene
U170	4-Nitrophenol
U188	Phenol
U196	Pyridine
U200	Reserpine
U201	Resorcinol
U202	Saccharin
U204	Selenious acid
U206	Streptozotocin
U211	Tetrachloromethane
U213	Tetrahydrofuran
U219	Thiourea
U220	Toluene
U226	1,1,1-Trichloroethane
U236	Trypan blue
U239	Xylene

Lederle's wastewater treatment system treats an average wastewater flow of 1,100,000 gallons per day of which approximately 95 percent is non-hazardous wastewater, 4.5 percent is listed hazardous waste due to the presence of ignitable solvents, and 0.02 percent is listed hazardous waste due to the presence of the toxic wastes. Ignitability tests run on representative sludge samples using the Pensky-Martens closed cup tester indicated a flash point in excess of 150° F in all cases.[14] Lederle has also indicated that of the 1,100,000 gallons treated per day in its wastewater treatment plant, no greater than 50,000 gallons of EPA Hazardous Waste F003 and no greater than 300 gallons of EPA Hazardous Waste F005 are incorporated in this volume each day. In addition, Lederle has estimated that less than 48 ppm of the commercial chemical products listed in Table II would be present in the influent wastewater assuming that all research processes discharged the maximum volume of waste used annually at the same time on a single day. Total constituent analyses of the sludge using a purge and trap extraction procedure as specified in Test Methods for Evaluating Solid Waste (SW–846), revealed maximum toluene and pyridine concentrations of 5.9 and 2.0 ppm, respectively. Samples were collected over a four week period which the petitioner claims to be representative of any variation of constituent concentration in the waste.

B. *Agency Analysis and Action.* The hazardous constituents of concern in EPA Hazardous Waste Nos. F003 and F005 which are used in the production processes at Lederle and which enter the wastewater treatment system as spent solvents or still bottoms from solvent recovery include xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone, and methanol (F003); and toluene and pyridine (F005). The test data collected by Lederle has shown the treatment residue to be non-ignitable. The Agency therefore considers the concentrations of F003 constituents present in the treatment residue to be non-hazardous and not of regulatory concern. The influent to treatment also is non-ignitable, consisting of 95 percent water.

With respect to the toxic solvents, Lederle has shown that both toluene and pyridine concentrations in the sludge are consistently below 6 and 2 ppm, respectively, and therefore to be below levels of regulatory concern. This evaluation is partly based on the toxic characteristics of these solvents and partly due to attenuation mechanisms, such as absorption to soil components, biodegradation, and dilution which are considered by the Agency as operative factors, which will typically reduce the concentration of these solvents to negligible levels before they may be transported to points where environmental exposure may occur.

The Agency has also evaluated the data submitted with respect to the hazardous wastes listed in Table II and the estimated constituent concentrations in the influent to the wastewater treatment plant. The maximum combined influent concentration of all carcinogenic constituents listed in Table II, assuming the total annual volume used of each of these constituents was disposed of on the same day, would be <1ppm. The maximum combined influent concentration of all constituents listed in Table II (excluding wastes F003 and F005) results in an estimated influent concentration of 48 ppm, assuming that the total annual volume of constituent used is disposed of on the same day. This obviously is an overly conservative estimate; the actual daily influent concentration of these constituents will almost certainly be much lower. In addition, Lederle has included in this calculation chemicals which have been used as intermediates and carriers which have reacted in these processes and are therefore disposed of as wastes which are no longer covered by the hazardous waste listing in 40 CFR 261.33. Also, many constituents listed solely for the characteristic of ignitability have been included unnecessarily in this calculation since these wastes, as a result of the amendment to the mixture rule (see 40 CFR 261.3(a)(2)(iii)) and the ignitability test results presented in the petition, are not considered to be ignitable. Therefore, the Agency considers the wastewater influent to Lederle's wastewater treatment plant to be non-hazardous with respect to the constituents identified in Table II.[15] Furthermore, the Agency also believes that extensive degradation of these constituents will occur in the treatment system and further attenuative mechanisms such as soil adsorption, biodegradation, and dilution will also act in decreasing the actual waste concentrations to levels well below those able to pose substantial harm to human health or the environment. The Agency has, therefore, granted a temporary exclusion to Lederle's facility in Pearl River, New York for its wastewater influent to the wastewater treatment plant for those wastes identified in Table II and for its wastewater treatment sludge generated from EPA Hazardous Wastes Nos. F003 and F005 and those wastes indicated in Table II as described in its petition.

XVIII. *Miller Brewing Company.*—A. *Petition for Exclusion.* The Miller Brewing Company's (Miller) Milwaukee container plant, involved in the manufacture of aluminum cans, has petitioned the Agency to exclude its sludge, presently listed as EPA Hazardous Waste No. F019—wastewater treatment sludge from the

[14] See footnote 11.

[15] The wastestream generated by Lederle's research laboratories probably can be excluded by the November 17, 1981 amendment to the mixture rule (see 40 CFR 261.3(a)(2)(iv)(E) (46 *FR* 56589); however, the actual daily influent wastewater concentration could not be determined by either Lederle or EPA. Therefore, this portion of the petition was processed for exclusion under 40 CFR 260.22.

chemical conversion coating of aluminum. Miller has petitioned to exclude its sludge because it does not meet the criteria for which it was originally listed.

Miller claims that the constituents of concern, hexavalent chromium and cyanide, are not used in its chemical conversion coating process and therefore, claims that its wastewater treatment sludge is non-hazardous with respect to the listed hazardous constituents.

Miller has submitted a description of its chemical conversion coating and wastewater treatment process; total constituent analyses of the sludge for total chromium, hexavalent chromium, and cyanide; and material safety data sheets for all of the materials used in the chemical conversion coating process.

Miller's wastewater treatment process involves mechanical skimming for oil separation, sulfuric acid flash-mixing to break-up emulsified oils, lime neutralization, polymer flocculation, and lamella and vacuum filtration. Total constituent analyses revealed maximum total chromium, hexavalent chromium, and cyanide concentrations of 7.6, 0.02, and <0.003 ppm, respectively. Since these constituents were claimed not to be used in the process only one grab sample of the waste was tested for verification.

B. *Agency Analysis and Action.* The constituents of concern for EPA Hazardous Waste No. F019 are hexavalent chromium and cyanide. Miller has demonstrated that these constituents are not used in its process. Hexavalent chromium and cyanide are present in only negligible or non-detectable levels in the sludge; these low levels are probably a result of unknown minor sources of contamination and background levels rather than from direct use in the process. The Agency, therefore, has granted a temporary exclusion to the Miller Brewing Company's Milwaukee container plant in Milwaukee, Wisconsin for the sludge generated by its chemical conversion coating process, as described in its petition.

XIX. *Windsor Plastics.*—A. *Petition for Exclusion.* The Windsor Plastics Company (Windsor), involved in the production of injection molded plastic parts, has petitioned the Agency to exclude its still bottom wastes generated from the reclamation of spent acetone, presently listed as EPA Hazardous Waste No. F003. Windsor has petitioned to exclude its still bottoms because they do not meet the criteria for which it was listed.

Windsor has submitted a description of its solvent handling and waste treatment process and ignitability test results. Windsor claims that the solvent used in cleaning and tooling of thermoplastic parts is acetone-based. The cleaning and tooling of the plastic parts occurs prior to silk screening, spray painting, hot stamping, or electroplating of the parts. Windsor claims that the distillation process recovers 85 percent of the spent acetone. Barreled still bottom wastes are then exposed to steam for a 24-hour period prior to disposal, using a steam spider. The waste remaining is a solid granular waste containing paint resin and pigments. Ignitability tests using the Pensky-Martens closed cup tester showed no flash point up to 100°C at which point the waste boiled.[16] The still bottom waste was also tested with an open flame; this test also demonstrated that the waste was non-ignitable. Samples were collected over a six week period which the petitioner claims to be representative of any variation in constituent concentration in the waste.

B. *Agency Analysis and Action.* The hazardous constituent of concern in EPA Hazardous Waste No. F003 which is used in the production process at Windsor is acetone. This still bottom waste is listed solely for the characteristic of ignitability. Windsor has demonstrated that its acetone recover process combined with a steam spider evaporative treatment produces a non-ignitable waste. The Agency, therefore, has granted Windsor Plastic's facility in Evansville, Indiana, a temporary exclusion for its acetone still bottom waste, as described in its petition.

XX. *Hewlett-Packard.*—A. *Petition For Exclusion.* Hewlett-Packard's Loveland Instrument Division (Hewlett-Packard), involved in the manufacture of printed circuit boards for measuring the characteristics of electricity and electrical signals, has petitioned the Agency to exclude its wastewater treatment sludge, presently listed as EPA Hazardous Waste No. F006—Wastewater treatment sludges from electroplating operations except from the following processes: (1) sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum. Hewlett-Packard has petitioned to exclude its waste because it does not meet the criteria for which it was listed.

Hewlett-Packard utilizes several electroplating processes in printed circuit board manufacturing, small parts plating of common and precious metals, and the chromating of aluminum parts. Hewlett-Packard claims that its waste treatment processes are successful in generating a non-hazardous sludge with cadmium, hexavalent chromium, nickel, and cyanide, the constituents of concern for this waste, present in essentially an immobile form.

Hewlett-Packard has submitted a detailed description of the two treatment systems used at its facility; total constituent analyses of the sludges for cadmium, total chromium, nickel, and cyanide (both total and free cyanide); and EP toxicity test results for cadmium, total chromium nickel, and free cyanide.

Hewlett-Packard's waste treatment System (I) receives metal-bearing wastewaters from non-complexed and non-chelated waste streams and wastewater from cyanide-bearing waste streams after the cyanides are destroyed by way of chlorination. System (II) receives the complexed or chelated waste streams. Treatment in System (I) includes lime neutralization, polymer flocculation, and clarification. Treatment for the wastewaters in System (II) involves ferrous sulfate metal reduction, neutralization, polymer flocculation, and clarification. The total constituent analyses of the sludge from System (I) revealed maximum cadmium, total chromium, and nickel concentrations of 2.4, 56 and 9900 ppm, respectively. EP toxicity test results for cadmium, total chromium, and nickel produced maximum leachate concentrations of 0.002, <0.02, 5.8 ppm, respectively. The total cyanide content was 1 ppm while the concentrations of cyanide amenable to chlorination (free cyanide) and leachable cyanide were both determined to be <0.005 ppm. Total constituent analyses of the sludge from System (III) revealed maximum cadmium, total chromium, and nickel concentrations of 2.4, 62, 4000 ppm, respectively. EP toxicity test results for cadmium, total chromium, and nickel produced maximum leachate concentrations of 0.017, <0.002, 16 ppm, respectively. The maximum total cyanide level was 0.5 ppm while the concentrations of cyanide amenable to chlorination (free cyanide) and leachable cyanide were both determined to be <0.005 ppm.

B. *Agency Analysis and Action.* The hazardous waste constituents of concern for which EPA Hazardous Waste No. F006 is listed are cadmium, hexavalent chromium, nickel, and cyanide.

[16] See footnote 11.

Although these constituents are present in the sludge cakes from both waste treatment processes (described above), they appear to be present in an immobile form. EP extracts for both cadmium and total chromium are well below the EP maximum toxicity limits.[17] Nickel leachate levels are also low and thus, are not of regulatory concern. The levels of leachable cyanide found in the sludges are below the U.S. Public Health Service's suggested drinking water standard, while free and total cyanide levels are also reported to be negligible and therefore not of regulatory concern. The Agency, therefore, has granted a temporary exclusion to Hewlett-Packard's Loveland Instrument Division for its treated electroplating wastes as described in its petition.

XXI. *E. I. DuPont de Nemours and Company.*—A. Petition for Exclusion. E.I. DuPont de Nemours and Company, Inc. (DuPont), involved in the manufacture of chemical products, has petitioned the Agency to exclude its nitrobenzene and aniline treated wastewaters generated at their Repauno plant in Gibbstown, New Jersey, and at their Beaumont plant in Beaumont, Texas, presently listed as EPA Hazardous Waste Nos. K103 (process residues from aniline extraction from the production of aniline) and K104 (combined wastewater streams generated from nitrobenzene/aniline production). DuPont has petitioned to exclude their wastes because they do not meet the criteria for which they were listed.

DuPont manufactures nitrobenzene by reacting benzene with nitric acid in a sulfuric acid medium. The nitrobenzene produced through nitration separates as an insoluble organic layer which is decanted and washed with water and alkali to remove all acids and other impurities. Wastewaters are generated from the washing/purification operation and are treated in the wastewater treatment system.

Aniline is manufactured through the hydrogenation of pure nitrobenzene with hydrogen. The crude aniline formed is separated from the aqueous product stream and processed through a distillation system to produce aniline. Waste residues are generated when water from the distillation system and process waters are combined and extracted with nitrobenzene to remove residual aniline and other reaction products. The waste residues are then sent to the wastewater treatment system. At the Gibbstown facility (Repauno plant), the aniline production waste residues are combined with the nitrobenzene wastewater stream prior to entering the wastewater treatment system.

DuPont claims that the waste treatment systems employed at the Repauno plant and at the Beaumont plant successfully render their waste products non-hazardous. They have submitted detailed descriptions of the production and treatment processes and total constituent analyses for aniline, benzene, nitrobenzene, phenylenediamine, and diphenylamine, the constituents of concern for these wastes.

DuPont's treatment processes involve steam distillation and carbon adsorption of the nitrobenzene wastewaters at both the Repauno and Beaumont facilities. Aniline wastes (K103) are treated at the Beaumont facility by equalization, activated sludge bio-oxidation, and clarification.

Total constituent analyses of the nitrobenzene waste (K104) generated at the Repauno plant revealed maximum benzene, aniline, nitrobenzene, diphenylamine, and phenylenediamine, concentrations of .017, 6.71, .001, .0032, and .0011 ppm with average concentrations of .0091, 2.12, .00028, .0011, and .00066 ppm, respectively. Samples were taken after carbon adsorption over a two-week period which the petitioner claims is representative of any variation of constituent concentrations in the wastes.

Total constituent analyses of the nitrobenzene waste generated at Beaumont plant revealed maximum benzene, aniline, nitrobenzene, o-phenylenediamine, m-phenylenediamine, p-phenylenediamine, and diphenylamine, concentrations of .031, 61.5, .950, .250, .250, .290, and .25 ppm with average concentrations of .012, 8.50, .124, .005, .005, .060 and .013 ppm, respectively. Analysis of the aniline waste also generated at the Beaumont facility revealed maximum aniline, nitrobenzene, o-phenylenediamine, p-phenylenediamine, and m-phenylenediamine concentrations of .06, .01, .17, .24, and .02 ppm with average concentrations of .022, .006, .057, .114, .0125 ppm, respectively. Samples were taken from the bio-oxidation system liquid effluent, after clarification, over a two-month period which the petitioner claims is representative of any variation in the constituent concentrations in the waste.

B. *Agency Analysis and Action.* EPA Hazardous Wastes Nos. K103 and K104 are listed due to the generation of toxic contaminants during the manufacture of aniline and nitrobenzene. The constituents of concern for waste No. K103 are aniline, nitrobenzene, and phenylenediamine. The constituents of concern for waste No. K104 are aniline, benzene, nitrobenzene, phenylenediamines, and diphenylamine. Analyses for these constituents indicate that they are present in the wastewater after treatment in low concentrations at both the Repauno and the Beaumont facilities. Toxicity data reviewed by the Agency indicates that at these concentrations the toxicants are not of regulatory concern.[18] This evaluation is partly based on the toxic characteristics of these constituents and partly due to attenuative mechanisms, such as absorption to soil components, biodegradation, and dilution which are considered by the Agency as operative factors which will typically reduce the concentration of these constituents to negligible levels before they may be transported to points where human or environmental exposure may occur. The Agency, therefore, has granted temporary exclusions to E. I. DuPont de Nemours and Company, Inc. for their facilities at Gibbstown, New Jersey (Repauno plant) and Beaumont, Texas for their steam distillation-treated nitrobenzene wastewaters (K104) and to the Beaumont, Texas facility for their bio-oxidation treated aniline process residues (K103), as described in their petitions.

XXII. *Reynolds Aluminum/Reynolds Metals Company.* Reynolds Aluminum (Reynolds) is involved in the chromate chemical conversion coating of coiled aluminum stock. Reynolds has petitioned the Agency to exclude its treatment sludge generated at their two Sheffield Plants, presently listed as EPA Hazardous Waste No. F019—wastewater treatment sludge from the chemical conversion coating of aluminum. Reynolds has petitioned to exclude its waste because it does not meet the criteria for which the waste was listed originally.

The production process at both the Sheffield plant and the Alloys Sheet and Plate Plant which generate the listed waste is the high speed coil conversion coating of aluminum. The base metal is passed through an aqueous solution containing hexavalent chromium, rinsed and further coated and dried depending

[17] See footnote 1.

[18] All test data submitted by DuPont in support of their petition demonstrates that the constituent concentrations found in the waste streams are below the levels at which these compounds are considered toxic. For example, the Water Quality Criteria for nitrobenzene is 19.8 ppm. (Human toxicity level); p-phenylenediamine was reported by the Public Health Service to have a "minimum fatal dose in rats" of 80 mg/kg.

on individual product specifications. Reynolds claims that since its aluminum chemical conversion coating processes do not use cyanide, and since the hexavalent chromium used in the process is reduced to its trivalent state in the waste treatment systems, the wastes from these facilities do not contain hazardous levels of hexavalent chromium or cyanide, the constituents of concern for this waste.

Reynolds has submitted a description of its waste treatment processes, total constituent analyses of the sludge for cyanide, and EP toxicity test results for total and hexavalent chromium. Reynolds claims that there are no significant differences in the production and treatment processes at these two plants. Samples were collected and analyzed from each facility over a one month period which the petitioner claims to be representative of any variation of constituent concentration in the waste.

Reynolds' treatment processes involve chromium reduction with sulfur dioxide and sulfurous acid, lime neutralization, clarification, and vacuum filtration. Constituent analyses of the sludge for cyanide revealed a maximum concentration of <0.02 ppm at both facilities. EP toxicity test results revealed a maximum hexavalent chromium concentration of 0.31 ppm at the Alloys Sheet and Plate Plant, and <0.02 ppm at the Sheffield facility.

B. *Agency Analysis and Action.* Reynolds has demonstrated that its waste treatment system at both its Alloy Sheet and Plate Plant and its Sheffield Plant produce a non-hazardous sludge. Reynolds claim that cyanide is not used at either facility was substantiated by the non-detectable levels of cyanide in the sludge. The chromium reduction system used at each facility also appears to efficiently reduce hexavalent chromium to trivalent chromium as indicated by the low levels of hexavalent chromium found in the EP extracts. Hexavalent chromium levels were consistently below the proposed maximum EP toxicity limit (see 45 *FR* 72031, October 30, 1980). Therefore, the Agency has granted a temporary exclusion to Reynolds for its Alloys Sheet and Plate Plant and its Sheffield Plant, both located in Sheffield, Alabama for their treated wastes generated by their aluminum conversion coating process, as described in its petitions.

XXIII. *The d-Con® Company, Inc.*—A. *Petition for Exclusion.* Sterling Drug, Inc., a manufacturer of warfarin-based rodenticides through its subsidiary, the d-Con® Company, located in Alliance, Ohio, has petitioned the agency to exclude specific waste rodent baits containing warfarin as the sole active ingredient, presently listed as EPA Hazardous Waste No. P001, from regulation under 40 CFR 261.33(e), the list of commercial chemical products or manufacturing chemical intermediates.[19] Sterling has petitioned to exclude their waste because it does not meet the criteria for which it was listed; that is, the concentration of warfarin in the formulated product does not warrant regulation of the material as an acute hazardous waste. Specifically, Sterling has petitioned to exclude rodenticidal baits containing 0.025%, 0.05% and 0.3% warfarin, identified by the trade names d-Con® Pellets and d-Con® Ready Mix, d-Con® Mouse Prufe, and d-Con® concentrate, respectively.

Sterling Drug has submitted oral LD50 (rat) toxicity data showing formulations containing 0.025%, 0.054%, and 0.3% warfarin exhibit acute oral LD50 (rat) values of >5000 mg/kg, 2100 mg/kg, and 2140 mg/kg, respectively.

B. *Agency Analysis and Action.* Chemical substances listed in 40 CFR 261.33(e), if and when discarded or intended to be discarded, are identified as acute hazardous wastes (H) and are subject to the small quantity generator exclusion specified in 40 CFR 261.5(e)(1). The Agency has defined this category of wastes to include those hazardous wastes which have been shown to be fatal to humans in low doses or, absent human data, have been shown in animal studies to have an oral LD50 (rat) toxicity value of less than 50 mg/kg, a dermal LD50 (rabbit) toxicity value of less than 200 mg/kg, an inhalation LC50 (rat) toxicity value of less than 2 mg/1, or are otherwise capable of causing or significantly contributing to serious illness. Because warfarin exhibits an oral LD50 (rat) toxicity value of 3 mg/kg (technical grade), warfarin was included on the list of acute hazardous wastes in 40 CFR 261.33(e).

The toxicological data submitted by Sterling indicated that products, manufacturing chemical intermediates, and off-specification chemical products containing warfarin at concentrations of 0.3% or less exhibit acute oral LD50 (rat) values of >50 mg/kg, and consequently do not meet the criteria for acute hazardous wastes. In fact, as shown by Sterling's data, the acute toxicity of such formulation is well in excess of 50 mg/kg. However, the Agency has no data indicating the acute toxicity of commercial formulations where warfarin is present in concentrations in excess of 0.3%, and the acute toxicity of these formulations cannot necessarily be extrapolated linearly from the concentration of warfarin present.

The Agency believes, however, that these materials continue to warrant inclusion on the list of commercial products contained in 40 CFR 261.33(f). Warfarin poses a toxic hazard upon chronic low-level exposure. In addition, warfarin exhibits toxic effects in humans and animals by inhibition of prothrombin formation and dilation or engorgement of blood vessels with subsequent fatal hemorrhaging, and also has been implicated in causing direct capillary damage. (Lisella *et al.*, 1971, cited in *Doull et al., Casarett and Doull's Toxicology*, 2nd Ed., Macmillan Publishing Co., Inc., New York, 1980.)

In view of the data submitted by Sterling Drug, Inc., the Agency believes that their compounds d-Con® Pellets (0.025% warfarin), d-Con® Ready Mix (0.025% warfarin), d-Con® Mouse Prufe (0.054% warfarin), and d-Con® Concentrates (0.3% warfarin) when discarded or intended to be discarded, are not acute hazardous wastes and, therefore, should not be subject to regulation under 40 CFR 261.33(e). Therefore, the commercial chemical products manufactured by the d-Con® Company, Inc., at its plant in Alliance, Ohio, as described in its petition, are considered toxic wastes (T) and are subject to regulation under 40 CFR 261.33(f).

XXIV. *Stablex Corporation.*—A. *Petition for Exclusion.* The Stablex Corporation (Stablex) plans to operate several hazardous waste treatment facilities utilizing industrial waste treatment processes and stabilization techniques which are designed to produce a solid cementitious material.[20] Stablex presently is applying for the necessary State and Federal permits to construct and operate a hazardous waste storage and treatment facility in the State of New Hampshire. Stablex has petitioned the Agency to delist the treatment residue (both the slurry and the solidified residue), to be generated

[19] EPA is also evaluating a rulemaking petition submitted by the National Pest Control Association (NPCA), as well as others, in which they request that these wastes be removed from the acute hazardous waste category (40 CFR 261.33(e)). We are processing these petitions and expect to publish our decision in the Federal Register in the near future.

[20] The Agency granted Stablex a temporary exclusion on November 25, 1980 for its Groveland, Michigan facility. This action prompted a number of public comments. However, after reviewing and responding to the public comments (see "Public Comments Received . . . Stablex Facility . . ." in today's publication) and additional test data submitted by Stablex, the Agency deems it appropriate to proceed and grant a conditional temporary exclusion for the proposed Hooksett, New Hampshire facility.

by the Stablex treatment process from treating the following EPA hazardous wastes:[21]

Inorganic Pigments

K002—Wastewater treatment sludge from the production of chrome yellow and orange pigments.
K003—Wastewater treatment sludge from the production of molybdate orange pigments.
K004—Wastewater treatment sludge from the production of yellow pigments.
K005—Wastewater treatment sludge from the production of chrome green pigments.
K006—Wastewater treatment sludge from the production of iron blue pigments.
K007—Wastewater treatment sludge from the production of iron blue pigments.
K008—Oven residue sludge from the production of chrome oxide green pigments.

Electroplating

F006—Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.
F007—Spent cyanide plating bath solutions from electroplating operations (except for precious metals electroplating spent cyanide plating bath solutions).
F008—Plating bath sludges from the bottom of plating baths from electroplating operations where cyanides are used in the process (except for precious metals electroplating plating bath sludges).
F009—Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process (except for precious metals electroplating spent stripping and cleaning bath solutions).

Metal Heat Treating

F010—Quenching bath sludges from oil baths from metal heat treating operations where cyanides are used in the process (except for precious metals heat treating quenching bath sludges).
F011—Spent cyanide solutions from salt bath pot cleaning form metal heat treating operations (except for precious metals heat treating spent cyanide solutions from salt bath pot cleaning).
F012—Quenching wastewater treatment sludges from metal heat treating operations where cyanides are used in the process (except for precious metals heat treating quenching wastewater treatment sludges).

Commercial Chemical Products

P010 Arsenic Acid.
P011 Arsenic pentoxide.
P012 Arsenic trioxide.
P013 Barium cyanide.
P029 Copper cyanide.
P030 Cyanides.
P098 Potassium cyanide.
P099 Potassium silver cyanide.
P104 Silver cyanide.
P106 Sodium cyanide.
P121 Zinc cyanide.
U246 Cyanogen bromide.

Stablex claims that the residue (called "Stablex material") generated from treatment of these hazardous wastes should be excluded because many of the hazardous constituents of each waste stream are present only in an immobilized, non-hazardous form, or are destroyed during the treatment process. Stablex, therefore, claims that its stabilized treatment sludge no longer meets the criteria for which the wastes accepted for treatment were originally listed.

B. *Support for Exclusion.* Stablex indicates that it will use a prescreening program which guarantees that only wastes that can be fixed successfully by the Stablex process—predominately metal and cyanide containing wastes—will be accepted. The Stablex process combines various hazardous waste treatment processes (including metal hydroxide precipitation, acid/alkaline neutralization, cyanide destruction via hypochlorite oxidation, and hexavalent chromium reduction and precipitation) with a waste fixation/stabilization process. The stabilization process is a mixed batching system which combines the treated waste with cement, fly ash, and several proprietary materials. The Stablex material will then be pumped (as a sludge) to specified landfill sites. This waste material begins to set in approximately 24 hours. The resulting stabilized product, the petitioner claims, is characterized by the formation of silicate lattices creating a cementitious material having compressive strength similar to an industrial grout.

Stablex has been treating hazardous industrial wastes which are very similar in composition to the prospective U.S. wastes at its several existing English and Japanese facilities. These wastes include sludge from the production of paint pigments, still lime sludge from coking operations, sludge from metals recovery operations, quenching sludge from metal heat treating operations, and assorted sludges from electroplating operations. They also have treated automotive industry wastes.

In order to characterize the claimed non-hazardous nature of the Stablex product, Stablex has submitted leachate tests on U.S., Japanese, and English stabilized wastes; total constituent analyses of the Stablex material; groundwater and surface water run-off monitoring data from active overseas operations; multiple extraction test data; and confidential information identifying stock solution constituent concentrations, and mixing ratios used during treatment operations.

In addition, Stablex tested residue from the treatment of waste streams from a typical range of processes in the U.S. automotive industry, including plating operations (principal constituents are nickel, chromium, and copper); paint priming (principal constituent is zinc phosphate); and waste treatment sludges from plating and metal preparation processes. Specific parameters measured in each EP toxicity test included arsenic, barium, cadmium, chromium, lead, mercury, selenium, silver, copper, iron, manganese, zinc, nickel, aluminum, and cyanide.

Stablex performed EP toxicity tests on Stablex material which was ground to a fine powder to maximize the surface area available to the leaching action of the test's acidic solutions. ED toxicity tests performed on stabilized U.S. wastes produced the following maximum leachate test results:

LEACHATE CONCENTRATION

Constituent	Parts per million
Arsenic	0.02
Barium	1.4
Cadmium	0.01
Chromium (total)	0.27
Cyanide (total)	0.6
Lead	0.05
Mercury	0.004
Selenium	0.006
Silver	0.01

NOTE.—Total constituent analysis of the Stablex material revealed cyanide concentrations of 1 ppm.

EP toxicity tests were performed on the Stablex slurry material generated from stock solutions prepared from prospective U.S. wastes. The following maximum leachate concentrations characterized the Stablex slurry material:

Constituent	Parts per million
Arsenic	0.008
Barium	0.1
Cadmium	0.08
Chromium (total)	0.13
Lead	0.25
Mercury	<0.002
Nickel	2.3
Selenium	0.006
Silver	0.04

In order to more appropriately address both the Agency's and the public's concerns of the long term leaching characteristics of the material, Stablex has also submitted multiple extraction test data [22] on cured Stablex

[21] Stablex also petitioned EPA to exclude EPA Hazardous Waste Nos. F014 and F015. However, since these wastes are presently exempt from regulation by statute, they were not considered as part of their exclusion petition.

[22] See public comments for this methodology.

material from stock solutions prepared from prospective U.S. wastes. The initial EP extract concentrations and the nine extract concentrations of lead, chromium, cadmium, arsenic, selenium, nickel, silver, mercury, barium, and cyanide were as shown on Table 4.

Groundwater monitoring data was also submitted from the chalk quarry disposal area at the Thurrock, England facility. The maximum constituent concentrations are summarized in the following table:

Groundwater Analyses [a] (Thurrock, England) (mg/l)

Arsenic	0.05
Cadmium	0.02
Chromium	0.15
Cyanide	0.13
Lead	0.23
Selenium [b]	0.06
Nickel	0.1

[a] Maximum concentration out of 45 samples.
[b] Maximum concentration out of 64 samples.

TABLE 4.—STABLEX MULTIPLE EXTRACTION PROCEDURE DATA

Constituent	Initial EP (ppm)	Acid rain extraction (1)	Acid rain extraction (2)	Acid rain extraction (3)	Acid rain extraction (4)	Acid rain extraction (5)	Acid rain extraction (6)	Acid rain extraction (7)	Acid rain extraction (8)	Acid rain extraction (9)
Arsenic	<0.002	<0.002	<0.002	<0.002	<0.002	<0.002	<0.002	<0.002	<0.002	<0.002
Barium	<0.1	<0.1	<0.1	<0.1	<0.1	0.2	0.2	0.1	0.3	<0.1
Cadmium	0.34	0.1	0.03	0.02	0.01	<0.01	<0.01	<0.01	<0.01	<0.01
Chromium	0.08	<0.05	<0.05	<0.05	<0.05	<0.05	<0.05	<0.05	<0.05	<0.05
Lead	0.38	0.11	0.1	<0.05	0.08	0.03	<0.05	<0.05	<0.05	<0.05
Mercury	<0.002	0.027	0.008	<0.002	<0.002	<0.002	<0.002	<0.002	<0.002	<0.002
Nickel	0.36	<0.05	0.12	0.12	0.18	0.16	<0.05	<0.05	<0.05	<0.05
Selenium	<0.002	0.009	0.008	<0.002	0.008	0.009	<0.002	<0.002	<0.002	<0.002
Silver	0.17	0.11	0.28	0.34	0.12	0.04	<0.01	<0.01	<0.01	<0.01

In addition, Stablex has offered a short-term safeguard to provide an initial disposal period for additional data collection. Stablex has offered to deposit the Stablex material within a demonstration cell for the initial two year period of facility operation. The demonstration cell will be lined with an impermeable synthetic liner. [23] The bottom liner will consist of one foot of sand placed over a 20 mil synthetic liner. The bottom liner will extend up the sides, and over the ten foot surface isolation berms. Furthermore, during rain and winter conditions, Stablex has also indicated that the Stablex material will be placed in enclosed cylindrical molds within the lined demonstration cell to assure proper curing. In addition, monitoring wells will be placed along the perimeter of the placement area.

Stablex has also agreed to incorporate a contingency plan into its daily operating procedures. During and after the initial demonstration cell period, and prior to placement, the company will test each batch of Stablex for total organic content (TOC), [24] cyanide content (both complexed and free), and leachable metals using the EP toxicity test. If the organic content exceeds 0.1 percent, free cyanide exceeds 0.001 percent, the extract concentrations of any of the EP toxic metals exceeds 30 times the National Interim Primary Drinking Water Standards, or if the extract concentration for nickel exceeds 0.002 percent, then the material will either be treated again or disposed of as a hazardous waste at an approved Subtitle C hazardous waste disposal facility. [25]

C. *Agency Analysis and Action.* The Agency has reviewed the monitoring data submitted by the Stablex Corporation from its facility in Thurrock, England. Groundwater samples taken from the Thurrock, England placement site revealed all EP toxic constituents to be comparable to background groundwater levels and at levels below the U.S. National Interim Primary Drinking Water Standards. The maximum reported cyanide concentration of 0.11 ppm in groundwater is one half that of the U.S. Public Health Service's suggested drinking water standard.

However, the absence of high levels of these constituents in the groundwater below a new landfill does not in itself indicate long-term inertness of the landfill material. Therefore, the Agency (partially due to public comments received on the temporary exclusion granted for the treatment residue generated at the proposed Stablex facility to be built in Groveland, Michigan) required Stablex to conduct multiple extraction leachate tests on the Stablex material to assist in determining the long-term leachate potential of the stabilized waste. The Agency feels that the Stablex material, created from prospective U.S. wastes, used in this test is representative of the material which will be generated at the proposed facility. The extract data from this test indicates that the material is stable over the long-term, exhibiting leachate levels well below the National Interim Primary Drinking Water Standards for a test period equivalent to approximately 1000 years of rainfall percolation. [26] The Agency notes that the Stablex material used in the multiple extraction test was ground to 100 mesh to simulate worst case physical weathering conditions, exposing a much greater surface area to the extractant than would normally be expected in a solid mass of low permeability.

The Agency also reviewed the leachate tests submitted from the Stablex facilities in England and Japan and from its domestic laboratory. Analysis of the EP toxic constituents in these waste extracts revealed concentrations well below the EP maximum toxicity levels for each waste stream tested. Leachable cyanide concentrations identified in these waste extracts were all below 0.2 ppm. In addition, total cyanide was present in the Stablex material formed from prospective U.S. wastes only in concentrations below 1 ppm, apparently indicating the effectiveness of the cyanide-destruction process. The Agency emphasizes that the EP toxicity test is probably a more stringent leachate test than the actual percolation

[23] The New Hampshire Bureau of Solid Waste is presently negotiating with the Stablex Corporation to determine alternative demonstration cell liner materials and design.

[24] TOC will be determined using standard methods as indicated by the Agency.

[25] As part of all exclusion petitions regarding centralized treatment facilities, the Agency has incorporated a contingency plan such as the one discussed for Stablex to ensure that the treatment process is operated as it was designed.

[26] The projected period of stability estimated by the multiple extraction test was determined by calculating the ratio of the volume of annual rainfall falling on a unit weight of stabilized material (unit area x depth of fill x density of waste). This ratio allows the volume of extractant per unit weight of stabilized sample in each extraction of the test to be expressed in terms of the number of years of rainfall characteristic of this geographical location.

of extractant than is expected for this type of disposal site. Since the disposal area (both during and after the demonstration cell period) will contain only the Stablex material, the site would not be expected to generate an acidic extractant.

The Agency has also accepted Stablex' contingency plan which will provide leachate and quality assurance data for the material deposited in the demonstration cell as well as for the material placed at the site after the demonstration period has terminated. The contingency plan calls for the testing of each batch of Stablex slurry for total organic content [27] and free cyanide with acceptable limits of 0.1 and 0.001 percent, respectively. In addition, the slurry will be tested on a batch basis for the EP toxic metals of concern and for nickel. Acceptable extract concentrations for these constituents will be at or below 30 times the National Interim Primary Drinking Water Standards for each of the EP toxic metals and 20 ppm for nickel. During the demonstration cell period, representative biweekly samples of the material in the demonstration cell will be tested for the EP toxic metals and for nickel, and the results will be forwarded to EPA's Office of Solid Waste.

The Stablex Corporation has stated that concentrations of three to five percent total organic carbon in the Stablex treatment residue are commonly found in the Stablex material generated at their English facilities with no inhibitory effects on the solidification of the Stablex material and no effects on the leachability of the bound constituents. We nevertheless are conditioning the exclusion by allowing no more than 0.1 percent total organic carbon in the Stablex residue because Stablex has not demonstrated that leachate levels are acceptable with higher TOC concentrations. The Agency has also indicated to Stablex, however, that the allowable TOC limit of the Stablex residue could be raised to one percent provided that Stablex submits representative EP test data showing successive TOC-spiked concentrations in the Stablex material of up to one percent, indicating that at these levels TOC does not affect the leaching of the metals and cyanide.[28]

It should also be noted that the Agency has recently completed sampling of the cured Stablex material at Stablex' facility in West Thurrock, England. This facility has been accepting and treating inorganic hazardous wastes by the Stablex process for approximately four years. Agency representatives obtained representative core and water samples (both surface water and ground water) which will be analyzed by several laboratories in the U.S. The material will be tested using total digestion methodologies, the extraction procedure (EP), and the multiple extraction test, analyzing for inorganic parameters including the EP toxic metals and nickel. Total, free and leachable cyanide and total organic content also will be determined. The Agency expects initial test results by the end of this calendar year followed by an official Agency publication describing these test results.

The Agency has proceeded with today's delisting decision before completion of this testing program because sufficient supporting data already has been submitted by the Stablex Corporation in its delisting petition. However, if data from EPA's test program contradicts data submitted in the delisting petition, today's exclusion and the Agency's exclusion of the Groveland, Michigan facility in November 1981 will be amended or withdrawn. The Agency further notes that if any contradictory data is recorded from the English samples, no adverse environmental consequences will result from today's delisting action since the Stablex treatment facility has not yet been constructed and would not be completed by the time complete evaluation of these samples is finished.

Therefore, based predominantly on the total constituent analyses, EP and multiple extraction test data submitted on prospective U.S. wastes, the waste pretreatment systems, and the contingency plan described above, the Agency is granting the Stablex Corporation's proposed facility in Hooksett, New Hampshire a temporary exclusion for the Stablex slurry material produced, using the treatment techniques described in its petition, as conditioned above, for the following EPA hazardous wastes:

Inorganic Pigments

K002—Wastewater treatment sludge from the production of chrome yellow and orange pigments.
K003—Wastewater treatment sludge from the production of molybdate orange pigments.
K004—Wastewater treatment sludge from the production of zinc yellow pigments.
K005—Wastewater treatment sludge from the production of chrome green pigments.
K006—Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).
K007—Wastewater treatment sludge from the production of iron blue pigments.
K008—Oven residue from the production of chrome oxide green pigments.

Electroplating

F006—Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.
F007—Spent cyanide plating bath solutions from electroplating operations (except for precious metals electroplating spent cyanide plating bath solutions).
F008—Plating bath sludges from the bottom of plating baths from electroplating operations where cyanides are used in the process (except for precious metals electroplating plating bath sludges).
F009—Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process (except for precious metals electroplating spent stripping and cleaning bath solutions).

Metal Heat Treating

F010—Quenching bath sludge from oil baths from metal heat treating operations where cyanides are used in the process (except for precious metals heat treating quenching bath sludges).
F011—Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations (except for precious metals heat treating spent cyanide solutions from salt bath pot cleaning).
F012—Quenching wastewater treatment sludges from metal heat treating operations where cyanides are used in the process (except for precious metals heat treating quenching wastewater treatment sludges).

Commercial Chemical Products

P010—Arsenic acid
P011—Arsenic pentoxide
P012—Arsenic trioxide
P013—Barium cyanide
P029—Copper cyanide
P030—Cyanides

[27] The Agency notes that Stablex is not proposing to delist, nor is the Agency excluding the Stablex treatment residue as a hazardous waste when Stablex treats organic wastes. This limitation applies to those small amounts of organics, such as cutting oils and hydraulic fluids, present in inorganic waste streams. This limitation assures that toxic organics, if present, would exist at levels below that of regulatory concern.

[28] TOC spike data, if provided will involve spikes of different types of organic wastes (e.g., alcohols, sugars, etc.) to determine whether any particular group of organics affect the setting capability or leachate characteristics of the Stablex material.

P098—Potassium cyanide
P099—Potassium silver cyanide
P104—Silver cyanide
P106—Sodium cyanide
P121—Zinc cyanide
U246—Cynogen bromide

Public Comments Received in Response to the Temporary Exclusion Granted to the Proposed Stablex Facility in Groveland, Michigan

The Agency received a number of comments questioning the validity and basis of our decision to exclude temporarily the treatment residue from Stablex's proposed facility in Groveland, Michigan (see FR 78547 November 25, 1980). The subjects of these comments can be summarized as follows: (1) Interpretations of the regulations relating to the petition and exclusion process; (2) basis for the decision; (3) applicability of the EP toxicity test in determining long-term potential for leaching; (4) statements made by the Stablex Corporation and the operating history of its facilities in England; and (5) the Stablex process and the characteristics of the Stablex material.

The major comments have been addressed in the form of a general overview in this publication. Additional comments are addressed in a separate document on file in the Public Docket. In some cases, the questions raised by commenters have resulted in requests for additional data from the petitioner or in clarification of data previously submitted by the Stablex Corporation. In addition, the Agency, after further consideration of the petition, of supplementary data, and of the public comments, has amended the temporary exclusion granted to Stablex's proposed facility in Groveland, Michigan, to include a continuous quality assurance program involving contingency batch testing of EP toxic metals, cyanide, nickel, and total organic carbon. Some commenters requested that the Agency retract the temporary exclusion granted to Stablex. The Agency's decision remains unchanged, however, and the temporary exclusion is still in effect since no data was presented which would justify such a retraction.

The comments and the Agency's responses are summarized below:

I. Comments Concerning the Interpretation of the Regulations Relating to the Petition and Exclusion Process.

(a) Several comments claimed that the granting of a temporary exclusion prior to subjecting the petition to public comment and a public hearing circumvented the intent of the delisting regulations under Subtitle C of RCRA.

Under 40 CFR 260.22(m), the Administrator may grant a temporary exclusion before making a final decision under 40 CFR 260.20(d) whenever he finds that there is substantial likelihood that an exclusion will be granted. With respect to Stablex, although the Agency did not have all the information and data necessary in order to make a final decision, we believed, and continue to believe, that there was sufficient information to grant a temporary exclusion. The decision was based primarily on the leachate test data on the prospective U.S. wastes and the leachate tests performed on wastes generated from Stablex's facilities in England and Japan. In all cases, the EP toxic constituents in the waste extracts were at levels well below the EP toxicity limits, indicating that the toxic constituents are present in essentially an immobile form (i.e., the toxic constituents will not leach from the waste or will leach at such a low rate that no danger will be presented to human health or the environment). In addition, cyanides were present in the Stablex material only at very low concentrations (i.e., < 1 ppm).

We also requested that Stablex provide additional data, including data which would address the long-term leaching characteristics of the Stablex material. The additional information submitted by Stablex substantiates the Agency's decision to grant a temporary exclusion. In the interim, the Agency instituted a number of short-term safeguards offered by Stablex, including a requirement that the Stablex material be placed in a lined demonstration cell for the initial two-year period of facility operation while the Agency reviews the additional data before making a final decision to grant an exclusion. (See discussion in preamble for more details, 45 FR 78547, November 25, 1980.)

The data submitted by Stablex provided sufficient evidence to warrant granting a temporary exclusion. Furthermore, Stablex has agreed to dispose of the Stablex material in a lined demonstration cell for a two-year period. This assures that the material will not present a substantial hazard to human health and the environment until the additional data has been submitted by Stablex and analyzed by the Agency.

(b) One commenter argued that when considering the factors listed in 40 CFR 261.11(a)(3) in delisting a waste, the petitioner must know that "the waste is not capable of posing a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed." The commenter does not believe it possible to make this demonstration for wastes generated from treating hazardous wastes. They argue that if a treatment process applied to the listed wastes is improperly performed, the residue clearly poses a substantial present or potential hazard to human health or the environment. The commenter argues further that the intent of the statute and the regulations in both listing and delisting is to assess the potential of the waste to cause hazard when improperly treated, stored, transported, disposed of or otherwise managed. Therefore, proper management, including proper treatment should not be assumed.

The composition of a residue generated from a hazardous waste treatment process will vary, based upon the operation of the treatment process. For example, in the pretreatment process employed by Stablex, free cyanide is destroyed and hexavalent chromium is reduced. Stablex has established in-plant controls to ensure maximum destruction of cyanide and reduction of hexavalent chromium so that the levels in the treatment residue are low and fairly constant.

In addition, as a further safeguard, the Agency, as part of all exclusions granted to centralized treatment processes, has required each batch of the treatment residue to be tested prior to disposal. This continuous monitoring, the Agency believes, will address the concerns raised by the commenter regarding any malfunctions in the treatment process. Thus, if the treatment residue does not exhibit the conditions under which the exclusion was granted, that specific residue would need to be managed as a hazardous waste.

II. *Comments Concerning the Agency's Basis for Granting a Temporary Exclusion to Stablex's Proposed Facility in Groveland, Michigan.*

(a) One commenter argued that Stablex's petition for exclusion is wholly insufficient since no independent test data has been submitted to support their claims. The commenter argues that all the data used by Stablex to support their petition has been conducted by parties who are ". . . carefully chosen and handsomely rewarded by the Stablex Corp . . .".

Under the delisting regulations, a petitioner is required to have analyses conducted by a laboratory which is qualified to perform the necessary tests. Furthermore, every petitioner must submit a signed certification statement which holds the petitioner legally responsible for the accuracy of the data presented. The laboratory utilized by

Stablex is a quasi-government research organization founded in the United Kingdom with a reputation for excellence in performing research. EPA has itself taken independent samples from Stablex's facility in West Thurrock, England. The data collected from this sampling will provide an independent analysis of the Stablex data before a final delisting decision is made.

(b) One commenter was concerned that by delisting the Stablex material the Agency would lose control over the residue from the treatment process as soon as treatment was complete. The commenter argues that, by taking this approach, the Agency loses the ability to investigate the residue's long-term durability under various disposal conditions, to track down a batch that was improperly treated, or simply to know where and how this residue was being utilized.

In granting the temporary exclusion to Stablex, the Agency has conditioned the exclusions so as to require Stablex to maintain control over the treatment residue, at least in the near term. The treatment residue has only been delisted provided the material is placed in a lined demonstration cell. As indicated earlier, this condition has been placed on the delisting to allow the Agency sufficient time to analyze the additional data to be submitted by Stablex.

Furthermore, each batch of the Stablex treatment residue will be tested prior to disposal to assure the non-hazardous nature of the treatment residue. In addition, the Agency also notes that multiple extraction testing conducted on the Stablex material substantiates the long-term stability of the treatment residue with respect to the repetitive percolation of acid rain.

(c) Several commenters charged that the Agency's reason for granting the temporary exclusion was to improve the company's cash flow and that the exclusion enables the company to escape the regulatory scheme of Subtitle C.

The temporary exclusion of the Stablex material was based on the data and information submitted in the delisting petition. As stated previously, Stablex will dispose of its treatment residue for an initial two year period in a specifically designed double under-drain, double-lined placement cell. The Agency has, however, amended the Groveland temporary exclusion to include a contingency plan which would, through testing on a batch basis, allow placement in the demonstration cell of only those batches exhibiting acceptable total organic and cyanide content and acceptable leachable metal concentrations. Leachate testing of the Stablex material will reflect whether or not pretreatment operations have been successful and whether the constituents still present in the waste matrix have been stabilized. Batches exhibiting unacceptable constituent concentrations will either be treated again or disposed of as a hazardous waste. This continuous batch monitoring will continue for some undetermined period of time. The Stablex material and operation, therefore, are still under regulatory control.

(d) Several commenters stated that the Agency should not justify the temporary exclusion because of the petitioner's offer of short term safeguards (e.g., the proposal to manage the material as a hazardous waste in a double-lined demonstration cell for an initial two year period), and that the proposed two year demonstration cell management plan will provide no significant information concerning the integrity of the stabilization process.

We are granting this temporary exclusion because of data submitted on prescreening and process controls, EP toxicity testing, and multiple extraction data. The Agency is not granting the temporary exclusion for Stablex's proposed facility in Groveland, Michigan based on their offer of short term safeguards. However, this two year period will present additional opportunity to test the treatment residue produced from U.S. wastes in an actual field situation, and will avoid any conceivable harm during that time. Therefore, additional first-hand information can be collected addressing deposition in heavy rain and the effect of freezing temperatures on solidification.

In addition, today's amendment, specifying a contingency plan requiring batch testing of the material both prior to placement during and after the demonstration cell period, provides sufficient safeguards which will indicate whether the constituents of concern in these wastes are either destroyed or immobilized by the process. The sampling effort undertaken recently in England will provide additional data on the long-term leaching characteristics of the residue, but will provide no definite background data on the constituent concentrations of the waste when initially placed. The proposed demonstration cell will provide initial constituent concentration data as well as an opportunity to collect additional on-site leachate data. The demonstration cell will also enable the Agency to collect additional data on mixing ratios of the treatment process, enabling the identification of acceptable constituent concentrations in the treatment process.

The Agency has received confidential information in concert with the analytical data produced by the EP, the complete acid digestion test, multiple extraction tests, the prescreening operations, the continuous batch testing quality control program; these also form the basis for the Agency's decision to grant a temporary exclusion.

(e) One commenter claimed that the site chosen by Stablex in Michigan was poor due to the proximity of an aquifer and the high permeability of the overlying strata. The commenter also indicated that other, more suitable clay sites exist in the state of Michigan.

The tests performed indicated that the constituents of concern were sufficiently immobilized under conditions of co-disposal in an acid leachate generating environment (more severe than the conditions of monofill disposal which will actually take place) and under simulated multiple washings from the percolation of acid rain. Both test scenarios were run on samples ground to 100 mesh thereby addressing physical weathering effects by greatly increasing the surface area in contact with the leaching solution. The Agency therefore believes that the effect of leachate from this material on the groundwater will be negligible in comparison with the levels identified by the National Interim Primary Drinking Water Standards for the EP toxic metals.

III. *Comments Concerning the Applicability of the EP Test:*

(a) One commenter stated that the EP data presented by Stablex came from samples of successfully treated material and that the EP was an inappropriate test to use, especially when organics are involved.

Each batch of Stablex treatment residue will be tested for the EP toxic metals, nickel, cyanide, and total organic carbon, prior to disposal as described in the amendment to Groveland and the Hooksett decision in today's publication, thereby assuring that only non-hazardous treatment residue will be disposed.

The Agency agrees that the EP is an inappropriate test for organics. However, the only wastes to be treated at the proposed facilities are inorganic wastes. Therefore, the EP, along with total constituent analyses and multiple extraction tests, is an appropriate analytical tool to characterize this treatment residue. The Agency again notes that the conditions of the exclusion indicate that no listed organic wastes may be accepted for treatment at the proposed Stablex facility and that

the organic content of the Stablex material generated for placement must not exceed 0.1 percent. It is further noted that the Stablex Corporation was not granted an exclusion for the listed organic wastes for which they had requested exclusion.

(b) One commenter expressed concern over the possible eventual decrease in buffering capacity of the Stablex material causing the leaching of heavy metals. The commenter was concerned that the percolation of acid rain through the material, especially if the permeability was less than 1×10^{-7} cm/sec, would cause the solubilization and leaching of the heavy metals over time.

In order to deal with this concern, the Agency has developed a multiple extraction test to assist in predicting the long-term leachability of stabilized wastes. Stablex has run the multiple extraction test on samples of stock solution created to represent a mix of prospective U.S. wastes. The test[29] incorporated ten sequential extractions on the same sample using synthetic acid rain to simulate multiple washings of percolating rainfall in the field. It is estimated that these extractions simulate approximately 1,000 years of rainfall at both the Groveland, MI, and Hooksett, NH, sites. The test results indicate that only negligible levels of the hazardous constituents leach from the waste after the tenth extraction, again indicating the immobility of the toxic heavy metals.

IV. *Comments Relating to Statements by Stablex and the Operational History of its English Facilities:*

(a) Several comments were made about the statements made by the petitioner concerning the temporary exclusion after it was granted. The commenters recounted statements made by Stablex concerning the effect of the temporary exclusion on alternate use and disposal options of the treatment residue.

The Agency has informed the company that any other use of the material produced at Groveland other than that specified under the exclusion was not covered by the exclusion. Stablex has acknowledged that they understand the conditions. In any event, this does not have any bearing on the treatment system or the characteristics of the stabilized material produced by the operation.

(b) One commenter questioned why mismanagement incidents such as those reported to exist at the English facilities were not considered in the exclusion along with potential problems created by non-solidified treatment material and cold weather effects.

Stablex will have to obtain a storage and treatment permit under the RCRA regulations from both EPA and the Michigan Department of Natural Resources. The conditions of this treatment permit as well as those of the conditional exclusion will prevent management of the treatment process in any other way than that which produces a non-hazardous treatment residue. Cold weather may impede the solidification of the treatment residue. However, the non-solidified slurry material has been tested using the EP and has been shown to be non-hazardous with respect to leachable constituent concentrations. In addition, Stablex has agreed to use enclosed molds for placement and solidification in rain or cold weather conditions, further ensuring that the Stablex material will properly set-up.

(c) One commenter was concerned about the appearance of the treatment facility at Thurrock, England.

Under RCRA, specific regulations address acceptable practices and specific parameters for construction and maintenance of their storage and treatment systems. Therefore, acceptable practices will be necessary at all U.S. facilities in order to achieve compliance with both State and Federal permits.

V. *Comments Concerning the Stablex Process and Material:*

(a) Concern was raised over the consistency of the Stablex material. One commenter pointed out that the actual strength and permeability of the Stablex material deposited at Thurrock, England was only 50 psi with a permeability somewhat lower than the 1×10^{-7} cm/sec previously mentioned by the company.

The conditional exclusion assures a product which will consistently exhibit *acceptable leachate characteristics.* In addition, the leachate and multiple extraction tests run by Stablex were on samples which were ground to a fine powder (100 mesh) prior to extraction and still showed non-hazardous levels of contaminants in the extract; therefore variation of compressive strength and permeability would have no effect on these test results.

(b) Concern has been raised over identifying the acceptable level of organics that can be present in the waste without inducing interferences with the fixation process.

The Agency specifically addresses this concern in the temporary exclusion by limiting the organic content in the Stablex material to below 0.1 percent at all times. Organic content of the Stablex material will be determined as a quality control function of the treatment facility for each batch of material prior to disposal. The acceptable level incorporated as part of the Agency's decision to exclude this residue is based on the total organic carbon test data reported by Stablex to the Agency. The EP and multiple extraction data indicate that the leaching characteristics of the Stablex material is not affected by the incorporation of this percentage of total organics. Stablex is not proposing, nor is the Agency granting, an exclusion for the treatment residue resulting from organic waste streams. This contingency limitation applies to inorganic wastes which may contain small percentages of organics such as cutting oils and hydraulic fluids.

[29] *Multiple Extraction Procedure Methodology:*

(1) Grind sample to particle size capable of passing through 100 mesh screen (150μ). (Minimum sample size 200 grams).

(2) Run a complete acid digestion on one half of the sample (100 grams); analyze and report concentrations of constituent of concern listed in Appendix VII (or 40 CFR 261.33) using the analytical methods indicated in *Test Methods for Evaluating Solid Waste* (SW–846).

(3) Run the EP toxicity test on the second half of the sample (100 grams) as described in SW–846.

(4) Analyze the extract for the constituents of concern listed in Appendix VII (or 40 CFR 261.33) using the analytical methods indicated in Test Methods for Evaluating Solid Waste (SW–846).

(5) Prepare a synthetic acid rain extraction fluid by adding a 60/40 weight percent mixture of sulfuric acid and nitric acid to distilled deionized water until the pH is 3.0±0.2.

(6) Next weigh the solid phase of the waste sample remaining after the separation procedure of the EP and place it in the extractor with 20 times its weight of the synthetic acid rain extraction fluid. Do not allow the material to dry before weighing. Use the same extractor as used in the EP.

(7) The pH should be recorded between 5 to 10 minutes after the solid material and the synthetic acid rain are placed in the extractor and agitation has been started.

(8) Agitate the mixture for 24 hours. Maintain the temperature at 20–40°C (68–104°F during this time. The pH should again be recorded at the end of the 24 hour extraction period.

(9) Separate the material in the extractor into its component liquid and solid phases as described in the separation procedure of the EP.

(10) Analyze the extract for the constituents of concern using the same analytical methods as used for analyzing the EP extract.

(11) Re-extract the solid material remaining after extraction with the synthetic acid rain 8 additional times. Use the same procedure for these additional extractions and analyses as used in the initial synthetic acid rain extraction.

(12) If after completing the 9th synthetic rain extraction the concentration of any of the listed constituents of concern is increasing over that found in the 7th and 8th extraction, then continue extracting with synthetic acid rain until the concentration in the extract ceases to increase.

(13) Report the initial and final pH of each extraction and the concentration of each listed constituent of concern in each extract.

Amendment to Temporary Exclusion Granted to Stablex Corporation, Groveland, Michigan

Due to public comment and additional test data received since the temporary exclusion was granted to the Stablex Corporation on November 25, 1980, the Agency has amended the temporary exclusion to include the following monitoring and contingency plan.

(1) During and after the initial demonstration cell period, each batch of the Stablex material will be analyzed prior to placement for total and free cyanide and organic content. If the free cyanide content exceeds 0.001 percent or if the organic content exceeds 0.1 percent, the material will be retreated or disposed of at an approved Subtitle C hazardous waste disposal facility.

(2) Each batch of Stablex material will also be tested for the EP toxic metals and nickel using the EP toxicity test. If the extract concentrations of any of the EP toxic metals exceeds 30 times the National Interim Primary Drinking Water Standards, or if the extract concentration for nickel exceeds 0.002 percent then the material will either be retreated or disposed of as a hazardous waste at an approved Subtitle C hazardous waste disposal facility.

Amendment for Temporary Exclusion Granted to Cerro Wire Company

On March 18, 1981, the Agency granted a temporary exclusion to the Cerro Wire Company of Syosset, New York, for its electroplating wastewater treatment sludge from EPA Hazardous Waste No. F006. Subsequently, due to additional test data submitted by the Nassau County Department of Health, the Agency published an amendment to Cerro Wire's exclusion on December 16, 1981 which conditioned the initial exclusion by requiring that the waste be covered as a daily practice at a State approved or registered landfill; in addition, contingency testing and analysis was required of each batch of waste for free cyanide prior to disposal. The December 16, 1981 amendment further indicated that the contingency testing requirement could be eliminated after the Cerro Wire Company provided the Agency with sufficient test data to enable the characterization of Cerro Wire's waste as a non-variable, low free cyanide containing waste.

Cerro Wire has provided the Agency with additional test data collected over a two month period. The Agency believes that this data sufficiently identifies this waste to be a non-variable, low free cyanide waste. Test data did, however, indicate relative high content of total (complexed) cyanide. The Agency, therefore, has eliminated the contingency testing condition required previously, but is still requiring that this waste be disposed of at a State approved or registered disposal site where it will be covered as a daily practice.

This condition is still necessary to avoid any possible photoconversion of complexed cyanide to free cyanide or hydrogen cyanide gas.

The Agency also notes that the test data originally submitted by the Nassau County Health Department on which the December 16, 1981 amendment was based, was found to be in error. The Nassau County Health Department has since tested additional samples of Cerro Wire's electroplating sludge and has noted its low free cyanide content. Their initial laboratory error in the determination of free cyanide had resulted from a carryover of complexed cyanide particles in a decanting step of the test procedure. This error was corrected by the addition of a filtration step prior to analysis.

Notification to Non-Representative Data and Termination of Temporary Exclusion

The Amoco Oil Company, Wood River refinery, submitted an exclusion petition to EPA on April 13, 1981, requesting that the dissolved air floatation (DAF) float stored in lagoons 1 and 2 be excluded from control as a hazardous waste. (This waste was listed due to the presence of the toxic metals lead and hexavalent chromium.) The Agency, after evaluating Amoco's petition determined, based on the data presented, that their DAF float was non-hazardous and conditionally excluded this waste; the Agency announced this decision in the **Federal Register** on December 16, 1981 (see 46 FR 61278). Amoco has since collected additional sampling data from other lagoons at this facility and found higher lead extract concentrations than expected, when compared with the data previously collected. Due to these unexpected levels, Amoco resampled lagoons 1 and 2 for comparative analyses. Representative composite samples from lagoons 1 and 2 also showed higher lead leachate concentrations than the analyses previously reported in its petition for exclusion of April, 1981.

Amoco has summarized and submitted this data to the Agency with an explanation of the wide variation in lead extract concentrations occurring between the two sets of composite sampling data. Amoco has concluded that the initial composite samples collected from the 18 million gallons of sludge held in lagoons 1 and 2 were not representative of lagoons of this capacity and also that the composite sampling scheme did not collect samples from maximum depths throughout the lagoons.

Amoco had initially petitioned to exclude this waste from the hazardous waste control system with the intent of incinerating the waste with municipal waste in a mixture not to exceed 10 percent DAF content. This disposal scenario has become uneconomical in that the time necessary to empty and incinerate the full volume of the lagoons would be 5 to 10 years. Due to the additional leachate data collected, Amoco has requested to withdraw its petitions to exclude this waste from hazardous waste control. The disposal option which Amoco will not proceed with is one of land disposal.

The Agency has accepted Amoco's request to withdraw its petitions and therefore has nullified and terminated the conditional temporary exclusion previously granted on December 16, 1981. Thus, this waste must be managed as a hazardous waste in accordance with 40 CFR Parts 262 through 267. The Agency appreciates Amoco's candor in presenting this new data and in subsequently withdrawing its petition.

The Agency notes that in this particular instance, disposal operations of this initially excluded waste had not yet begun, and therefore potential environmental damage was avoided. However, the Agency is generally very concerned about the possible non-representativeness of samples of waste which generators are seeking to exclude. Although statements are requested from all petitioners identifying the representativeness of the data presented in petitions, the Agency is still concerned about the presentation of non-representative data which is claimed to be representative. Therefore, the Agency has begun a program to spot-check data submitted by petitioners by actually visiting a number of facilities and collecting samples of waste for analysis to assure the representativeness of the data presented in their petitions.

Thus, the submission of the minimum requirement of four waste samples analyzed by appropriate test methods may not be sufficient to represent the range of constituent concentrations present in some wastes or waste extracts. The Agency suggests that where any variation is suspected by the generator, or where large volumes of waste are involved (e.g., surface impoundments), additional sampling and analyses above the minimum requirement be performed and

submitted with petitions to assure the representative nature of these samples.

Regulatory Impact

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This grant of temporary exclusions is not major since its effect is to reduce the overall costs and economic impact of EPA's hazardous waste management regulations. This reduction is achieved by excluding wastes generated at specific facilities from EPA's listed hazardous wastes, thereby enabling the facility to treat its wastes as non-hazardous eliminating the need for compliance with the hazardous waste regulations.

List of Subjects in 40 CFR Part 261

Hazardous materials, Waste treatment and disposal, Recycling.

This amendment was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Dated: November 16, 1982.

John H. Skinner,

Acting Assistant Administrator for Solid Waste and Emergency Response.

[FR Doc. 82-31969 Filed 11-19-82; 8:45 am]

BILLING CODE 6560-50-M

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Monday, November 22, 1982

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. 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	

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 October 28, 1982